

PLANNING COMMITTEE	Agenda Item 185 Brighton & Hove City Council
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BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 22 APRIL 2015

RONUK HALL, PORTSLADE TOWN HALL

MINUTES

Present: Councillors Mac Cafferty (Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Davey, Gilbey, Littman, Kennedy, Randall, Robins, Simson, C Theobald and Wells

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

Officers in attendance: Paul Vidler, Planning Manager (Major Applications); Guy Everest (Principal Planning Officer), Jason Hawkes (Principal Planning Officer); Tim Jefferies (Principal Planning Officer, Major Projects Heritage and Design); Peter Tolson (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

PART ONE

172 PROCEDURAL BUSINESS

172a Declarations of substitutes

172.1 Councillor Robins was present in substitution for Councillor Hamilton, Councillor Randall was present in substitution for Councillor Jones and Councillor Kennedy was present in substitution for Councillor Phillips.

172b Declarations of interests

172.2 There were none.

172c Exclusion of the press and public

172.3 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.

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

172d Use of mobile phones and tablets

172.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'airplane mode'.

173 MINUTES OF THE PREVIOUS MEETING

173.1 The Chair stated that he wished it to be recorded in respect of application BH2015/03012, Rose Hill Tavern, 70-71 Rose Hill Terrace, Brighton that he had asked questions of the applicant and officers. Councillor Gilbey referred to BH2015/00169, 5-8 West Street, Rottingdean and wished to clarify that her reference to trolleys had been to shopping trolleys not those used to transport deliveries into the store.

173.2 **RESOLVED** – That subject to the amendments set out above Chair be authorised to sign the minutes of the meeting held on 1 April 2015 as a correct record.

174 CHAIR'S COMMUNICATIONS

174.1 Whilst the Chair, Councillor Mac Cafferty had no formal communications as this was the last meeting of the Committee prior to the forthcoming elections and as a number of Members were not standing for re-election he wished to pay tribute to them. There was a tremendous breadth of experience across the Committee over 100 years in total. Councillor Carden an ex-Chair had 24 years experience, Councillor Wells had 22 years experience, Councillor Randall had 12 years experience, Councillors Kennedy and Davey had 8 years of experience each, Councillor Jones, the Deputy Chair had four years experience, Councillor Cox had sat on the Committee since his appointment following a by-election. He commended the support he had received and the way that the Committee had worked together to grapple with and make difficult decisions. He also commended the professionalism of the support he had received from officers.

174.2 Councillor Carden spoke as the longest serving Member of the Committee stating that he had stood on the Committee throughout his period on the Council with the exception of his period as Mayor, that he had enjoyed his time on the Committee and considered that transparency and honesty in decision making were two of the most important qualities.

174.3 Councillor Hyde commended the manner in which Councillor Mac Cafferty had carried out his duties as Chair and had led the Committee, commending the even handed, fair and transparent operation of the Committee and his commitment.

175 PUBLIC QUESTIONS

175.1 There were none.

176 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

176.1 There were none.

177 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**MAJOR APPLICATIONS****A BH2015/00320, Land South Side of Victoria Road, Portslade- Full**

Planning Construction of part two part three storeys at showroom building set over two levels including provision of offices and car servicing facilities, car parking spaces and associated works.

- (1) The Principal Planning Officer, Guy Everest gave a presentation by reference to site plans, floor plans and photographs showing views across the existing site looking towards Victoria Road. Visuals were also shown indicating the external appearance of the proposed development in order to show its scale and form and the materials to be used.
- (2) It was noted that the site lay within the Victoria Trading Estate in Portslade and fronted onto Victoria Road to the east of Portslade Town Hall. The site was also accessed from the north via the internal access road for this part of the Industrial Estate. There were a number of car showrooms and vehicle repair garages in that part of Portslade. The previous building on the site had been destroyed by a fire in 2000 and since then the site has been vacant. The majority of the site was covered in hard standing, although there was some vegetation on the embankment on the northern and western boundaries. The majority of the application site was set some two to three metres below the Victoria Road pavement level. Portslade Town Hall was also set at a higher ground level than the majority of the application site.
- (3) It was considered the proposal could generate employment which would be comparable to those jobs which could be generated by general business B1 and B2 Use Classes and therefore the principle of the use would comply with the aims of policy CP3.3 of the City Plan and was considered to be acceptable and that an exception to policy EM1 of the Local Plan had been justified. The design, scale and siting of the building was appropriate in its setting and would not be harmful to the character and appearance of the area. Subject to landscaping conditions to improve the surfacing materials, the landscaping was considered to be appropriate. The scheme would not be harmful to the amenity of nearby residents and occupiers and would make adequate provision for car and cycle parking. Approval was therefore recommended.

Questions for Officers

- (5) Councillor C Theobald queried the level of staff car parking proposed on site expressing concern that this could be insufficient and could result in overspill parking in the neighbouring streets which could give rise to problems. Councillor Theobald also asked why a Section 106 Obligation had not been sought to address any potential

problems and possibly could be used for improvements to the local park. Councillor C Theobald also stated that the level of cycle parking proposed on site also appeared to be very high.

- (6) The Principal Transport Officer, Peter Tolson, explained that the amount of parking proposed that the number of Sheffield cycle stands proposed had been requested by the applicants and was above the required minimum, as were the two disabled bays proposed. The amount of car parking proposed was within the SPG4 maximum. The dimensions and spacing of the proposed parking was considered acceptable. Whilst it was recognised that there was some scope for displaced parking it was considered that it would be disproportionate to require remedial measures, such as funding for amendments to local parking arrangements as the small number of vehicular trips likely to be generated would not have a material impact on the local highway network.
- (7) The Chair, Councillor Mac Cafferty referred to the points raised by Councillor Theobald enquiring regarding the level at which displaced parking required local measures. The Principal Transport Officer explained that this was not precise as a number of factors were considered. In this instance as the site fell outside the controlled parking zone and it was not considered any problems would arise for sustainable transport, it was not considered appropriate. A Transport Assessment was not required for the scale and nature of development proposed. The Legal Adviser to the Committee confirmed that requirements to enter into a Section 106 needed to meet strict criteria in relation to the suggestion that a s106 obligation could benefit the park, the advice was that these criteria would not be met.
- (8) Councillor Randall referred to paragraph 5.6 of the report, where reference was made to the fact that as the proposed development would include flat green roofs which would enhance biodiversity and provide other benefits. The proposals did not appear to have taken this on board. Councillor Randall also considered that whilst this application could be supported, thought did also need to be given to the need to provide increased levels of affordable and social housing. The Principal Planning Officer referred to comments received from the Council's Sustainability Officer in the Additional Representations List recommending that a BREEAM "excellent" be conditioned to ensure that sustainability issues were fully addressed.

Debate and Decision Making Process

- (9) Councillors Carden and Robins whilst prepared to support the officer recommendation had some concerns in relation to the possible impact of additional parking and traffic movements as issues relating to displaced parking and potential near miss accidents were often raised with them by their residents. They hoped that the situation would be monitored.
- (10) Councillor Gilbey echoed those concerns whilst welcoming the fact that 32 additional jobs would be created and seeking confirmation regarding the number of jobs generated by the previous use.
- (11) A vote was taken and on a vote of 11 with 1 abstention planning permission was granted.

- 177.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in 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 and to the addition of a condition requiring submission of a Travel Plan. The following amendments to conditions 2, 11 and 17 and additional conditions and informatives were also agreed:

Amend table in Condition 2 to:

Location plan A (PL) 00-000, A, 6 February 2015

Site survey plan A (10) 00-100, B, 17 April 2015

Proposed site plans A (PL) 00-100, A, 6 February 2015

Proposed ground floor plan A (PL), 01-101, A, 6 February 2015

Proposed second floor plan A (PL) 01-102, A, 6 February 2015

Proposed elevations A (PL) 01-200, B, 6 February 2015

Proposed sections A (PL) 01-300, B, 6 February 2015

Amend Condition 11 to read:

(11) No development above first floor slab level of the building hereby approved shall take place until there has been submitted in writing by the Local Planning Authority a scheme for hard and soft landscaping for the site and adjacent footways, which shall include all parking areas including the ramp and decked parking area and parking area on the eastern corner along with adjacent footways. The landscape scheme shall include details of the materials of hard surfacing, fencing, railings and all other boundary treatments, gates, steps, walls and soft landscaping/planting proposals for the development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

Condition 17 to be amended to remove reference to Education. Now to read:

(17) Unless otherwise agreed in writing with the Local Planning Authority, the building shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development as built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

Additional conditions as set out below:

(21) The use hereby permitted shall not be operational except between the hours of 07:00 and 19:00 on Mondays to Fridays, 08:00 and 18:00 on Saturdays and 10:00 and 16:00 on Sundays including Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

(22) No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 07:00 and 19:00 on Mondays to Fridays, 08:00 and 18:00 on Saturdays and no servicing shall take place on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

(23) No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the soundproofing of the workshop situated within the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

Reason: In order to ensure that the workshop elements are soundproofed and to safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

(24) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton and Hove Local Plan.

(25) The development hereby approved shall not be occupied until a Travel Plan for the development has been submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall thereafter be retained for use at all times.

Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles and to comply with policy TR4 of the Brighton & Hove Local Plan.

Additional Informatives:

7. The applicant is advised that any proposed works to the adopted highway which may be a requirement of condition 11 should be carried out in accordance with the Council's current standards and specifications and under licence from the Network Co-ordination team. The applicant should contact the Network Co-ordination Team (01273 293366).

8. The Travel Plan required by condition 25 shall include such commitments as are considered appropriate, and should consider the following initiatives and commitments:

- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use.
- (ii) Increase awareness of and improve road safety and personal security :
- (iii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses.
- (iv) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
- (v) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey, for at least five years, or until such time as the identified targets are met, to enable the Travel Plan to be reviewed and updated as appropriate.
- (vi) A commitment to reduce carbon emissions associated with travel.
- (vii) Identify targets focussed on reductions in the level of staff car use.

- (viii) Monitor disabled parking provision for staff and if necessary allocate additional parking spaces for disabled staff.
- (ix) Car sharing database for staff.

Note: Councillor Davey abstained from voting in respect of the application.

MINOR APPLICATIONS

- B BH2015/00575, 13, 14, 15, 16-17, 18, 19, 20 20-24, 21, 22 and Pugets Cottage North Street, Brighton - Full Planning** Demolition of building at 15 North Street and store to west of Puget's Cottage and creation of a new link lane, 'Puget's Lane', linking North Street to the previously consented 'Hannington's Lane'. Erection of new building at 15 North Street to provide 1no ground floor retail unit (A1) and 1no residential unit (C3) over including over part of 14 North Street. Alterations to rear of 16-17 North Street to provide 2no additional ground floor retail units (A1) and 3no residential units (C3) above accessed from the new lane. Restoration of Puget's Cottage, extension to existing historic paving through new lane, alterations to shop fronts along North Street elevation and other associated works
- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
 - (2) The Principal Planning Officer, Jason Hawkes, gave a presentation by reference to site plans, photographs, elevational drawings showing the site as currently configured and as proposed, also photomontages showing the existing and proposed North Street frontages. The presentation dealt with applications BH2015/00575 and BH2015/00576 as did the questions asked and debate and decision making process. Following the conclusion of consideration of both applications they were voted on separately.
 - (3) It was explained that the application site related mainly to two separate buildings at 15 North Street and Puget's Cottage, to the rear of 15 North Street. The first building at 15 North Street was located on the south side of North Street directly opposite the Chapel Royal Church on North Street, a Grade II* listed building. 15 North Street included three floors and a basement level. The building was currently in use as a Class A1 retail unit by Timpsons and included a modern shopfront and fascia. Two original timber windows were above the shopfront. The buildings immediately adjacent at 14 and 16 North Street were significantly taller than no.15. No.14 was two-storeys taller and no.16 was one-storey taller than no.15. No.15 was separated from 14 North Street by a small twitten. This building was in need of substantial repairs, with the roof being supported internally to stop it from collapsing.
 - (4) The main considerations in the determining the application related to whether the principal of the uses was acceptable, whether the demolition of the Grade II Listed Building at 15 North Street was appropriate and thoroughly justified, whether the proposed alterations to Puget's Cottage were appropriate in the context of the character, architectural setting and historic significance of the Grade II Listed Building, whether the other alterations proposed including the alterations to the North Street frontages preserved or enhanced the character and appearance of the Conservation Area and whether the proposal was appropriate in respect of residential amenity, highway and transport considerations, standard of accommodation and sustainability.

- (5) It was considered that whilst there were some public benefits that would directly arise from the demolition of 15 North Street, these were not substantial public benefits and that they did not therefore outweigh the substantial harm resulting from the complete loss of the heritage asset. Nor can these benefits be regarded as powerful enough to set aside the statutory presumption in favour of the preservation of the listed building. Number 15 North Street and Puget's Cottage were both listed partly for group value in relation to each other. It therefore followed that the demolition of 15 North Street would cause harm to the significance and setting of Puget's Cottage. In addition, 15 North Street was a listed building that contributed positively to the character and appearance of the Old Town Conservation Area and its demolition would therefore fail to preserve the architectural and historic interest of the conservation area. The application was therefore recommended for refusal.

Public Speakers and Questions

- (6) Mr Komosa spoke on behalf of objectors explaining that he lived in the immediate vicinity of the site. He referred to the fact that both the existing "Timpson's" building proposed for demolition and the Puget's Cottage building behind it had been spot listed together indicating that they were both valued equally. The building proposed for demolition was unique dating from around 1700 and its removal would result in irreparable loss of a significant heritage asset and should be resisted. Alternative options for opening up the Lanes and creating a new landmark entrance had not been explored adequately by the applicants and they should be pressed to do so.
- (7) Mr McLean spoke on behalf of the applicants in support of their application. Mr Allison-Wright also spoke in support of the application in his capacity as a representative on behalf of local traders, they shared the available speaking time between them. Mr Allison-Wright stated that the current entrance to the Lanes was "lost", visitors often had difficulty in locating it and were disappointed when they did. The consented Hannington Lane scheme would effect huge improvements to the area, but it would not achieve its full potential without this proposed scheme. These proposals had the overwhelming support of the local business community as it would optimise the viability of businesses and jobs in Brighton Square and the Lanes as a whole by providing an improved route to it and through it and by giving it the gateway entrance that it deserved.
- (8) Mr McLean stated that much thought had been given to the Hannington Lane scheme (it had been developed over a five year period). This "gateway" with a suitably designed corner building would, as shown in the visuals provided would give the opportunity to highlight and give access to Puget's Cottage the hidden gem which lay behind and to which at present there was no public access. Whilst the loss of the listed "Timpson" building was regrettable it had fallen into a significant state of disrepair over the years leading up to its relatively recent spot listing and realistically was unlikely to be restored beyond a de-minimis level. There was no public access to the building which had been much altered internally and if it was retained that would continue to be the case. After much thought this option had been chosen as it would improve the permeability of the site as whole, which represented a significant public benefit. It would open up the vista along North Street and through the Lanes and would be more appropriate to the context of the Chapel Royal located opposite the site.

- (9) Councillor Kennedy sought clarification from the applicant's agent regarding the proposals to provide public access adjacent to Puget's Cottage and in connection with its refurbishment and whether it was proposed to mark its history. Mr McLean explained that Puget's Cottage would be fully restored including work to the adjacent paved area. Opening up the area in this way would provide a significant public benefit, and would give the opportunity to provide information boards and a heritage trail detailing the history of the building, Puget's School which had once adjoined it and that of the Lanes overall.
- (10) Councillor C Theobald enquired why access through the ground floor of no16 North Street was not proposed, rather than the demolition of no15. Mr McLean advised that whilst this option and others had been considered, a covered entrance way through no16 would be oppressive, this proposal incorporating a new corner gateway building which was open to the sky would provide greater permeability and connectivity through and with the rest of the site and would give the appropriate emphasis to The Lanes as a tourist destination.
- (11) Councillor Hyde asked whether thought had been given to calling the entrance way "Puget's Twitten", rather than Puget's Lane if permission were to be granted, as this was a local phrase. Mr McLean stated there had been a discussion in relation to this. It was understood that a Twitten was a narrower opening than a Lane, and it the name "Puget's Lane" had been chosen on that basis.
- (12) Councillor Randall enquired regarding the degree of consideration given to alternative options and whether the completion of the scheme would be compromised overall if this element of it did not proceed. Mr McLean responded that improvements were being effected to the shops fronting North Street which would give it a more attractive appearance, relocation of the existing bus stops and pavement widening works would also make a positive contribution. If this element did not proceed the scheme would not achieve its full potential. RBS who owned the site were in the process of selling their interest. No 15 was not an attractive or well maintained building and it was unlikely that it would ever be fully restored. It had also suffered from a number of unsympathetic alterations in the past.

Questions of Officers

- (13) Councillor Kennedy enquired whether the officer recommendation would still have been to "refuse" if 15 North Street, the "Timpson's" building had not been listed. Councillor Kennedy was advised that this was not a relevant planning consideration, Members were required to determine the applications as put before them.
- (14) The Planning Manager, Major Planning Applications, explained that it was important for Members to be aware that the improvement works currently being undertaken to widen the pavements and relocate the existing bus stops did not form part of these applications and their completion was not dependant on whether or not they were approved. In addition, the applicants had not presented a viability case in support of the proposals or fully considered other alternative access between North Street and Hanningtons Lane. Whilst acknowledging that public benefits which would result from the scheme, officers were of the view that there was a strong presumption in favour of

preserving the listed building at no 15 North Street and these benefits did not outweigh its loss.

- (15) Councillor's Davey and Hyde queried regarding why both no 15 North Street and Puget's Cottage had been listed so recently. The Principal Planning Officer, Major Projects, Heritage and Design explained that when they had been spot listed Puget's Cottage and no 15 had been listed together and had been considered to form part of a group in view of their close proximity, whilst each having merit in their own right. Both had been listed as Grade II and had therefore been considered by English Heritage as being of equal value.
- (16) Councillor Randall stated that in his view little evidence had been provided by the applicants/agents to show the level of consideration given to alternative options which would provide the same/comparable public benefits without demolishing no 15 North Street. He enquired whether it would be possible to defer consideration of these applications in order to enable further investigation of alternative options to take place. It was explained that this was not possible as the applications both needed to be determined as submitted on their merits.
- (17) Councillor Gilbey enquired regarding the depth of the steps to be cited adjacent to Puget's Cottage and what consideration had been given to disabled access requirements. Mr McLean explained that discussions had taken place with the Brighton Disabled Federation (FED) and that they had supported the proposals. Councillor Gilbey also enquired whether consideration had been given to providing a ramped access and it was explained that whilst this had been considered the length and height which would be necessary had rendered it impractical. Officers measured and confirmed the rise of the steps for Councillor Gilbey.
- (18) Councillor Mac Cafferty, the Chair referred to no15 North Street which was clearly in a state of neglect enquiring when the most recent structural survey had been carried out and what measures had been undertaken to ensure remedial works had been carried out. It was explained that a structural survey had taken place in 2012. Prior to its listing the building had deteriorated over a number of years and since that time a level of work required to ensure the structural integrity of the building had been undertaken. Councillor Mac Cafferty also referred to the proposed new corner building which would front North Street, which appeared to be of a very small square footage at ground level enquiring whether it was considered that this would provide a viable business space. It was explained by the agent that it was envisaged that a florists shop or similar small business could be adequately located in the space.

Debate and Decision Making Process

- (19) Councillor Mac Cafferty stated that he had listened with interest to all that had been said and was grappling with the issues involved. He understood the importance of the presumption that listed buildings should be preserved, and that such buildings had merit architecturally whether they were "beautiful" or not. In this case that needed to be weighed against the acknowledged substantial public benefits which would result from the proposed scheme. He needed to give the matter further consideration; this was a dilemma and he had yet to make his decision. Overall, the development was exciting and would mark the next chapter in the history of the Lanes.

- (20) Mr Gowans, CAG enquired regarding the length and breadth of the proposed Puget's Lane from the back of footway in North Street to Puget's Cottage. This was measured from the submitted plans and it was confirmed that this would be some 8 -10 metres in length and 3 metres in width. Mr Gowan's reiterated the observations submitted by CAG who supported refusal; 15 North Street formed part of the Grade II microsite and been deemed by English Heritage to have significant historical interest and considered that a link lane could be created at nos 16, 17 or 18 North Street at ground floor level.
- (21) Councillor Hyde stated that having visited the site the previous day, she found it hard to understand why no 15 North Street had been listed in view of its poor condition and the fact that internally very little of its original layout remained. The scheme had been well thought out and would result in opening up the area and would provide the opportunity for the wider public to see and appreciate Puget's Cottage which was currently totally obscured from public view.
- (22) Councillor Kennedy stated that in her view the public benefits accruing from the scheme were significant and far outweighed the loss of the listed building. There was no public access to the Timpson's building at no15, it seemed unlikely that it would ever be fully restored indeed, the majority of its original internal features had been removed. Its significance as a circa 1700 building in continuous commercial use was not apparent to anyone walking past the building.
- (23) Councillor Davey concurred stating that the building had deteriorated for many years prior to being listed. In its current condition it contributed little to the street scene. However, if it was removed, its surrounds would be opened up and Puget's Cottage which could and would be restored would be accessible. In this instance he considered that grounds for an exception had been made and that permission should be given for demolition of this listed building.
- (24) Councillor Simson concurred with all that had been said stating that whilst she would not usually support the demolition of a listed building but in this instance this would to maximise the Lanes overall as tourist destination, would open the scheme up and optimise the viability and vibrancy of the area. By providing a heritage trail the history of the area could be emphasised and the importance of Puget's Cottage to be highlighted. At the moment Puget's Cottage was land locked and was not visible.
- (25) Councillor Wells stated that no15 North Street was a mess, was in poor condition and was completely dwarfed by and out of keeping with its neighbours. This did not appear likely to change and he considered that its loss needed to be balanced against the benefits which would result. Councillor Wells considered that it would be appropriate for the building to be demolished.
- (26) Councillor Robins stated that he felt like a lone voice, although these listed buildings were equal it appeared that one was more equal than the other. North Street overall was a mess and this was a very old building which stood apart from its neighbours. So many old buildings across the city had been lost, there was a danger of losing any character in the street scene by making everything uniform and identical.

- (27) Councillor Carden stated that having lived in Portslade all his life and having recently researched its history he was aware of the many fine buildings which had been lost. This was true of the city as a whole, when buildings were demolished they were lost forever, he did not consider that a sufficiently compelling case had been made for the loss of this building.
- (28) Councillor Gilbey stated that she had concerns that the proposed access arrangements were not suitable for those with mobility problems and did not consider that issues relating to disabled access had been given sufficient consideration. Councillor Gilbey also considered that it was not appropriate for one listed building to be judged against another
- (29) Councillor Randall agreed stating that it was not the role of the Committee to argue about whether or not in their view no 15 North Street should have been listed. English Heritage had listed this building as part of a group in concert with Puget's Cottage, regarding them as being of equal worth. He did not feel that it had been demonstrated that options of providing another entrance into that part of the Lanes without demolishing the listed building had been explored sufficiently. He therefore supported the officer recommendation that both applications should be refused.
- (30) Councillor Littman agreed stating that this building was the oldest remaining in North Street and that as such the presumption that it should be protected was very important. It could not be replaced and he supported the officer recommendation.
- (31) Councillor Mac Cafferty, the Chair stated that having considered the points put forward very carefully he considered that in this case substantial public benefits would result from the proposed scheme which would outweigh the loss of 15 North Street.
- (32) The Legal Adviser to the Committee, Hilary Woodward advised that should Members be minded to approve either/both applications the decision would need to be "Minded to grant"; so far as planning permission was concerned this would need to be "Minded to Grant" subject to the Planning and Building Control Applications Manager approving any necessary s106 planning obligations and conditions in consultation with the Chair of the Committee. In respect of any Listed Building Consent this would be "Minded to Grant", subject to a) the Secretary of State deciding not to call the application in for his own determination and if so b) the Planning and Building Control Applications Manager approving any necessary conditions in consultation with the Chair of the Committee.
- (33) A vote was taken on application BH2015/00575 and the officer recommendation was not carried on a vote of 7 to 5.
- (34) Councillor Kennedy proposed that the application be minded to grant on the grounds set out below, this was seconded by Councillor C Theobald.
- (35) A recorded vote was then taken and Councillors Mac Cafferty, the Chair, Davey, Hyde, Kennedy, Simson, C Theobald and Wells voted that they were minded to grant planning permission. Councillors Carden, Gilbey, Littman, Randall and Robins voted that the application be refused.

- 177.2 **RESOLVED** - That the Committee resolves for the reason set out below, that it is **MINDED TO GRANT** planning permission subject to the Planning and Building Control Applications Manager approving any necessary s106 obligations and conditions in consultation with the Chair of Planning Committee.

Reason: The strong statutory presumption in favour of preserving the listed building at number 15 North Street is outweighed by the substantial public benefits which would result from the proposed scheme.

C BH2015/00576, 15 and Pugets Cottage North Street, Brighton- Listed Building Consent Demolition of building at 15 North Street, exterior restoration of Puget's Cottage and retention and extension of existing historic paving.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting. The debate which took place in consideration of this application and BH2015 00575 is set out under (A) above.
- (2) A vote was taken on application BH20015/00576 and the officer recommendation to refuse was not carried on a vote of 7 to 5.
- (3) Councillor Kennedy proposed that the application be minded to grant on the grounds set out below, this was seconded by Councillor C Theobald.
- (4) A recorded vote was then taken and Councillors Mac Cafferty, the Chair, Davey, Hyde, Kennedy, Simson, C Theobald and Wells voted that they were minded to grant Listed Building Consent. Councillors Carden, Gilbey, Littman, Randall and Robins voted that the application be refused.

- 177.3 **RESOLVED** – That the Committee resolves for the reasons set out below that it is **MINDED TO GRANT** listed building consent subject to:

(i) the Secretary of State deciding not to call the application in for his own determination and if so;

(ii) the Planning & Building Control Applications Manager approving any necessary conditions in consultation with the Chair of the Planning Committee.

Reason: the strong statutory presumption in favour of preserving the listed building at 15 North Street is outweighed by the substantial benefits which would result from the proposed scheme.

D BH2015/01175, Saltdean Primary School, Chiltington Way, Saltdean, Brighton - Non Material Amendment Non material amendment to BH2014/03933 to change the design of the elevations of the two storey main extension.

- (1) The Principal Planning Officer, Jason Hawkes gave a joint presentation by reference to site plans and elevational drawings showing the scheme as agreed and showing the proposed changes in relation to this application and BH2015/01141. Samples of the materials to be used were also displayed in relation to application BH2015/01141.

- (2) It was noted that the main consideration in relation to this application was of this application was whether the proposed alterations could be considered as non-material amendments to the approved scheme in accordance with Section 96A of the Town and Country Planning Act 1990 (as inserted by S190 of the Planning Act 2008). Discretion rested with the Council to decide to whether the revisions would constitute a non-material amendment to a planning permission, which would not take it outside the scope of the original permission. The footprint and height of the proposed extensions would not alter and the number and positioning of openings would remain as approved. It was recommended that the proposed alterations could be considered to be non-material amendments to the original planning permission and therefore approval was recommended.

Debate and Decision Making Process

- (3) Councillor Hyde stated that she welcomed the changes proposed considering that that the cladding materials proposed to be used represented an improvement on the red cladding that had been submitted with the planning application. The proposed cladding was more appropriate and would improve the appearance of the development.
- (4) A vote was taken and the 11 Councillors present voted unanimously that approval be granted.

177.4 **RESOLVED** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in sections 7 and 10 and resolves to **APPROVE** the proposed changes to application BH2014/03933 as non-material amendments under Section 96A of the Town and Country Planning Act 1990.

Note: Councillor Davey was not present at the meeting during consideration of or voting on the above application.

E BH2015/01141, Saltdean Primary School, Chilington Way, Saltdean, Brighton - Approval of Details Reserved by Condition Approval of details required by condition 10 of permission BH2014/03933.

- (1) The Principal Planning Officer, Guy Everest, gave a presentation by reference to site plans and elevational drawings, showing the scheme as approved and the proposed amendments. Samples of the materials to be used were also displayed.
- (2) It was explained that the sole consideration was the acceptability of submitted details in respect of condition 10 of the extant permission BH2014/03933 which stated that: *“No development shall take place on the external envelope of any of the extensions hereby approved until samples of the materials for that particular extension (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning authority. Development shall be carried out in accordance with the approved details*
- Reason:** *To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton and Hove Local Plan.”*

- (3) It was considered that the colour of the cladding sample SN20008 was appropriate and would be similar to the colour of the cedar cladding present above the doors and windows on some of the existing buildings. It was therefore recommended that the details of the samples of materials described in informative 2 be approved.
- (4) A vote was taken and the 11 Councillors present voted unanimously that approval be granted.

177.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in sections 4 and 6 of the report and resolves to **APPROVE** the details pursuant to condition 10 of application BH2014/03933 and subject to full compliance with the submitted details.

Note: Councillor Davey was not present at the meeting during consideration of or voting on the above application.

F BH2014/03755, Land rear of Regency Court, Withdean Rise, Brighton - Full Planning

Erection of 9 no single garages.

- (1) The Principal Planning Officer, Guy Everest, gave a presentation by reference to site photographs, elevational drawings and the proposed landscape plan.
- (2) It was explained that Planning permission was being sought for the construction of 9 additional garages. The garages would be single-storey with flat roofs and would follow the line of the existing garages with 5 garages on the south side and 4 garages on the north side. The applicant had stated that the garages would be offered to the residents of Regency Court and Park Manor. The scheme also included seating for residents at the end of the proposed garages. This application was a resubmission of a previous approval for 9 garages on the site (ref: BH2011/02570). The previous approval had now expired. The current scheme was the same as that previously approved in 2011. The main considerations in the determining the application related to the appearance of the garages in relation to the site and surrounding area, the impact of the scheme on residential amenity, highway safety and parking, impact on trees and archaeological considerations.
- (3) It was not considered that the proposal would have a significant impact on local parking, highway safety or the amenities of the occupiers of adjacent properties. It was also considered acceptable in terms of its design and appearance in relation to the existing development on site and the surrounding area. Subject to an acceptable Arboricultural Method Statement, landscaping scheme and Archaeological Programme of Works, the scheme was also deemed appropriate in terms of its impact on potential archaeological finds and trees adjacent and on the site. Approval was therefore recommended subject to the wording of Condition 6 being amended.

Questions of Officers

- (4) Councillor Simson sought clarification regarding the site location in relation to Regency Court and also to Manhattan Court which appeared to be located in closer proximity to

the proposed garage development. It was explained that the proposed development was connected to Regency Court by virtue of land ownership.

- (5) Councillor C Theobald enquired whether the garages were being provided for residents of Regency Court and it was confirmed that they were.
- (6) Councillor Mac Cafferty, the Chair sought clarification regarding the age and condition of trees on the site and attention was drawn to the comments received from the arboriculturist.
- (7) Councillor C Theobald asked whether any of the trees which provided screening between the blocks of flats and the adjacent railway line were to remove and it was confirmed that they would not. It was confirmed that conditions would be applied to ensure that they were protected during the course of the building works.
- (8) A vote was taken and on a vote of 10 with 1 abstention, the 11 Members present at the meeting voted that planning permission be granted.

177.6 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11. Condition 6 to be amended to read:

(6) No development shall commence until an Arboricultural Method Statement regarding the protection of a large Sycamore tree and other trees on the railway embankment has been submitted to, and approved in writing by, the Local Planning Authority. The statement shall be in accordance with BS5837 (2005) Trees in relation to construction and will include protection of roots. The development shall be carried out in strict accordance with the agreed details.

Reason: This pre-commencement condition is imposed because it is necessary to protect and prevent damage to the trees which are to be retained on the adjoining site, in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

Note 1: Councillor Davey was not present at the meeting during consideration of or voting on the above application

Note2: Councillor Kennedy abstained from voting in respect of the above application.

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

178.1 There were none.

179 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

180.1 Councillor Hyde referred to Application BH2014/03148, Café adjacent to Peter Pan Playground, Madeira Drive, Brighton seeking clarification as to why this had been determined under delegated authority.

180.2 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 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.]

181 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

182 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

183 APPEAL DECISIONS

183.1 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.

The meeting concluded at 5.20pm

Signed

Chair

Dated this

day of