

### BRIGHTON & HOVE CITY COUNCIL

### PLANNING COMMITTEE

2.00pm 17 JULY 2013

COUNCIL CHAMBER, HOVE TOWN HALL

### MINUTES

**Present:** Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Gilbey, Hamilton, Littman, Randall, Shanks, C Theobald and Wells

**Co-opted Members:** Jim Gowans (Conservation Advisory Group)

**Officers in attendance:** Jeanette Walsh (Head of Development Control), Aidan Thatcher (Enforcement & Investigations Planning Manager) Nicola Hurley (Area Planning Manager), Maria Seale (Major Projects Officer), Kathryn Boggiano (Senior Planning Officer), Jonathan Puplett (Senior Planning Officer), Steven Shaw (Principal Transport Planning Officer), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Officer).

### PART ONE

#### 25. PROCEDURAL BUSINESS

##### 25a Declarations of substitutes

25.1 Councillor Shanks was present in substitution for Councillor Wakefield, and Councillor Randall was present in substitution for Councillor Davey.

##### 25b Declarations of interests

25.2 There were none.

##### 25c Exclusion of the press and public

25.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

25.4 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

## 26. MINUTES OF THE PREVIOUS MEETING

26.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 26 June 2013 as a correct record.

## 27. CHAIR'S COMMUNICATIONS

27.1 The Chair reminded Members of the training session for all Planning Committee Members and substitutes taking place on Tuesday 23 July.

## 28. PUBLIC QUESTIONS

28.1 There were none.

## 29. PLANNING ENFORCEMENT YEARLY REPORT APRIL 2012-MARCH 2013

29.1 The Committee considered a report of the Executive Director of Environment, Development and Housing in relation to the Planning Enforcement Yearly Report (April 2012 – March 2013); the report formed the annual monitoring report to be presented to the Planning Committee.

29.2 Councillor Mac Cafferty noted the importance of this work and thanked the Enforcement Team on behalf of the Committee.

29.3 Councillor Carol Theobald stated that the examples shown during the presentation were very good.

29.4 At the request of Mr Gowans it was agreed by Officers that they would consider ways to remind all residents who lived in conservation areas of the obligations and restrictions involved in living in a such property, and the possibility of this information being sent at the same time as annual Council Tax bills.

29.5 **RESOLVED** – That the Committee note the report.

## 30. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

30.1 There were none.

## 31. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

### Major Applications

A. **BH2012/03872 - Brighton Station, Queen's Road, Brighton - Planning Permission**  
- Erection of three storey building to provide cycle storage, ancillary shower/changing facilities, cycle shop, café, cycle repair outlet and cycle hire.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Case Officer (Maria Seale) introduced the application and gave a presentation by reference to photographs, plans and elevational and sectional drawings; reference was also made to matters on the Late List. The development site consisted of a three storey cycle hub, and the associated outside space; the site was next to Site J of the New England Quarter which was currently under construction. The building would appear as two storeys from the concourse level at the station, and the lower storey would only be visible from the rear. The building would contain a cycle hub with: secure storage for 500 bikes; a bike shop and café, and shower and changing facilities, and there would be turnstile 'key' access to the cycle storage. A further 170 cycle spaces would be retained elsewhere on site, and there would be an overall net increase of approximately 420 spaces on the station site as a whole. The development was a non-profit scheme from the Department for Transport together with Southern Rail and Network Rail, and funding would be drawn from the wider Brighton Station Gateway project. The building would be of modern appearance and use design and rhythm from the listed station to the rear; however, the building would be largely hidden on most aspects by the new Block J and other existing office buildings behind it. The application also made provision for a series of landscaping improvements on the site; in particular a piece of land between the site and Site J, and the final layout of the landscaping would be secured through condition. The application was considered to be an innovative and exciting community facility that would complement both the listed buildings and more modern buildings surrounding it, and would be a welcome addition to the Station. For the reasons set out in the report the application was recommended for approval.

### **Questions for Officers**

- (3) Councillor Cox asked how the bikes would be loaded on the racks given that they were likely to be installed as one rack on top of another. In response the Principal Transport Officer (Steven Shaw) explained that they were looking at using gas assisted mechanisms, and the full level of detail would be secured through condition. Following a further query from Councillor Cox the Case Officer explained that local businesses and residents had been consulted as a direct result of the application; as well as consultation as part of the wider Brighton Station Gateway project.
- (4) In response to Councillor Randall it was explained that the building would be overshadowed by those around it, and it might not be suitable for the installation of photovoltaic panels; furthermore due to the tight budgetary constraints of the project it had been considered important to use funds to achieve the right landscaping solution at the site.
- (5) Councillor Carol Theobald asked for more information in relation to the security of the bikes. In response the Case Officer explained that access to the storage would be by key, and there were wider security measures on the station site as a whole including: CCTV; security lighting and a general security presence on the site.

- (6) In response to Councillor Gilbey it was explained that the cycle storage was on the ground floor and could be accessed directly from the street level. There was a lift which would carry one person and a bike to use the bike repair shop facility on the first floor.
- (7) Councillor Hyde asked if the building would have been an appropriate location for a green roof, and in response it was explained that Officers had raised this with the applicant, but it had not been possible due to the budgetary constraints; however, there would be biodiversity on the site through the landscaping.

### **Debate and Decision Making Process**

- (8) Councillor Carol Theobald stated that this was a very good facility, and would make the whole site look much tidier.
- (9) Councillor Wells stated that it was a great idea, and would give commuters who cycled to the station more peace of mind for the security of their bikes.
- (10) Councillor Hyde stated that the application would open up the area much more to allow cyclists who lived further away to store their bikes on the site.
- (11) Councillor Jones welcomed the design and the development generally, but he noted that he felt the lack of a green roof was a missed opportunity.
- (12) Councillor Littman stated that this kind of form was appropriate in this location, and would help to link the whole site together more. He asked if there could be a facility to provide charging points for electrical bikes on site, and the Committee agreed it would add an additional condition to this extent.
- (13) Councillor Cox noted that the number of cycle spaces was still lower when compared with other stations nationally.
- (14) A vote was taken and planning permission was unanimously granted.

31.1 **RESOLVED** – That the Committee had taken into the consideration and agrees with the reasons for the recommendation set out in the section 11 of the report and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report, and the additional condition set out below:

- i. (Condition 6) The internal layout of the building including the internal staircase and lift link to all three floors, as shown on the approved drawings (except for the ground floor cycle storage area), shall be implemented before the development hereby permitted is first brought into use. Details of the ground floor cycle storage layout shall be submitted to and approved in writing by the Local Planning Authority and shall include provision for access to charging points and space to serve electrical bicycles. The approved ground floor layout shall be implemented before the building is first brought into use and the cycle parking facilities shall thereafter be retained for use by visitors to the development at all times.

**Reason:** The provision of the internal staircase and lift links all three floors will help ensure the building relates successfully to its surroundings and the public open space to the north and for accessibility reasons, and to ensure the cycle storage layout incorporates sufficient aisle width to ensure the stands are usable, and to encourage travel by means other than private motor vehicles, to comply with policies QD1, QD2, QD3, QD15, EM13, TR1 and TR14 of the Brighton and Hove Local Plan and to meet the objectives of the Brighton Station Gateway project.

- ii. (Condition 15) The development hereby permitted shall not be first brought into use until a Building Research Establishment issued Post Construction Review Certificate confirming that the development has achieved a BREEAM rating of 'Good' has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the development is sustainable and makes efficient use of water, energy and materials to comply with policy SU2 of the Brighton and Hove Local Plan and SPD08.

**B. BH2013/01242 - Brighton Racecourse, Race Hill, Brighton - Full Planning Permission** - Permanent use of land for park and ride facilities for up to 700 cars in conjunction with outdoor events (no more than 50 per year) at the American Express Community Stadium Falmer.

- (1) The Case Officer (Kathryn Boggiano) introduced the application and gave a presentation by reference to plans, photographs and elevational drawings, and reference was made to matters on the Late List. The application proposed the permanent retention of the park and ride site for 700 cars for use up to 50 times each year. The site related to three parcels of land; most of the parking was grassland with some gravel tracks and tarmac circulation space. Spectator cars would access the site from Freshfield Road via the Woodingdean traffic lights; however, once the improvements to the Lewes Road were completed buses would use that route instead. The Committee had approved the previous scheme two years ago for temporary two year consent to give time for further monitoring of the impact on traffic and parking. There was a need for 1300 park and ride spaces in the city, and last year approximately 14% of spectators travelled by park and ride; however, it was highlighted that the Committee had granted an application in 2012 to increase the capacity of the stadium, and subject to the outcome of another application to amend the phasing condition of that permission the club hoped to be able to use the full capacity. Furthermore the new controlled parking zone (CPZ) to be introduced in Coldean was likely to create displacement parking leading to an increased use of the park and ride facility; the facility was also an important part of the travel plan for the stadium as a whole. The amenity impacts were considered to be acceptable; there had been no complaints in relation to the operation of the racecourse site, and there were no adverse environmental concerns. For the reasons set out in the report the application was recommended for approval.

**Questions for Officers, Debate and Decision Making Process**

- (2) It was confirmed for Councillor Carol Theobald that there was a condition which sought a schedule of events to ensure there were no clashes between the stadium and the racecourse uses.

- (3) A vote was taken and planning permission was unanimously granted.
- 31.2 **RESOLVED** – That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in the section 11 of the report and the polices and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.
- C. **BH2013/01110 - Wholesale Market, Circus Street, Brighton - Full Planning Permission** - Change of use for temporary period of two years from wholesale market (sui generis) to mixed use scheme consisting of community garden (D2), arts and cultural activities (D1) and business enterprise pods (B1) for local start up firms, incorporating removal of part of roof structure to allow for provision of community garden.
- (1) It was noted that this application formed the subject of a site visit prior to the meeting.
- (2) The Case Officer (Kathryn Boggiano) introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The site related to the former wholesale fruit and vegetable market that had been vacant for 7 years, the site was also a strategic site in the emerging City Plan. The Milner flats were located to the rear at a much higher level due to the gradient of the land, and the rear windows of the flats overlooked the roof of the site. The application included a screened community garden; B1 use start-up units – for use no more than 85 days a year, and urban water into the site. Over the community garden there would be a section of open roof requiring the removal of existing roof panels. There had been no objections from technical consultees, and most of the objections related to noise and disturbance; however, there had already been two previous approvals for similar uses and therefore the principle was deemed acceptable, and it was noted that the application for only for a two year consent. Due to the close proximity of the Milner flats there were a number of recommended conditions to control noise; in particular any amplified music would need to have an accompanying management scheme. Subject to these conditions Officers were satisfied that the impact was acceptable and could be properly controlled. The transport impact was acceptable, and it was felt the community use was beneficial without prejudicing the long term aspiration of the wider site. For the reasons set out in the report the application was recommended for approval.

#### **Questions for Officers, Debate and Decision Making Process**

- (3) It was confirmed for Councillor Randall that Officers had taken the views of Environmental Protection on board and granted the hours of use in line with their recommendations.
- (4) A vote was taken and planning permission was unanimously granted.
- 31.3 **RESOLVED** – That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in the section 11 of the report and the polices and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.

- D. **BH2013/01318 - 154-155 Edward Street, Brighton - Full Planning Permission -**  
Change of use from offices (B1) to education (D1).
- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Case Officer (Jonathan Puplett) introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application site related to a four storey office building adjoining a conservation area, and backing onto residential properties. Permission was sought to change the accommodation from office use to education use, and there would be no internal or external alterations. The building was a block design and the upper three storeys were 'L' shaped, and there was an undercroft at street level used for parking; as well as an existing basement car park. There was also a large flat roof at first floor level over the ground floor, and the site was adjoined by Cavendish House to the south where permission had been granted at appeal to change the use from office to education for use by Brighton University. The loss of the office space would normally need associated proof to demonstrate that the space was redundant; however, weight was given to the applicant, and their wider strategic aims as this application would allow the University of Brighton to vacate a number of smaller sites in the city which could be used as office space. The Council also acknowledged the major role of the universities within the city, and sought to aid them in reaching their objectives. It was therefore considered appropriate to restrict the educational use to the University of Brighton only. There were a number of conditions seeking to restrict opening hours, and protect the amenity of neighbours; as well as a management plan for the arrival, departure and congregation of students. It was noted that the University objected to the opening hours, and the restriction of the use of the outside space, but it was felt these conditions were necessary to protect the amenity of neighbours. Further details were also sought through condition of the disabled and cycle parking; a travel plan; details of sustainability and the provision of 20% local labour during the refurbishment. For the reasons set out in the report it was recommended that the Committee be minded to grant the application.

### **Questions for Officers, Debate and Decision Making Process**

- (3) It was confirmed for Councillor Carol Theobald that the requirement in such size schemes was 20% local labour; however, developers would often seek to go above this. It was proposed that changes to this threshold could be considered by the Planning Working Group.
- (4) Councillor Randall asked for further information on how the use of local labour was monitored, and it was explained that in-depth monitoring was undertaken by Officers in the Economic Development Team and through s106 agreements.
- (5) Councillor Shanks raised concern in relation to the congregation of students outside the building, and in response Officers explained that these details would be outlined in the management plan; if the Council then had concerns about the operation of the site then it would have proper framework to discuss these with the University.

- (6) It was confirmed for Councillor Gilbey that it was not the intention of the University to 'knock through' into Cavendish House, and it was considered the opening time of 08.00 hours was appropriate on this site given the larger size compared with Cavendish House.
- (7) A vote was taken and planning permission was unanimously granted.
- 31.4 **RESOLVED** – That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in the section 11 of the report and the polices and guidance in section 7 of the report and resolves to be **MINDED TO GRANT** planning permission subject to the completion of a s106 planning legal agreement and the Conditions and Informatives set out in section 11 of the report.

### **Minor Applications**

- E. **BH2012/03335 - Dorothy Stringer School, Loder Road, Brighton - Full Planning Permission** - Erection of single storey modular classroom.
- (1) A vote was taken and planning permission was unanimously agreed.
- 31.5 **RESOLVED** – That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in the section 11 of the report and the polices and guidance in section 7 of the report and resolves to be **GRANT** planning permission subject to no objection from Sport England and the Conditions and Informatives set out in section 11 of the report.
- F. **BH2013/01223 - The Mill House Public House, 131 Mill Lane, Portslade - Full Planning Permission** - Erection of single storey rear extension with associated external alterations.
- (1) The Area Planning Manager (Nicola Hurley) introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. It was explained that two previous applications had been refused under delegated powers, and both dismissed at appeal, for schemes to create rear extensions for reasons relating to design and bulk. This revised scheme had reduced in terms of its footprint, and had a pitched roof with a flat roof on the link parts to the existing building. For the reasons set out in the report the application was recommendation for approval.

### **Questions for Officers, Debate and Decision Making Process**

- (2) Councillor Hamilton explained that some residents believed that the application was to allow the pub to become a convenience store, and it was clarified by Officers that the premises would be able to operate as an A1 retail unit without the need for planning permission.
- (3) Councillor Gilbey asked if the parade of shops would be protected if the premises were to change to a convenience store; in response it was explained that this would not be given consideration as the change was permitted without planning permission.

- (4) Councillor Hamilton noted he was pleased to see that the design was in-keeping with the parent building.
  - (5) A vote was taken a planning permission was granted on a vote 9 in favour with 3 abstentions.
- 31.6 **RESOLVED** – That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in the section 11 of the report and the polices and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.

- G. **BH2013/01447 - Essex Place, Montague Street, Brighton - Full Planning Permission** - Removal of brick balconies and enclosure with UPVC double glazed windows. Replacement of existing windows with UPVC double glazed windows to North and East elevations. Installation of insulated render cladding, new rising gas mains pipe work and associated external alterations.

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application related to a 16 storey tower block, and 5 letters of objection had been received from leaseholders of flats. It was considered that the proposed changes would not harm the appearance or character of the building, but would lead to the loss of the small area of amenity space by enclosing it. This loss was considered acceptable, and an additional condition had been included to ensure all changes were implemented to keep the building appearance uniform. For the reasons set out in the report the application was recommended for approval.

### **Questions for Officers**

- (2) Councillor Carol Theobald asked if the residents had been surveyed for their views on the proposals, and in response Officers explained that this was not material planning consideration; however, from a Planning perspective it was important to achieve uniformity, and this was sought by condition.
- (3) It was confirmed for Councillor Cox that the application had been submitted to the Council a second time as the freeholder had failed to serve notice on all of the leaseholders when making the previous application.
- (4) Councillor Littman asked why the loss of amenity was considered acceptable, and in response Officers explained that it was because the spaces were very small and had limited use.

### **Debate and Decision Making Process**

- (5) Councillor Hyde noted that she had reservations about the loss of the small amenity space, and as such she would not support the Officer recommendation.
- (6) Councillor Randall noted that the proposed changes to the balconies were not clear on the plans.

- (7) Councillor Shanks noted it would be unfortunate for residents to lose a small area of outside space. Councillor Wells echoed these comments and noted that he would not support the Officer recommendation.
- (8) Councillor Hyde noted that it was unlikely a new build property would be granted permission without private amenity space.
- (9) The Head of Development Control explained that there was refurbishment work being undertaken on all blocks of flats in the ownership of the Council, and as the amenity space was very small, the Case Officer had not felt it could be refused on these grounds.
- (10) Councillor Mac Cafferty suggested that the item be deferred to allow a site visit to take place, and for further clarification to be sought on the proposed arrangements for changing the balconies
- 31.7 **RESOLVED** – That the item be deferred to allow a site visit to take place, and for further clarification to be sought on the proposed arrangements for changing the balconies.
- H. **BH2013/00307 - 81 Trafalgar Street, Brighton - Full Planning Permission -**  
Installation of extraction flue with roof mounted cowl. (Retrospective).
- (1) A vote was taken and planning permission was granted on a vote of 11 in favour with 1 abstention.
- 31.8 **RESOLVED** – That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in the section 11 of the report and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.
- I. **BH2013/01470 - 41 Park Crescent, Brighton - Householder Planning Permission -**  
External alterations including installation of rear dormer, replacement rooflights to front roofslope, erection of part glazed canopy to rear elevation and alterations to fenestration.
- (1) The Area Planning Manager introduced the application and gave a presentation by reference to plans, photographs and elevational drawings in relation to both application BH2013/01470 for full planning permission and application BH2013/1469 for listed building consent. The property was located on the western side of the Valley Gardens conservation area, and related to the basement flat and the maisonette above. There would be external alterations and the scheme proposed to reinstate the staircase to the basement flat to create a single family dwelling. Amendments had been sought through the lifetime of the application; including changes to the canopy at the rear. The Conservation Advisory Group (CAG) had objected to the scheme, and requested that it be considered by the Committee. Both applications were recommended for approval for the reasons set out in the reports.

**Questions for Officers**

- (2) It was confirmed for Councillor Littman that the rooflights would be improved, and the final details would be secured through condition.
- (3) The Area Planning Manager clarified several matters for Mr Gowans in relation to rear ground floor windows and door.

**Debate and Decision Making Process**

- (4) Mr Gowans highlighted that the scheme had changed since the original discussion at CAG, but their objections related to the two rooflights as they were the only ones that had been installed in the whole street.
  - (5) A vote was taken and planning permission was unanimously granted.
- 31.9 **RESOLVED** – That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in the section 11 of the report and the polices and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.
- J. **BH2013/01469 - 41 Park Crescent, Brighton - Listed Building Consent** - Internal and external alterations including installation of rear dormer, replacement rooflights to front roofslope, erection of part glazed canopy to rear elevation, alterations to fenestration and reinstatement of internal stairs between ground and basement levels.
- (1) A vote was taken and listed building consent was unanimously granted.
- 31.10 **RESOLVED** – That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in the section 11 of the report and the polices and guidance in section 7 of the report and resolves to **GRANT** listed building consent subject to the Conditions and Informatives set out in section 11 of the report.
- K. **BH2013/00588 - 31 Old Shoreham Road, Hove - Full Planning Permission** - Demolition of existing house and erection of 6no bedroom detached dwelling
- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
  - (2) The Area Planning Manager introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The site was located on the north side of Old Shoreham Road, and due to the rise in ground level it sat one storey above street level with access by steps from the pavement. The application sought the demolition of the existing building, and the construction of a new building of contemporary design. The proposal would also require excavation to create a lower ground floor. It was considered that the modern design was an acceptable approach to the development, but it was felt that this particular design did not enhance or relate sympathetically with the surrounding area. Although the property would be set back from the road Officers were not convinced that the property would be adequately screened by vegetation. The lower ground floor would project, and it was also felt that

this was out of keeping. It was noted that there had been an initial support from the Case Officer, but this had been before the proper consideration of all policies. For the reasons set out in the report the application was recommended for refusal.

### **Public Speakers and Questions**

- (3) Dr Cartwright, together with the architect Mr Phillips, spoke in support of the application in her capacity as the applicant. She stated that she and her family wished to build a family home to accommodate their three generation family, and they had worked closely with the Case Officer who was initially supportive of the scheme and recommending approval. Communication then 'dried up' and they were unable to get further clarification about the Case Officer's concerns in relation to policy QD2, and additional information that had been submitted to help mitigate these concerns had not received considered in the final report to the Committee. The scheme would have more green space than the current arrangements with the existing property; the area also had a wide range of styles and sizes of properties with differing roof lines, and other examples of modern architecture. There were also letters of support for the scheme.

### **Questions for Officers**

- (4) In response to a query from Councillor Littman the difference in height between the existing and proposed building was clarified, but it was also noted that the existing building had accommodation in a pitched roof and the proposed building was much more bulky.
- (5) It was confirmed for Councillor Carol Theobald the trees that were the subject of TPOs.
- (6) It was confirmation for Councillor Gilbey that the current distance from the front of the property to the rear of the plot was 34 metres; this would be reduced to 21 metres with the proposals.
- (7) Councillor Shanks asked for further information on the applicant's comments about the change of position of the Case Officer. In response the Head of Development Control explained that the Case Officer had given pre-application advice, and was initially encouraging of the design; a report was drafted for approval; however, further examination of policy QD2 had led to a recommendation for refusal.
- (8) Councillor Mac Cafferty highlighted some of the points made by the applicant, and asked how Officers had come to the conclusion in relation to policy QD2. In response Officers explained that the concern was not about the modern design, but related to the bulk and massing of the properties in what was an area characterised by two storey pitched roof houses.

### **Debate and Decision Making Process**

- (9) Councillor Wells stated that he did not find the proposals overbearing and he would be voting against the Officer recommendation.
- (10) Councillor Randall noted that he was unconvinced by the reasons for refusal, and he would be voting against the Officer recommendation.

- (11) Councillor Hyde stated that she agreed with the Officer report; she was not objecting to the modern design, but agreed that the proposals did not respect Policy QD2. The site was large enough for a big property, but something in-keeping would be more suitable, and she stated she would be voting in accordance with the Officer recommendation.
  - (12) Councillor Jones noted that the report was very positive given that the application was recommended for refusal. It was a very well thought out design, and a modern development could be appropriate in this area of the city. He stated he would be voting in support of the Officer recommendation.
  - (13) Councillor Shanks stated that she agreed with Councillor Jones, and it was good to see innovative design; as such she would not support the Officer recommendation.
  - (14) Councillor Carol Theobald noted that the property was surrounded by other houses; she thought the design 'hideous' and out of keeping with the area; she stated she would support the Officer recommendation.
  - (15) Councillor Gilbey stated that she was concerned the greenery at the front of the site would not sufficiently screen the proposed property, and she believed the properties along the same side of the road were more traditional in design.
  - (16) Councillor Mac Cafferty noted that he was keen on the modern design, and would not be supporting the Officer recommendation.
  - (17) Before a vote was taken the Head of Development Control noted that there was no objection in principle to the development, but the reasons for refusal were linked to Policy QD2.
  - (18) A vote was taken and the Officer recommendation to refuse was not carried on a vote of 6 to 3 with 3 abstentions. Councillor Jones proposed reasons for approval and these were seconded by Councillor Randall. These reasons were then read to the Committee, and it was agreed they reflected what had been put forward by Members. A recorded vote was then taken with the proposed reasons for approval and Councillors: Mac Cafferty, Jones, Cox, Shanks, Randall and Wells voted that planning permission be granted; Councillors: Hyde, Gilbey and Carol Theobald voted that planning permission be refused and Councillors: Carden, Hamilton and Littman abstained from the vote.
- 31.11 **RESOLVED** – That the Committee had taken into the consideration the Officer recommendation to refuse, but resolves to **GRANT** planning permission subject to the Head of Development Control agreeing Conditions and Informatives and for the reasons set out below:
- i. The proposed development is a reasonable building of good, well-thought out design and allows for plenty of open space. There is room for modern development in the neighbourhood, which already contains modern buildings.

- L. **BH2013/01403 - Stag Inn, 33 Upper Bedford Street, Brighton - Full Planning Permission** - Demolition of existing public house (A4) and construction of a new 3 storey building comprising 9 one, two and three bedroom residential units with office space (A2) on the ground floor.

(1) The Area Planning Manager introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application proposed the demolition of the existing pub, and the creation of a three storey building with nine residential units. All the eight units on the first and second floors would have access to private amenity space, and only the unit on the ground floor would not. The loss of the pub had to be considered against policy to protect community assets, and priority was given to schemes that were mixed residential and commercial. It was also noted that in rural locations a pub could be a much greater community asset, but it was noted there were a number of pubs nearby, and this application was not considered contrary to policy as the office space would provide employment and the flats would help to meet the city's housing needs. Officers had some reservations in relation to sample materials they had received as the colours indicated on concept work looked different; however, there were conditions attached to secure the final materials. There had been some concern in respect of amenity as the proposals were greater in height and scale than the existing building, but it was felt this would be of no significant harm. The principle proposed was acceptable and the application was recommended for approval for the reason set out in the report.

### **Questions for Officers**

- (2) It was clarified for Councillor Hyde that the balconies would be constructed of aluminium and there would be no wood on the bases.
- (3) It was confirmed for Councillor Carol Theobald that the development would be car free.
- (4) Information was provided to Councillor Randall in relation to the size of the flats. The Head of Development Control noted that the Council had no minimum sizes for private units, but the Policy team were looking at minimum standards for private units. The size of the balconies was also confirmed for Councillor Gilbey.

### **Debate and Decision Making Process**

- (5) Councillor Carden welcomed the application; he stated it looked very good and he looked forward to seeing it completed as it would enhance the area.
- (6) Councillor Wells noted he was disappointed that the old pub would be demolished. Councillor Carol Theobald echoed these comments, and stated that it a shame there was no parking, and as such she would not be supporting the Officer recommendation.
- (7) Councillor Cox welcomed the inclusion of office space on the site; stated he liked the design and thought the location was suitable. Councillor Randall echoed these views, and noted that the pub had been vacant for some time and deteriorated in condition; he would be supporting the Officer recommendation and felt the building was reasonable.

- (8) Councillor Hyde noted she shared Officers concerns in relation to the materials; she thought the design was quite good and in particular liked the large windows.
- (9) A vote was taken and planning permission was granted on a vote of 10 in favour with 2 against.
- 31.12 **RESOLVED** – That the Committee has taken into the consideration and agrees with the reasons for the recommendation set out in the section 11 of the report and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.

**32. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**

- 32.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2013/01447 - Essex Place, Montague Street, Brighton - Full Planning Permission	Councillor Mac Cafferty

**33. APPEAL DECISIONS**

- 33.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

**34. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

- 34.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

**35. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

- 35.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

**36. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

- 36.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

- 37. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)**

- 37.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director of Environment, Development & Housing. The register complies with legislative requirements.]

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006].

The meeting concluded at 5.07pm

Signed

Chair

Dated this

day of