

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 18 JUNE 2008

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Barnett, Carden (Opposition Spokesperson), Hamilton, Kennedy, McCaffery, K Norman, Rufus, Smart, Steedman and C Theobald

Co-opted Members Mr J Small (CAG Representative) and Mr R Pennington (Brighton & Hove Federation of Disabled People)

PART ONE

17. PROCEDURAL BUSINESS

17.1 Declarations of Substitutes

Substitute Councillor

For Councillor

Rufus

Davey

17B. Declarations of Interest

17.2 The Chairman Councillor Hyde stated that she had become aware that builders carrying work for a member of her family also had an interest in Application BH2007/04444, Land R/o 67 - 81 Princes Road and that it was her intention to vacate the Chair and to leave the meeting during discussion / determination of the application. The Deputy Chairman would take the Chair during consideration of this item. Councillor K Norman declared an interest relative to Application BH2008/00379, Withdean Stadium stating that as a Season Ticket holder of Brighton & Hove Albion Football Club he would leave the meeting during consideration . Councillor Wells stated that although he had made public comments relative to "Starbucks" coffee bar in St. James' Street he had expressed no opinion nor had he predetermined the entirely separate Application BH2008/00953, 115 St James' Street due to be considered on that afternoon's agenda . He therefore intended to remain in the meeting room during its consideration and to vote thereon .

17C. Exclusion of Press and Public

17.3 The Committee considered whether the press and public should be excluded from

the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A (3) or 100 1 of the Local Government Act 1972.

- 17.4 **RESOLVED** - That the press and public not be excluded from the meeting during the consideration of any items on the agenda.

18. MINUTES OF THE MINUTES HELD ON 28 MAY 2008

- 18.1 Councillor Smart referred to Paragraph 10.12 stating that it should read :

“Councillor Smart considered that generally the application was not acceptable.”

- 18.2 **RESOLVED** - That subject to the amendment set out above the minutes of the meeting held on 28 May 2008 be approved and signed by the Chairman.

19. CHAIRMAN'S COMMUNICATIONS

Core Strategy Document - Local Development Framework

- 19.1 At the Chairman's invitation the Head of Planning Strategy provided an update relative to progress of the Core Strategy Document relative to the Local Development Framework. This had been considered and approved as a consultation "draft" form at a recent meeting of the Cabinet Member Meeting for Environment. The public consultation period for the document would run for a six week period between 27 June and 9 August 2008. It was agreed that this document would be e.mailed to Committee Members when available and that a briefing session would also be arranged.
- 19.2 In answer to questions it was explained that until these policies came into force the Local Plan would could continue to provide the relevant policy guidance. Some existing site specific policies would expire on 21 July 2008. Councillor Steedman sought clarification in respect of policy HO7 in response the head of Planning Strategy advised that it did not require developments to be car free, but rather set out the requirements to be met in those instances where car free development was proposed and sought to indicate circumstances where such development would not be precluded and was likely to be deemed acceptable. The Solicitor to the Committee explained that although more than limited weight could be given to the "Core Strategy" document it could not be given full statutory weight at this stage.
- 19.3 Councillor Hamilton enquired whether as the Planning Applications Sub Committee was now a Committee whether such consultation documents which had previously been considered by the Environment Committee would come before this body instead. It was explained that the previous arrangements would remain unchanged, albeit that such documents would now go to the appropriate Cabinet Member meeting. These policies were ultimately to be

agreed by full Council.

19.4 **RESOLVED** - That the position be noted.

20. PUBLIC QUESTIONS

20.1 There were none.

21. WRITTEN QUESTIONS FROM COUNCILLORS

21.1 There were none.

22. PETITIONS

22.1 There were none.

23. DEPUTATIONS

23.1 There were none.

24. LETTERS FROM COUNCILLORS

24.1 There were none.

25. NOTICES OF MOTION REFERRED FROM COUNCIL

25.1 There were none.

26. TO CONSIDER THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

26.1 **RESOLVED** - That the following site visits be undertaken by the Committee prior to determining the applications:-

The following site visits were agreed as set out below:

APPLICATION	SITE	SUGGESTED BY
BH2007/04444	Land R/o 67 – 81 Princes Road	Councillor Wells
BH2008/00955	Woodingdean Business Park , Bexhill Road	Deputy Development Control Manager
*BH2005/06811	Medical Centre, Carden Hill *(Implemented)	Deputy Development Control Manager
BH2008/01268	GB Liners, Blackman Street	Deputy Development Control Manager
BH2008/00877	BHASVIC Old Shoreham Rd / Dyke Road	Deputy Development Control Manager

BH2008/00925 Maycroft & Parkside, Deputy Development Control
London Road and 2, 4 , Manager
6 & 8 Carden Avenue

27. PLANS LIST APPLICATIONS, 18 JUNE 2008

(i) TREES

27.1 There were none.

(ii) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY

27.2 **Application BH2008/00980, Falmer School, Lewes Road, Brighton** –Outline application for partial demolition of existing school (locally known as North Block) and construction of new academy complex (Class D1) with associated car parking and landscaping.

27.3 It was noted that this application had formed the subject of a site visit prior to the meeting.

27.4 The Planning Officer gave a detailed presentation including reference to aerial views, floor plans, photomontages and plans explaining the constituent elements of the scheme . The proposals had been designed to respect the neighbouring Area of Outstanding Natural Beauty (AONB), the boundaries of the proposed national park and strategic views from Stanmer Park towards the downs. The proposals included areas of hard and soft landscaping and incorporated additional cycle parking spaces. It was noted that proposed scrub clearance works associated with the on - site development would not take place during the bird nesting season without the prior approval of the local authority. Details and samples of materials were not available at this outline stage but would be submitted as reserved matters.

27.5 In answer to questions, it was explained that there were currently 690 pupils at the school, but on completion of the scheme and inception of the academy there would be capacity for 1150.

27.6 Councillor Steedman sought clarification regarding access for those walking or cycling to the site, querying why it had not been possible to significantly improve the existing arrangements. The Traffic Engineer explained the rationale for the proposed Travel Plan and access arrangements. Councillors K Norman and Mrs Theobald enquired whether the proposed level of cycle parking spaces would be adequate and regarding the modes of travel and numbers associated therewith by which pupils travelled to school each day. It was explained that precise figures were not available but that the number of cycle parking spaces proposed was based on anticipated levels of use.

27.9 Councillor Hamilton fully supported the scheme stating that based on his experience of use of cycle parking at BHASVIC (which was not great) he was satisfied that the school would have looked into this matter and set provision

at a level matching identified need.

- 27.30 Mr Pennington, Brighton & Hove Federation of Disabled People stated that dropped kerbs did not appear to have been provided along Lucraft Road, he considered this to be an omission. Mr Small CAG referred to the apparently adverse comments received from the South East Regional Design Panel and asked whether significant amendments had been made. The Planning Officer explained that minor amendments had been made to the scheme and that the Panel were one of a number of consultees.
- 27.31 Councillor McCaffery requested to see photographs indicating how the site would appear when viewed from Falmer Station and the railway line looking towards the site. Councillor Rufus sought clarification regarding the requirements of condition 19 which related to ecological matters.
- 27.32 Councillor Carden sought information regarding provision of a sprinkler system. The Planning officer explained however that these details would be submitted at the final application stage and would need to comply with Building Regulations.
- 27.33 In answer to questions it was explained that measures to mitigate against noise and in order to minimise disruption during building works this would take place in two phases. With pupils being decanted into the retained building on completion of the first phase of the works.
- 27.34 A vote was taken and on a vote of 9 to 1 with 2 abstentions planning permission was granted as minded to grant on the grounds set out below.
- 27.35 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 10 of the report and resolves that it is minded to grant planning permission subject to the Conditions, Informatives and details to be included in the Section 106 obligation as referred to in the report. And subject to the two additional informatives set out below :
- “14. In the interests of improving access to the development., particularly for disabled persons, the applicant is requested to consider the provision of dropped kerbs in Lucraft Road;
15. In the interests of fire safety, the applicant is requested to consider the provision of sprinklers within the development .”
- 27.36 [Note: Councillor Steedman voted that the application be refused. Councillors Kennedy and Rufus abstained].
- 27.37 **Application BH2008/00379, Withdean Stadium, Tongdean Lane, Brighton** – Proposed continuation of use of the stadium until 30 June 2011 and retention of existing temporary facilities. Variations of conditions 2, 3 and 4 pursuant to previous application no. BH2005/00464/FP. Construction of additional temporary staff building and extension to study support building.
- 27.38 It was noted that this application had formed the subject of a site visit prior to the

meeting.

- 27.39 The Planning Officer gave a detailed presentation explaining that the current application sought to extend the existing temporary permission for a further five year period pending the move by Brighton & Hove Football Club to a purpose built stadium at Falmer. Variations were sought to Conditions 2, 3 and 5. 8 letters of objections had been received from neighbouring residents and 94 letters of support from citywide locations and beyond.
- 27.40 Councillor Wells enquired why the application had been put forward as “major” and it was explained that this was by virtue of the site area and floor space involved.
- 27.41 Councillor Mrs Theobald sought confirmation of the conditions attached to the previous permission. Councillor McCaffery stated that it was important that the arrangements in place relative to parking and other matters relative to stewardship of the site were properly monitored as whilst not averse to granting of temporary permission she considered that local residents did experience some inconvenience on match days. It was confirmed that regular monitoring did take place. Both Councillors were informed in answer to questions that monitoring included the volume of noise emanating from loud speakers / the tannoy system at the ground.
- 27.42 Whilst she supported the proposal Councillor Mrs Theobald stated that she thought that the football club should liaise more closely with the athletics club and Councillor Carden concurred in that view.
- 27.43 Councillor Kennedy considered that local residents had been very patient over the period of time stating that she hoped that this would be the last temporary permission granted pending the move to Falmer. This view was echoed by other Members of the Committee.
- 27.44 Councillor Smart considered that the proposals were acceptable and would not be visible from outside the site.
- 27.45 A vote was taken and the 11 Members present when the vote was taken voted that they were minded to grant temporary permission in the terms set out below.
- 27.46 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 10 of the report and resolves that it is minded to grant temporary planning permission subject to any variations required to the existing Section 106 Agreement and to the Conditions and Informatives set out in the report and to an additional informative to be added as Informative 3 :

The applicant is reminded that this permission only allows the amendments detailed above as a variation to conditions 2,3,4 of planning approval BH 2005/00464/FP (granted 20 July 2005). The remaining conditions attached to BH 2005/00464/FP are extant and are not removed or superseded by this permission.

[**Note** : Having declared a personal and prejudicial interest in respect of the above application Councillor K Norman left the meeting during consideration of the above application and took no part in the discussion or voting thereon].

- 27.47 **Application BH2008/00294, Sussex Education Centre, Nevill Avenue, Hove** – Proposed three- storey extension to existing education centre to create a 1688sqm office building for the NHS Trust.
- 27.48 It was noted that this application had been withdrawn at the request of the applicant.
- 27.49 **RESOLVED** - That the position be noted.
- 27.50 **Application BH2008/00877, Vicarage and Wagner Hall, Regency Road, West Street, Brighton** – Change of use of Wagner Hall and Vicarage to offices for Social Enterprise Incubator Centre (SEIC). Wagner Hall to be used for administration of SEIC and Brighton & Hove Social Enterprise Strategy. Consent required for five year temporary period.
- 27.51 It was noted that this application had formed the subject of a site visit prior to the meeting.
- 27.52 The Planning Officer gave a detailed presentation indicating the configuration of buildings on the site and their established and proposed uses by reference to plans and photographs. He explained that revised plans and details had been received that day satisfying the concerns raised and the third reason recommended for refusal was therefore withdrawn . Notwithstanding that the scheme was supported by the Economic Development Team concerns remained however relative to the loss of a community facility and accommodation within the Vicarage, albeit not affordable housing . Whilst it was accepted that these facilities were no longer required by the church and had not been for some years it was contrary to policy which seek to retain these uses . it was not considered that a sufficiently compelling case had been made for their loss as it was possible that other community uses could be found. Whilst the applicants had indicated that living accommodation within the Vicarage was not self- contained it was considered that it could easily be made so .
- 27.53 Mr Bareham -spoke on behalf of the applicant in support of their application. He explained that the application site had not been in regular community use for a number of years. The accommodation would provide affordable centrally located start up accommodation of the type required for a SEIC. A number of recent planning permissions granted had included provision for community use and it could be argued that the proposed use would replace office space which had been lost . A case could be made the proposed use was a community based one. Temporary permission was requested for 5years , dependent on the level of take up and ability of users to attract on- going grant funding a further application would be made or the buildings would revert to their previous use .

- 27.54 In answer to questions it was explained that these premises had not been in regular use for over twenty years. Latterly the buildings had been used by the Police during political party conferences. Councillor Barnett enquired whether the accommodation was used by the Police at other times such as at weekends or bank holidays. It was understood that this was the case.
- 27.55 Councillor Kennedy stated that she considered that the proposed use would return the building to regular use whilst providing a much needed business start up facility at a city centre location. She did not consider the loss of dwelling accommodation to be significant, in this instance in that it was of poor quality and would require modernisation. If permission was granted for a temporary period the building would revert to its previously designated use in any event .
- 27.56 Councillor Rufus enquired regarding marketing of the site. The applicants agent explained that the buildings had been on their agents books for some time and no interest had been shown in respect of other uses. Councillor Steedman enquired regarding whether or not full planning permission would be sought in the future and it was reiterated that this would be dependant on the level of take up and could be judged against planning policies in place at that time. It was confirmed that if the use for which permission was sought was not renewed the buildings would revert to their former use .
- 27.57 Councillor Mrs Theobald considered that the proposal represented an excellent use of the buildings. As the fabric of the listed building was to be preserved and various features retained the proposals should in her view be supported. Councillor Wells concurred in that view.
- 27.58 Councillor Hamilton stated that the buildings did not appear to have been in regular use since they hosted the Brighton By Pass Inquiry which had taken place over 20 years previously. The number of buildings in use by the church authorities had dwindled considerably. However, they usually sought to obtain tenants / secure lettings which satisfied an identified local need at an affordable rental income, in instances such as this it could help to facilitate use by small businesses. Councillors Carden and McCaffery agreed that this use should be supported.
- 27.59 Mr Pennington, Brighton & Hove Federation of Disabled People considered that access to the front of the building should be improved. It was explained that internally within the building there were ramps and a platform lift. Councillor Hyde, the Chairman agreed that it would be appropriate for a condition to that effect to be added.
- 27.60 Councillor Smart stated that he did not support the proposed use. The building had originally been in use as a theatre and he considered that use should be retained . A city centre venue which could be used as a rehearsal space for musicians and others was needed.
- 27.61 In answer to questions regarding use of the existing gardens it was explained that this was to be retained as existing , although in the event that on- site

cycle parking were to be provided it was considered that part of the garden area could be given over to that purpose. Members were in agreement that if it was intended for cycle parking to be provided that details should be provided to the Council in advance of commencement of that use .

27.62 A vote was taken and on a vote of 11 to 1 Members voted that planning be granted on the grounds set out below.

27.63 **RESOLVED** - That having considered the above application the Committee resolves that planning permission be granted on the grounds that following the resolution of issues relating to the use of the Listed Vicarage building, the proposals would bring these empty buildings back into use. The proposed use would be beneficial to employment opportunities and economy of the City . Planning Permission is granted subject to the following conditions :

1. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 30 June 2013 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
Reason : The use hereby approved is not considered suitable as a permanent form of development to safeguard community facilities, business floorspace and housing accommodation within the city and to comply with policies HO20, EM4 and HO8 of the Brighton & Hove Local Plan;

2. Wagner Hall shall be used as offices for a Social Enterprise Incubator Centre and the Vicarage shall be used for administration offices for the Social Enterprise Incubation Centre and Brighton & Hove Social Enterprise Strategy and for no other purpose (including any other purpose in Class B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason : The use hereby approved is not considered suitable as a permanent form of development to safeguard community facilities, business floorspace and housing accommodation within the City and to comply with policies HO20, EM4, and HO8 of the Brighton & Hove Local Plan;

3. 06.02A. cycle parking details to be submitted;

4. The use hereby approved shall not be commenced until all necessary alterations to provide access for disabled persons into Wagner Hall from Regency Road have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason : To ensure satisfactory access into the building for people with disabilities.

Informative

The applicant is advised that any works which affect the character or appearance of the Grade II* listed Vicarage would require listed building consent . Revised drawing numbers to be incorporated into the informative.

[**Note 1** : Councillor Kennedy proposed that planning permission be granted on the grounds set out above. This was seconded by Councillor Rufus]

[**Note 2** : A further vote was taken and Councillors Hyde (the Chairman), Barnett, Carden, Hamilton, Kennedy, McCaffery, K Norman, Rufus, Steedman, Mrs Theobald and Wells voted that planning permission be granted. Councillor Smart voted that planning permission be refused. therefore on a vote of 11 to 1 planning permission was granted].

- 27.64 **Application BH2008/00765, 55 and 59 – 61 New Church Road, Hove –** installation of additional velux roof lights to flats 20 and 21. Retrospective amendment to BH2005/02267/FP.
- 27.65 The Planning Officer gave a presentation regarding the proposals and explained that as these represented a series of further applications in respect of the site. Councillor Kennedy queried the point at which an application was deemed to have be so altered from that for which permission had originally been granted that a new application was required to be submitted. The Planning Officer responded that a balanced judgement needed to be made in respect of individual applications. In this instance the amendments proposed were not regarded as being such that a new application was required.
- 27.66 A vote was taken and Members voted unanimously that planning permission be granted.
- 27.67 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the Informatives set out in the report.
- 27.68 **Application BH2008/01117, Flat 25, 55 & 59 - 61 New Church Road, Hove –** Formation of roof terrace at 4th floor, west elevation. (Amendment to approval BH2005/002267).
- 27.69 A vote was taken and Members voted unanimously that planning permission be granted in the terms set out below.
- 27.70 **RESOLVED-** That the Committee has taken into consideration and agrees with the reasons for the recommendations set out In Paragraph 8 of the report and resolves to grant planning permission subject to the Informatives and Conditions set out in the report.
- 27.71 **Application BH2008/01141, Flat 39, 55 & 59 – 61 New Church Road, Hove –** Installation of 2 additional velux roof lights (amendment to approval BH2005/002267)
- 27.72 A vote was taken and Members voted unanimously that planning permission be granted in the terms set out below.
- 27.73 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to

grant planning permission subject to the Conditions and Informatives set out in the report.

27.74 **Application BH2008/01144, Flat 40, 55 & 59 - 61 New Church Road , Hove –** Installation of 1 additional velux roof light(amendment to approval BH2005 /002267)

27.75 A vote was taken and on a vote of 10 with 1 abstention planning permission was granted in the terms set out below.

27.76 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the Conditions and Informatives set out in the report.

(iii) DECISIONS ON MINOR APPLICATIONS WHICH VARY FROM THE RECOMMENDATIONS OF THE DIRECTOR OF ENVIRONMENT AS SET OUT IN THE PLANS LIST (MINOR APPLICATIONS) DATED 18JUNE 2008

27.77 **Application BH2008/00781, 4 Barn Rise, Brighton -** Remodelling of house including ground floor, first floor, and roof extension, to front, side and rear. Front, side and rear roof lights (Resubmission).

27.78 It was noted that this application had formed the subject of site visit prior to the meeting.

27.79 The Planning Officer referred to revised plans received from the applicant which had sought to address some of the concerns raised which included a pitched roof structure, however these were not accepted as an amendment to the application as they would result in a larger development than that currently proposed and would need to form the subject of a further application. A Waste Management Statement had also been provided but was considered to be inadequate.

27.80 Mr Turner spoke on behalf of neighbouring objectors stating that the submitted application differed so little from the earlier one that it failed to address the concerns of the two immediately neighbouring properties regarding the size and bulk of the proposed extensions which would be overbearing and oppressive to their properties and would result in significant loss of amenity and overshadowing and would represent an unneighbourly form of development . Mrs Johnston the applicant spoke in support of her application. She displayed photographs of properties to which similar works had been carried out in the immediate area. The proposals set out in her application were similar and were not in her view out of keeping with the prevailing street scene and would effect considerable improvements to existing rear of the property.

27.81 Councillor K Norman stated that he was well familiar with the area in which the application site was located and concurred with the applicants view that the proposals were not dissimilar to a number of others within the area. He did not consider that there would be loss of sunlight or overshadowing of the neighbouring dwellings, number 2 in particular, given that all of these properties were in their own shadow for much of the day. The manner in which the

property was configured in relation to its neighbours would not in his view result in any additional loss of amenity . Councillors Barnett, Smart and Mrs Theobald concurred in that view

27.82 Councillor Rufus stated that although he acknowledged that the proposals would effect considerable improvements to the rear of the property he did not agree that they would not have a detrimental impact on the neighbouring properties. Whilst in shadow when visited the previous afternoon during the site visit, as the sun rose in the east and set in the west he was of the view that there would be significant loss of light earlier in the day than was presently the case . He considered that overall the scheme would result in an unacceptable form of development .

27.83 A vote was taken and on a vote of 5 for grant of planning permission, 1 vote that planning permission be refused and 6 abstentions planning permission was granted in the terms set out below.

27.84 **RESOLVED** : That Planning Committee having considered the above application considers that planning permission should be granted on the grounds that the proposed extensions are well designed., improve the appearance of the property and fit in well with its surroundings and are not contrary to Policy QD14 of the Brighton & Hove Local Plan. There would be no material loss of amenity to the occupiers of adjoining properties through loss of light and overshadowing and the proposals would not be contrary to Policy QD27 of the Brighton & Local Plan and subject to the following conditions and Informatives :

1.01.01AA Full Planning;

2.03.01 Submission of samples of materials prior to commencement of the works;

3. 02.01A Removal of permitted development rights (extensions) ;

4. 02.02A Removal of permitted development rights (windows) ;

5. 02.07A Flat roofed extensions ;

6. 05.03 Submission of a Waste Minimisation Statement prior to commencement of the works .

Informative :

IN.08

[**Note 1** : Councillor K Norman proposed that planning permission be granted in the terms set out above this was seconded by Councillor Wells].

[**Note 2**: A recorded vote was then taken. Councillors Barnett, K Norman, Smart, Mrs Theobald and Wells voted that planning permission be granted. Councillor Rufus voted that planning permission be refused. Councillors Hyde (the Chairman),

Carden, Hamilton, Kennedy, McCaffery, and Steedman abstained. Therefore on a vote of 5 to 1 with 6 abstentions planning permission was granted].

- 27.85 **Application BH2008/00953, 115 St James' Street, Brighton - 1** externally illuminated projecting sign. 1 externally illuminated fascia lettering sign and 1 externally illuminated logo sign and associated lighting (retrospective).
- 27.86 In presenting the application the Planning Officer referred to the application for change of use which had recently been refused under delegated authority. It was understood that the applicant "Starbucks" was intending to appeal against that decision although confirmation from the Planning Inspectorate that an appeal had been lodged had yet to be received. Notwithstanding that the applicant had opened their premises notwithstanding refusal of planning permission. This was not of itself illegal and they proceeded at their own risk. The situation in respect of the use was that it was being monitored and investigated and could form the subject of separate enforcement action if that was deemed to be appropriate. The application before Members that day was completely separate and needed to be considered on its own merits and related purely to the application for advertisement consent. It was noted that the signage which formed the subject of the application had been installed.
- 27.87 Councillor Duncan spoke in his capacity as a Local Ward Councillor setting out his objections to the proposals. Notwithstanding that this application related to signage he did not agree that it was appropriate to a Conservation Area and considered that it contravened the relevant Council policies and was at variance with the unique and quirky character of the St James' Street shopping frontage .
- 27.88 Councillor Kennedy stated that she did not consider it appropriate for advertising consent to be granted in view of the controversy concerning use of the site . There had been a considerable volume of local objections and notwithstanding refusal by the Council, the applicant had opened their premises and commenced trading . It was inappropriate and inconsistent to refuse one application and to grant another. She did not agree that the signage was appropriate to its location. Councillor Rufus concurred with Councillor Kennedy
- 27.89 The Planning Officer displayed the relevant Local Plan policy for the benefit of Members and answered queries regarding its interpretation. The Deputy Development Control Manager advised that the considerations for determining an application for advertisement consent were amenity and public safety.
- 27.90 The Solicitor to the Committee reiterated the points made by the Planning Officer in introducing the application, confirming that each application had to be considered on its individual merits. The applicant had separate rights of appeal in respect of both applications should they be refused. Any grounds for refusal were required to be sustainable and members should be wary of a possible costs application should an appeal be lodged and should each reason for refusal not be substantiated.
- 27.91 Councillor McCaffery enquired whether similar illuminated signage had been permitted in Conservation Areas elsewhere across the City and the Planning Officer confirmed that it had. Councillor Mrs Theobald stated that she considered

this to be an exceptional situation in that she could not recall any previous occasion when a stand-alone advertisement application had followed an earlier planning refusal in respect of the same site .

- 27.92 Councillor Hamilton stated that having heard all that had been said he did not consider that there were grounds for refusing this application.
- 27.93 A vote was taken and on vote 7 to 3 with 2 abstentions Members voted that advertisement consent be refused on the grounds set out below.
- 27.94 **RESOLVED** - That the Planning Committee having considered the above application considers the advertisement consent should be refused on the grounds that the signage had an adverse affect on the historic character and appearance of the East Cliff Conservation area and was also contrary to Policy HE9a of the Brighton & Hove Local Plan.

[Note 1: Councillor Kennedy proposed that permission be refused on the grounds set out above. Councillor McCaffery seconded the proposal].

[**Note 2** : A further vote was taken and Councillors Barnett, Kennedy, McCaffery, K Norman, Rufus, Steedman and Mrs Theobald voted that advertisement consent be refused. Councillors Carden, Hamilton and Wells voted that it be granted. Councillors Hyde (the Chairman) and Smart abstained. therefore on a vote of 7 to 3 with 2 abstentions advertisement consent was refused].

(iv) OTHER APPLICATIONS

- 27.95 **Application BH2008/00559, Ground Floor, 14 Matlock Road, Brighton –** Change of use from retail (Class A1) to café (A3) (retrospective). Proposed extract duct to side elevation.
- 27.96 The Planning Officer explained that the request for permission to operate a take way service from the premises had been withdrawn .
- 27.97 A vote was taken and Members voted unanimously that planning permission be granted .
- 27.98 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the Conditions and Informatives set out in the report.
- 27.99 **Application BH2007/04444, Land to Rear 67 - 81, Princes Road, Brighton –** Erection of 8 new two and three storey houses at the rear and a single storey lift housed onto Princes Road. Provision of private and communal gardens, refuse storage, cycle storage and one car parking.
- 27.100 Members agreed that it would be beneficial to hold a site visit prior to determining the application .
- 27.101 **RESOLVED** - That consideration of the above application be deferred pending a site

visit.

- 27.102 **Application BH2008/00232, Windlesham School, Dyke Road, Brighton -** Demolition of existing gymnasium and prefabricated classrooms. Proposed new gymnasium with changing facilities and classrooms and internal alterations to existing building.
- 27.103 It was noted that this application had formed the subject of a site visit prior to the meeting .
- 27.104 The Planning Officer gave a detailed presentation indicating the location of the proposed replacement buildings within the site and their location particularly that of the gymnasium in relation to the site boundary with the properties located in Port Hall Street. Photomontages indicating the appearance of the gymnasium were also shown. It was recommended that proposed Condition 3 be removed and that a further condition be added in order to seek to protect two trees (indicated by reference to plans) during the construction works.
- 27.105 Mrs Barry spoke on behalf of neighbouring objectors stating that whilst neighbours had no objection to the principle of the school effecting improvements to their buildings the proposals represented an approximately 22% increase in area. The proposed height and appearance of the gymnasium were considered unacceptable in that it would be considerably higher than the existing building. It would be overly dominant in that it would tower over the houses and gardens in Port Hall Street which were set down at a lower level. The proposed materials were also completely at variance with the neighbouring Victorian and Edwardian terraced houses. Mr Gowlett spoke on behalf of the applicant in support of their application stating that great care had been taken in seeking to effect improvements which respected the amenity of neighbouring residents. The proposed improvements would seek to remove two portababins and enlargements to the existing kitchen would enable hot meals to be cooked and provided on the premises. The gymnasium would not be intrusive in that it would be screened by boundary trees which would be retained . Councillor Allen spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme and reiterating the objections of neighbouring residents stating that he considered that the impact of the gymnasium would be far greater than asserted by the Planning Officer. In view of its increased height in relation to the houses in Port Hall Street it would be completely oppressive and would overshadow their gardens and the rear of their properties . On the site visit the previous day the differences in height between the application site and its neighbours had been apparent. The materials proposed, particularly the metal clad roof were also completely at variance with its surroundings. In winter much of the purported benefit of the screening could be lost.
- 27.106 Councillor McCaffery sought confirmation regarding whether it was proposed that pupil numbers would increase as a result of the proposed scheme. If an increase in on – street parking by parents taking their children to school would result she also considered that that would be unacceptable. The Planning Officer stated that as the proposals represented a like for like replacement no indication had been given that the school intended to increase its numbers . This was also borne out by the design and access statement which had been

submitted with the application. Whilst supporting removal of the portacabins and the ability of the school to prepare and cook food on site she could not support the proposed gymnasium which in her view would present a completely un-neighbourly form of development. It would result in loss of light and amenity to the neighbouring properties.

27.107 Councillor Mrs Theobald enquired regarding soundproofing to the gymnasium and regarding replacement of a tree located in the middle of the existing site. It was explained that any soundproofing requirements did not form part of the planning consent but would be met under Building Regulations. The tree referred to would be lost but would be replaced elsewhere on the site. Whilst supporting the proposals, in particular removal of the portacabins and improved kitchens she considered it vital that conditions were included to ensure protection of screening between the boundary of the application site and its neighbours .

27.108 A vote was taken and on a vote of 9 to 1 with 2 abstentions planning permission was granted on the grounds set out below.

27.109 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and Informatives set out in the report .

[**Note** : Councillor McCaffery voted that the application be refused , Councillors Kennedy and Rufus abstained].

27.110 **Application BH2007/04061, 4 Dean Court Road, Rottingdean** – Demolition of existing dwelling. Construction of 3 bedroom dwelling house.

27.111 The Planning Officer gave a detailed presentation and referred in particular to the previous decision of the Planning Inspector in allowing change of use of the existing studio building on site. He had recognised that the site formed part of an open and undeveloped area and had recognised that this open character was important to the conservation area.

27.112 The Planning Officer explained that the Committee were being recommended to agree that they would have refused planning permission for the reasons set out in the report had an appeal against non – determination not been lodged by the applicant.

27.113 Mr Adams spoke on behalf of neighbouring objectors. Local objectors considered that the proposed development was completely out of keeping with the area and was at variance with the style of its neighbours. Referring in particular to the context of the nearby Tudor Close and St. Margaret's Church. Its appearance would be particularly detrimental in that it would be clearly visible above the flint walls which surrounded the site. It would also impact detrimentally on the uninterrupted views across the site and impact on the open character of the conservation area itself. Mr Rollings spoke on behalf of the applicants in support of their application stating that the principle of development of the site had already been established and the development proposed would not be overly

dominant within the street scene and given the configuration of the site would recede when seen in the context of Tudor Close. It represented an exciting project which had generated much interest in the architectural press and would be sustainable. It was anticipated that it would achieve a level 4 star BREAM rating.

- 27.114 The Planning Officer responded in answer to the assertion that the principle of development on the site had been established as a result of the previous decision of the Planning inspector that in allowing the change of use of the studio he had indicated that there was a substantial difference between the conservation of the existing building and the erection of a new building on site. The important contribution of the site to the conservation area had been fully recognised.
- 27.115 Councillor Mrs Theobald requested to see a photograph of the dwelling currently on site. Councillor Smart requested to see views taken from the graveyard looking towards the site.
- 27.116 A vote was taken and on a vote of 10 with 2 abstentions minded to refuse planning permission was agreed in the terms set out below.
- 27.117 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendations set out in Paragraph 8 of the report and resolves that the Local Planning Authority would have refused planning permission for the reasons set out below, had an appeal against non-determination not been lodged by the applicant .

1. The proposed dwelling , by virtue of its design, bulk, height and massing , is considered to constitute undesirable development which would be of detriment to the character and appearance of the site, the adjacent listed buildings and consequently would fail to preserve or enhance the character or appearance of the Rottingdean Conservation Area or the setting of the adjacent Sussex Downs Area of Outstanding Natural Beauty and proposed South Downs National Park. The proposal is therefore contrary to policies QD1, QD", QD3, HE3 and NC8 of the Brighton & Hove Local Plan.

2. The application site forms an essential part of an open area between Rottingdean and Saltdean which runs from the Downs to the parish church. The proposal would result in an intrusion into this important visual scene and a significant contrast with the open character of this part of thee Rottingdean Conservation Area and the adjacent Sussex Downs Area of Out standing Natural Beauty and proposed South Downs National Park, contrary to policies QD2,QD4,QD20, HE6 and NC8 of the Brighton & Hove Local Plan.

3. The proposed internal layout of the development , by virtue of the creation of a bathroom with no natural light or ventilation, represents an energy inefficient form of development, contrary to policy SU2 of the Brighton & hove Local Plan.

4. There is insufficient evidence to show that adequate levels of light and ventilation for the northern section of the lower floor level of the proposed

dwelling. Consequently the proposal represents an energy inefficient form of development requiring artificial lighting and it has not been adequately demonstrated that the development will not lead to an unsatisfactory level of residential amenity for future occupiers, contrary to policies SU2 and QDD27 of the Brighton & Hove Local Plan.

Informatives

This decision is based on drawing nos. A01, A1.0, A1.1, A1.2, A1.3, A2.0, A2.1, A3.0, A3.1, Garden Plan1 and Garden Plan 2 and Documents in support of the application submitted on 31 October 2008.

[**Note** : Councillors Rufus and Wells abstained from voting in respect of the above application].

27.118 (v) **DECISIONS ON APPLICATIONS DELEGATED TO THE DIRECTOR OF ENVIRONMENT**

27.119 **RESOLVED** – Those details of the applications determined by the Director of Environment under delegated powers be noted.

[**Note 1:** All decisions recorded in this minute are subject to certain conditions and reasons recorded in the Planning Register maintained by the Director of Environment. The register complies with the legislative requirements].

[**Note 2** : A list of representations, received by the Council after the Plans List reports had been submitted for printing had been circulated to Members on the Friday preceding the meeting. (For copy see minute book). Where representations were received after that time they would be reported to the Chairman and Deputy Chairman and it would be at their discretion whether these should (in exceptional cases), be reported to the Committee. This in accordance with resolution 147.2 of the then, Sub Committee held on 23 February 2005].

28. SITE VISITS

28.1 The following site visits were agreed:

APPLICATION	SITE	SUGGESTED BY
BH2007/04444	Land R/o 67 – 81 Princes Road	Councillor Wells
BH2008/00955	Woodingdean Business Park, Bexhill Road	Deputy Development Control Manager
BH2005/06811	Medical Centre, Carden Hill *(implemented)	Deputy Development Control Manager
BH2008/01268	G B Liners , Blackman	Deputy Development Control

	Street	Manager
BH2008/00877	BHASVIC, Old Shoreham Road / Dyke Road	Deputy Development Control Manager
BH2008/00925	Maycroft & Parkside, London Road and 2,4,6 & 8 Carden Avenue	Deputy Development Control Manager

29. APPEAL DECISIONS

29.1 The Committee noted letters received from the Planning Inspectorate advising on the results of planning appeals which had been lodged as set out on the agenda.

30. APPEALS LODGED

30.1 The Committee noted the list of Planning Appeals, which had been lodged as set out in the agenda.

31. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

31.1 The Committee noted the information set out in the agenda relating to information on Informal Hearings and Public Inquiries.

The meeting concluded at 6.10pm

Signed

Chair

Dated this

day of

