

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00PM 12 NOVEMBER 2008****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

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

PART ONE**124. PROCEDURAL BUSINESS****124A Declarations of Substitutes**

124.1 There were none.

124B Declarations of Interest

124.2 Councillor Hamilton declared a personal but not prejudicial interest in Application BH2008/02532, The Hyde, Rowan Avenue by virtue of his connections with Mile Oak Football Club. During consideration of the item he referred to his knowledge relative to past use of the site, but abstained from voting when determining the application.

124C Exclusion of Press and Public

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

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

125. MINUTES OF PREVIOUS MEETING

- 125.1 **RESOLVED** - That the minutes of the meeting held on 22 October 2008 be approved and signed by the Chairman.

126. CHAIRMAN'S COMMUNICATIONS**Webcasting of Planning Committee Meetings**

- 126.1 The Chairman explained that following a "soft" launch meetings of the Planning Committee were to be webcast live from that afternoon. Following the success of webcasts of full Council, Cabinet and the Overview and Scrutiny Commission, Planning Committee was also to be webcast. Those 4 meetings would be used as a pilot study which would run until June 2009. Members were reminded to speak directly into their microphones and to switch them off when they had finished speaking in order to ensure that they could be heard clearly both within the Council Chamber and the Public Gallery above.
- 126.2 The Clerk to the Committee explained that correspondence sent to those wishing to make representations at meetings included information to ensure that they were aware that meetings were to be webcast and guidance was given relative to use of equipment available in the meeting room including operating instructions for the microphones.
- 126.3 **RESOLVED** - That the position be noted.

127. PETITIONS

- 127.1 There were none.

128. PUBLIC QUESTIONS

- 128.1 There were none.

129. DEPUTATIONS

- 129.1 There were none.

130. WRITTEN QUESTIONS FROM COUNCILLORS

- 130.1 There were none.

131. LETTERS FROM COUNCILLORS

- 131.1 There were none.

132. NOTICES OF MOTION REFERRED FROM COUNCIL

- 132.1 There were none.

133. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

133.1 **RESOLVED** - That the following site visits be undertaken by the Committee prior to determination:

*BH2008/02095 / 02808, Royal Alexandra Children’s Hospital Site
Development Control Manager

*BH2008/01992, Northfield, University of Sussex
Development Control Manager

*BH2008/03220, Sussex Education Centre, Nevill Avenue
Development Control Manager

*BH2007/04446 / 04452, 7 Brunswick Street West
Development Control Manager

* Anticipated as applications to be determined at the next scheduled meeting of the Committee.

134. PLANS LIST APPLICATIONS 12 NOVEMBER 2008

(i) TREES

134.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 and resolves to grant consent to fell the trees which form the subject of the applications set out below subject to the conditions set out in the report:

BH2008/03204, 51 Crescents Drives North, Brighton;
BH2008/02935, 43 Rowan Way. Rottingdean
BH2008/02705, Priory Court, Stanford Avenue, Brighton

(ii) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY : 12 NOVEMBER 2008

134.2 **Application BH2008/02586, Gala Bingo Hall and Adjacent Carpark, 193 Portland Road** - Demolition of existing building. Redevelopment of site to provide new GP surgery at part ground, part first floor, new D1 / D2 unit at ground floor and 38 residential units above in part 3, part4 and part 5 storey building including 15 affordable units (40%)/. Surface car parking and landscaping at rear. (Resubmission of withdrawn application BH 32008/00600).

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

134.4 The Planning Officer gave a detailed presentation setting out the constituent elements of the scheme and the reasons it was recommended for refusal.

134.5 Mrs Pearson spoke on behalf of local objectors stating that in their view the proposed number of units represented gross overdevelopment of the site which would result in a significant loss of amenity for neighbouring residents and would result in a poor standard of accommodation for those occupying the scheme. Mr

Zara spoke on behalf of the applicants in support of their application and referred to boards indicating the appearance and finishes of the completed scheme. In addition to much needed affordable housing the development would also provide a much needed doctor's surgery. Councillor Kemble spoke in his capacity as a local ward councillor. He supported the reasons for refusal stating that although suitable redevelopment of the site would be welcomed any development needed to be sympathetic with and of a scale which was in keeping with the surrounding area which this was not.

- 134.6 Councillor Wells sought clarification regarding the appearance of the external walkways and means by which they would provide access to the flats. Councillor Barnett sought confirmation regarding whether there would be lift access to the flats and as to whether it was of similar height and dimensions to Noble Court which was located elsewhere in Portland Road. The Planning Officer was unable to confirm details apropos that development. Councillor McCaffery sought information regarding the overall height of the side elevations and the materials to be used both generally and specifically with regard to the timber balconies which were proposed along the Portland Road frontage and would project across the walkway below.
- 134.7 Councillor Mrs Theobald sought clarification regarding the number of staff it was anticipated would work at the doctor's surgery and expressed concern that although a small number of parking spaces were proposed in association with the consulting rooms that no off street parking was proposed for those who would be residing in the development. In answer to further questions the applicant's representative confirmed that a communal space it would be possible for a communal space to be provided at ground floor level.
- 134.8 Councillor Davey considered that the development should be designated car free in that the site had good access to public transport. The site fell within an air quality management area and this would be compromised if significant additional numbers of vehicle movements and on street parking would result from the scheme. Councillor Barnett did not agree stating that parking was needed to enable those visiting the surgery and who were unwell to park close by. In her view apart from at certain "crunch" points in the day she did not consider residents parking would exacerbate the existing situation in that there was not a waiting list for permits and a number of the bays were designated for that purpose.
- 134.9 Councillor Mrs Theobald stated that in her view there was a desperate need for additional housing across the City, she considered the percentage of affordable / social housing proposed was acceptable in this instance. She had concerns regarding the level of parking proposed however and considered that the option of providing underground car parking should be proposed. She considered that the scheme was too overpowering as presented but was of the view that it might be appropriate to agree to a deferral in order to encourage the applicant to make further amendments to the scheme. The development Control manager stated that in her view the level of amendments sought was so fundamental they would require a new application to be submitted. In her view the application should be determined as presented. Councillor Mrs Theobald proposed that the application be deferred this was seconded by Councillor Barnett.

134.10 A vote was taken relative to deferral of the application but this was lost on a vote of 5 to 6 with 1 abstention. A further vote was taken and members voted unanimously that planning permission be refused on the grounds set out below.

134.11 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to refuse planning permission for the following reasons:

1. The development by reason of scale, bulk, height and mix of uses is considered to represent an overdevelopment of the site. The proposal is therefore contrary to policies QD1, QD2, QD3, QD27, HO3, H04, HO5 and H06 of the Brighton and Hove Local Plan.
2. The proposed development, by reason of its form, bulk, scale height and positioning within the site would be out of keeping with surrounding development and represents an incongruous feature that fails to respect the context of its setting. The proposal is therefore contrary to policies QD1 QD2, QD3 and QD5 of the Brighton & Hove Local Plan.
3. Policy SR21 of the Brighton & Hove Local Plan resists the loss on indoor recreation facilities except where it can be demonstrated that there is an excess of provision within the area, the facilities are to be replaced by improved facilities and that replacement facilities are in a location which is equally accessible to the users by a choice of transport modes as the existing facilities. Insufficient justification has been made to address these issues, including inadequate marketing of the premises for a similar use thereby failing to adequately account for the loss of such a facility, to the detriment of the amenities of the local population and contrary to policy SR21.
4. Policy H020 of the Brighton & Hove Local Plan resists the loss of community facilities except where it can be demonstrated that the use is incorporated or replaced in the new development, is relocated to a location which improves its accessibility to users, nearby facilities are to be improved or the site is not needed not only for the existing use but also for other types of community use. Insufficient information has been made for the loss of this element of the facility, contrary to policy, and to the detriment of the amenities of the local population.
5. The proposal would result in an unsatisfactory level of private amenity space which would be to the detriment of the living conditions of any future residents of the scheme and is contrary to policies H05 and QD 27 of the Brighton & Hove Local Plan.
6. Policy H06 of the Brighton & Hove Local Plan requires the provision for outdoor recreation space. Where it is not practicable or appropriate for all or part of the space requirement to be provided on-site, contributions to their provision on a suitable alternative site may be acceptable. The proposed communal amenity space would not be accessible for all of the residents of the development. It would be appropriate and practicable for a proportion of the outdoor recreation space to be provided on - site in this location. The proposal would thereby be

contrary to the policy, to the detriment of the amenities of the future occupiers of the properties.

7. the proposed development would by reason of its height, scale and positioning in close proximity to the northern boundary of the site lead v to a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of existing occupiers. The proposal would therefore be contrary to policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
8. The proposed development would by reason of the external walkways along the north elevation lead to a significant level of the overlooking and consequential loss of privacy to the occupiers of adjoining properties to the detriment of neighbouring residential amenity. Furthermore, the linked walkways by reason of the positioning of windows serving habitable rooms would have a detrimental impact on the amenity of future occupiers by reason of overlooking and noise and disturbance. The proposal would therefore be contrary to planning policies QD1, QD2 and Qd27 of the Brighton & Hove Local Plan.
9. The car parking by reason of its positioning in close proximity to the northern boundary of the site, together with the potential for frequent trips during the day in connection with the use of the Doctors Surgery which will lead to a significant level of noise and disturbance for neighbouring occupiers to the north and future occupiers of the proposed development. The proposal would therefore be contrary to planning policies SU10 and QD27 of the Brighton & Hove Local Plan.
10. The application proposes internal bathrooms throughout the development which would be reliant on artificial lighting and mechanical ventilation to an unacceptable level. The proposed development is therefore contrary to policy SU2 of the Brighton & Hove Local Plan.
11. Notwithstanding inaccuracies between the accompanying plans and the supporting documentation, the applicant has failed to demonstrate that the introduction of 161 square metres of A1 floor space would not have a detrimental impact on the existing town and local centres in order to ensure that the viability is not compromised. The development is therefore considered contrary to PPS 6 and policies SR1 and SR2 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos P01, P02, P03A, P04A, P05A P06B, P07D, P08D, P09D, P10C, P11D, P12D, P13D, P14A, P15C, P016E, P017C, P018C, P018C, P20 submitted on 1 September 2008.

- 134.12 **Application BH2008/02532, The Hyde Rowan Avenue, Hove** – Development of 28 sheltered residential units within one additional caretakers unit, associated support and recreational areas with private landscaped gardens.
- 134.13 It was noted that this application had formed the subject of a site visit prior to the meeting.

- 134.14 The Planning Officer gave a detailed presentation setting out the proposals referring to the history of the site and to the reasons refusal was recommended.
- 134.15 Mrs Holden spoke on behalf of neighbouring objectors including the residents association. Albeit that the open space was privately owned it had been used as such for a number of years. The proposals would result in noise, overlooking and loss of amenity and although landscaping had been promised for several years and indeed was included within an earlier planning consent hose works had yet to be carried out. Rubbish had also been allowed to accumulate on part of the site and had not been cleared. Mr Lewis spoke on behalf of the applicant in support of their application. The applicant considered that the report contained factual inaccuracies and that the was a "Brownfield" one in that part of it had been used for parking for some 12 years. Local football clubs had not used the land for a number of years although it would be possible to retain such use within part of the site. Although not designated for housing the site was not necessarily precluded from such use and the development would provide much needed accommodation for the elderly. The Local Ward Councillors had been consulted in respect of the scheme.
- 134.16 Councillor Barnett stated that it was a misnomer to refer to the proposed development as a sheltered scheme , sheltered schemes had a resident warden whereas when caretakers were provided as in this case provision would be active elderly rather than those with more far reaching needs. Councillor Carden sought clarification as to whether the development would be likely to free up Council owned family accommodation in the vicinity. The Housing Strategy Manager explained that as the accommodation would not be provided by a registered social landlord the council would not have any nomination rights to it.
- 134.17 Councillor K Norman was of the view that if it was accepted that the site was "Greenfield" land it did not preclude it being built on if the Council considered the scheme to be a suitable one. Councillor Steedman referred to the fact that the applicant had applied for a certificate of lawfulness relative to the applicant's assertion that the site was Brownfield. This had been refused and he queried why the applicant had not lodged an appeal. The applicants representative stated that as they had been engaged in pre-application discussions with the department this had not been pursued. He was also gravely concerned that it appeared that the Local Ward Councillors had been actively engaged in the consultation process relative to the scheme. Given that two of the Councillors for the Ward were present that afternoon as Members of the Committee he considered that there was a potential conflict of interest. Councillors Barnett and Smart responded that neither of them had been directly involved in matters relating to the application and had forwarded any correspondence / queries to their ward colleague, Councillor Alford. Councillors Davey and Kennedy were of the view that that the land was open space albeit private open space and that it should be retained and protected.
- 134.18 Councillor Smart stated that as the land had always been privately owned football had only ever been played there with agreement of the owners. He considered that it would be preferable for the development to be designed so that it was configured east / west but recognised that there was a need for such housing. Councillor Barnett stated that football pitches were available for use in Stoneham Park which was located very close by. She was of the view that there was a need for the type of

housing proposed and that agreement of the applicants could be obtained to ensure that all outstanding landscaping works would be carried out before commencement of the development. If the proposed balconies facing Rowan Avenue could be removed she was of the view this would address some of the issues relative to overlooking.

- 134.19 Mr Pennington Brighton & Hove Federation of Disabled People referred to the comments of the Council's access officer that the site was not fully accessible, neither did it meet lifetime homes standards. Councillors Davey, Kennedy and Steadman were of the view that the site was important as a green field site and as such should be protected. The scheme was not well designed and fell short of lifetime homes standards. They were gravely concerned that the conditions of the existing Section 106 obligation had not been met. Refusal was recommended on a number of grounds and they supported the officer's recommendations. They noted that the Council would have no nomination rights to any subsequent accommodation and notwithstanding the stated purpose of the proposal the applicant could not be compelled to reserve the accommodation for the active elderly.
- 134.20 Councillor Hamilton stated that had declared a personal but not prejudicial interest in the application by virtue of his knowledge and past involvement with junior league football in the area. To his certain knowledge the site had been used for playing junior matches over a number of years and whilst pitches were available in nearby Stoneham Park there was a shortage of junior facilities. Although the nature of the interest was not such that it was prejudicial he indicated that he would abstain from voting.
- 134.21 Councillors Barnett and Mrs Theobald were of the view that that the scheme would be acceptable if suitable minor amendments could be made to it and queried whether it would be possible to defer consideration of the report to enable to. However the Development Control Manager stated that the scheme should be considered on its merits as presented. The applicant had had the opportunity to make further amendments to the scheme and had not chosen to do so. The outstanding matters relative to the Section 106 Obligation in respect of the Lion's Gate development elsewhere on the adjoining land in the ownership of the applicant were enforceable.
- 134.22 A vote was taken and on a vote of 6 to 5 with 1 abstention planning permission was refused on the grounds set out below.
- 134.23 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of the report and resolves to refuse planning permission for the following reasons and subject to the informatives set out below :
1. The development of the site is not acceptable in principle because the land does not qualify as being previously developed and is not a site allocated for housing in the Brighton & Hove Local Plan. As such the proposal represents a departure from policy and the applicant has not provided sufficient justification for a departure from the development plan., notably policies H01 and QD20 of the Brighton & Hove Local Plan, which set out site allocations and housing targets to

seek to resist proposals that would result in the loss of areas of urban open space that are important to people because of their recreational, community and historical value ; and is contrary to the definitions of previously developed land contained in Planning Policy Statement 3 : Housing (2006).

2. Planning Policy Guidance Note 17: Planning for Sport, Open Space and Recreation, states that existing open space should not be built on unless an assessment has been undertaken which clearly shows that the land is surplus to requirements. In the absence of an independent assessment carried out by the applicant it is considered that it has not been adequately demonstrated that the land is surplus to requirements and should not be retained as open space. Planning policy S1 (L) of the east Sussex and Brighton & Hove Structure Plan 1991 - 2011 and QD230 and QD21 of the Brighton & Hove Local Plan seek to retain public and private open space and allotments except in exceptional circumstances, none of which have been identified. For these reasons the proposal is contrary to PPG17, policy S1 (L) of the East Sussex and Brighton & Hove Structure PLAN 1991 2011, and policies SR20, QD20, and QD21 of the Brighton & Hove Local Pan. Contrary to the objectives of Local Plan policies H02, H03 and H04 the proposal fails to make the most effective use of the site achieving a maximum density of 37 dwellings per hectare and with an inadequate mix of both affordable and market units that does not accord with the requirements identified in the Council's Housing Needs Survey.
3. Policy H02 of the Brighton & Hove Local Plan requires developments that are capable of producing 10 or more dwellings to provide 40% affordable housing. The proposed scheme would only provide 34.5% affordable housing. No information has been submitted to demonstrate that the scheme is not capable of providing 40% affordable housing and is therefore contrary to policy HO" of the Brighton & Hove Local Plan.
4. Policy H03 requires developments to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing need. The proposed mix of residential accommodation in the affordable sector fails to provide any one or three bedroom units. The proposal therefore fails to provide an adequate standard of accommodation to the detriment of future occupiers and the City's housing stock.
5. Policies QD6 and QD28 of the Brighton & Hove Local Plan seek provision of new public art in major development schemes, or a financial contribution towards public art, appropriate to the development. The proposal does not incorporate public art or set out the required framework for such provision off – site and is therefore contrary to policies QD6 and QD28.
6. The design, layout and appearance of the buildings is unacceptable and neither creates a sense of place, enhances the locality nor takes into account the characteristics of existing development including the form, scale and proximity of the surrounding family homes. The form, scale, massing style and external finishes of the proposed buildings are considered incongruous, plain and utilitarian and do not achieve a sufficiently high standard of design or incorporate visual or architectural features of interest that might otherwise justify a modern

approach to the development. AS such the proposal would give rise to harm to visual amenity and the character and appearance of the immediate environs and is contrary to policies QD1, QD2, QD3, and H04 of the Brighton & Hove Local Plan.

7. The proposed development would, by reason of its height, scale and positioning in close proximity to the western boundary of the site , lead to a significant overbearing effect sand increased sense of enclosure to neighbouring properties to the detriment of living conditions of existing occupiers. The proposal would therefore be contrary to policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
8. The proposed development would, by reason of its height, scale, positioning in the site, together with the internal floor layouts of flats, lead to a significant level of over looking and consequential loss of privacy to the occupiers of adjoining properties, to the detriment of neighbouring residential amenity. The proposal would therefore be contrary to policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
9. The proposal would result in a total of 68 flats (including Lions' Gate) being served by a single access point which is inadequate in terms of width and visibility , whilst allowing for minimal connectivity and site permeability and making no provision for a cohesive cycle and pedestrian network in and out of the development. The proposal is therefore contrary to policies TR8 and TR14 of the Brighton & Hove Local Plan.
10. The applicant has failed to demonstrate that the scheme would be efficient in terms of energy, water and materials and does not include any indication of sustainable design and renewable energy features in the scheme. In addition, the application proposes internal bathrooms throughout the development which would be reliant on artificial lighting and mechanical ventilation to an unacceptable level. The proposed development is therefore contrary to policy SU2 of the Brighton & Hove Local Plan and SPGBH16: Renewable Energy and Energy Efficiency in New Developments.
11. Policy H013 of the Brighton & Hove Local Plan requires new development to meet lifetime homes standards in that it can be adapted for disabled use and residents changing mobility needs in the future without the need for major structural alterations. The internal layout, communal areas and access ways do not meet the standards reasonably expected by the Council hence the proposal conflicts with the requirements of policy H013.

Informatives:

1. This decision is based on drawing nos 07675/001 Revision a; 07675/PA/002; 07675/PA/003; 07675/PA/004; 07675/PA/005; 07675/PA/006; 07675/PA/007; 07675/PA/008; AND 07675/ Design and Access submitted on 7 August 2008 and 18 August 2008

[Note: Councillor Hamilton having earlier stated that he would do so abstained from voting in respect of the above application].

- 134.24 **Application BH2008/02479, Former Flexer Sacks Building, Wellington Road, Portslade** - Change of use of all floors to mixed use development comprising ground floor - leisure (D2) and music rehearsal studios (B1) first and existing second floor – offices (1). Additional second floor to south section comprising offices (B1) and vertical circulation core (B1) to serve ground to second floors with lift motor room at roof level. Also, external refurbishment and alterations to all elevations.
- 134.25 The area Planning Manager (West) gave a detailed presentation relative to the proposed development.
- 134.26 Mr Field spoke on behalf of the applicant in support of their application. He stated that negotiations had reached an advanced stage with potential end users. Although the percentage of uses with the site would be different than previously it would result in increased employment overall and would return the site to use. Councillor Harmer –Strange spoke in his capacity as a Local Ward Councillor expressing his support for the scheme which would return the site to use and would generate employment opportunities within the locality.
- 134.27 Councillor McCaffery sought confirmation regarding servicing arrangements in respect of the site and in respect of the number of parking spaces proposed. The Traffic manager explained that although no detailed layout had been given and the number of spaces could not therefore be confirmed the applicant had indicated that 82 spaces would be provided. Councillor Smart sought clarification regarding the level of employment provided and whether this would represent any increase to that previously associated with the site. The Area Planning Manager (West) explained that B1 and B2 uses were sought, this did not include a provision for leisure use. the balance for that use was different. Councillor Carden stated that further clarification of the comments received from the East Sussex Fire and Rescue Service would have been helpful. In answer to further questions, the Solicitor to the Committee explained that matters relative to fire safety would need to be met under building control legislation.
- 134.28 Councillors Davey and Steedman were of the view that a number of matters remained to be resolved and that it was difficult to determine the application in the absence of detailed impact and other assessments.
- 134.29 Councillor Hamilton concurred with the views expressed by Councillor Harmer – Strange. He considered that the proposal was acceptable and would return the site to use whilst generating employment. Councillors Barnett, Carden Wells concurred in that view. Councillor Carden stated that the amount of time the site had lain vacant indicated that it there was no longer a demand for its original use at hat location. Councillor Mrs Theobald agreed stating the proposal would improve the appearance of the site considerably.
- 134.30 A vote was taken and on a vote of 9 to 1 with 1 abstention Minded to grant planning permission was granted on the grounds set out below. 11 Members were present when the vote was taken.

134.31 **RESOLVED** - That the Committee has taken into consideration the reasons for the recommendation set out but is minded to grant planning permission on the grounds that the proposed development would not be contrary to or compromise the policy objectives of EM11 of the Brighton & Hove Local Plan. The scheme would provide employment and bring a vacant site back into operational use. Conditions of the Section 106 Obligation to be agreed. Prior to a decision being issued the Chairman, Deputy Chairman and Opposition Spokesperson is consulted relative to details of the proposed conditions.

[**Note 1:** A vote was taken and on a vote of 9 to 1 with 1 abstention minded to grant planning permission was granted in the terms set out above].

[**Note 2:** Councillor Hamilton proposed that planning permission be granted. This was seconded by Councillor Barnett. A recorded vote was then taken. Councillors Barnett, Carden Hamilton Hyde (Chairman), McCaffery, K Norman, Smart, Mrs Theobald and Wells voted that planning permission be granted. Councillor Steedman voted that planning permission be refused. Councillor Davey abstained. Councillor Kennedy was not present when the vote was taken. Therefore on a vote of 9 to 1 with 1 abstention minded to grant planning permission was granted].

(iii) **DECISIONS ON MINOR APPLICATIONS WHICH VARY FROM THE RECOMMENDATIONS OF THE DIRECTOR OF ENVIRONMENT AS SET OUT IN THE PLANS LIST (MINOR APPLICATIONS) DATED 12 NOVEMBER 2008**

134.32 **Application BH2008/02842, 211 Old Shoreham Road** - Conversion of single dwelling to form 3 bedroom maisonette on the ground and first floors and a one bedroom flat on the second floor.

134.33 The Area Planning Manager (West) gave a presentation explaining the scheme in detail.

134.34 Mr Glasgow spoke as an objector to the scheme stating that the proposals would result in noise penetration through the common party wall and would also result in overlooking and loss of amenity. The level of parking proposed would be inadequate given that the Old Shoreham Road was subject to congestion at that point in its length. Fast moving vehicles nearby would make access / egress to and from the site problematic.

134.35 Councillor Smart sought confirmation regarding whether on street parking was permitted in that section of the Old Shoreham Road and it was confirmed that it was not. Councillor Norman requested to see lavational drawings particularly relative to the second floor of the proposed development and to ascertain whether the proposals would effect the external appearance of the building. It was confirmed that they would not as there was already a rear dormer in situ.

134.36 Councillors Davey and Steedman requested details relative to refuse and cycle storage and Mr Small enquired whether (as elsewhere in the Old Shoreham Road) garages to the rear were accessed from a shared driveway between buildings. It was confirmed that was the so. Councillor Mrs Theobald stated that she was concerned re potential noise penetration between the party wall. Councillor Smart stated that

the character of the area was predominantly of 1930's semi detached houses the proposal would result in an overdevelopment of the site in his view.

134.37 A vote was taken and on a vote of 5 to 3 with 3 abstentions planning permission was refused on the grounds set out below. 11 Members were present when the vote was taken.

134.38 **RESOLVED** - That the Committee has taken into consideration the reasons for the recommendation set out in the report but refuses planning permission on the grounds that the proposed development would not make adequate provision for private amenity space, servicing access and parking. The proposal is therefore contrary to policies H05 and TR14 of the adopted Brighton & Hove Local Plan. The applicant has also failed to demonstrate that the proposal makes provision for adequate noise insulation and the development is therefore considered to be contrary to policies QD27 and SU10 of the adopted Brighton & Hove Local Plan.

[**Note 1:** A vote was taken and on a vote of 5 to 3 with 3 abstentions planning permission was refused. 11 Members were present when the vote was taken].

[**Note 2:** Councillor Mrs Theobald proposed that planning permission be refused on the grounds set out. This was seconded by Councillor Smart. A recorded vote was then taken. Councillors Barnett, Hyde (chairman), K Norman, Smart and Mrs Theobald voted that planning permission be refused. Councillors Carden, Hamilton and Wells voted that planning permission be granted. Councillors Davey, McCaffery and Steedman abstained. Councillor Kennedy was not present at the meeting when the vote was taken. Therefore on a vote of 5 to 3 with 3 abstentions planning permission was refused].

(iv) **OTHER APPLICATIONS**

134.39 **Application BH2008/01164, 25 Roedean Crescent Brighton** - Demolition of existing dwelling and replacement with new contemporary house.

134.40 The Area Planning Manager (East) gave a presentation setting out details of the scheme.

134.41 Ms Bacheli spoke on behalf of neighbouring objectors. The proposed development would by virtue of its height, bulk and positioning within the plot result in an overbearing form of development which would result in overlooking, overshadowing and loss of amenity to the property at no 27. Mr Barling spoke on behalf of the applicant in support of their application He stated that his client had sought to provide a highly sustainable dwelling which would provide for his family's needs, and would add interest to the street scene, which was not characterised by any particular form of development. A number of letters of support had been received relative to the proposal.

134.42 Councillor Davey sought confirmation regarding the use to which the basement would be put and it was explained that in addition to parking a gymnasium and swimming pool would be located at that level within the site. Councillor Hamilton

sought clarification as to whether the neighbouring property at no 23 was in the same ownership as no 25. It was explained that it was not.

134.43 Councillor Wells stated that he considered that Roedean Crescent was not characterised by any particular architectural style and that the proposed development was acceptable.

134.44 Councillor Mrs Theobald stated that in her view the development would be ugly, too bulky, too high would be overly dominant and represented an overdevelopment which would overshadow the neighbouring property at no 27. Councillor Barnett concurred in that view.

134.45 A vote was taken and on a vote of 9 to 2 planning permission was refused on the grounds set out below. 11 Members of the Committee were present when the vote was taken.

134.46 **RESOLVED** - That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of the report and resolves to refuse planning permission for the following reasons:

1. The proposal by reason of its prominent siting, design, height bulk and massing would result in the building appearing to be incongruous and out of character and would be of detriment to the character and appearance of the street scene contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
2. The proposal, by reason of its siting height, design, bulk and massing, balconies and roof terraces, coupled with varying site levels would result in overlooking and loss of privacy to and have an overbearing impact on, neighbouring properties, and would unduly impact on their living conditions and the use and enjoyment of their private amenity space. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos VA-01-VA-08. Revision E, VA-10-VA10 - 15, Revision E, VA - 20 VA- 23 Revision E, VA30 – Revision E VA- 031 – VA-033 Revision E, VA – 34, VA - 035, Revision E and VA - 041 Revision E submitted on 10 September 2008.
2. The applicant has failed to submit full elevational details of the gallery. The applicant is advised that all elevations are required for each element of any scheme which may be resubmitted on this site in the future.

[**Note:** Councillor Kennedy was not present at the meeting when the vote was taken in respect of the above application.

134.47 **Application BH2008/02925, 49 Old Mill Close, Patcham** – Erection of a detached bungalow.

134.48 The Area Planning Manager (East) gave a detailed presentation setting out details of the scheme.

- 134.49 Mr Hopwood the applicant spoke in support of his application. He stated that having obtained outline planning permission some 4 / 5 years previously he was now seeking to develop the site to enable a member of his family to live in the additional dwelling. He stated that the plot was actually larger than its neighbours in that it was a 1½ size. He stated that the submitted site plan was out of date in that it did not show the new development of 13 houses beyond the tree line shown or a recent development of 4 further houses nearby. He also referred to the badger setts nearby which had been referred to in the officer's report stating that there had been no evidence of badger activity for some 2 years.
- 134.50 The Area Planning Manager (East) stated that outline planning permission had never been granted in respect of the site although pre-application discussions may have taken place.
- 134.51 Councillor Mrs Theobald stated that in her view the plot was too narrow to be subdivided further. Councillor Smart concurred in that view.
- 134.52 A vote was taken and Members voted unanimously that planning permission be refused for the reasons set out below. 11 members were present at that time.
- 134.53 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to refuse planning permission for the following reasons and subject to the informatives set out in the report :
1. The proposed development by virtue of its subdivision of the existing plot would be inconsistent with the pattern of existing development and detrimental to the open character of the area, contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
 2. The proposed development by reason of the location of the proposed dwelling, would disturb an active badger sett. In the absence of an ecological survey the application fails to take account of the presence of a protected species and would be likely to have an adverse impact, contrary to policy QD18 of the Brighton & Hove Local Plan and the Protection of Badgers Act 1992.
 3. No tree survey has been submitted with the application, however the proposal would be within close proximity to existing trees on the adjoining site and may result in harm during construction. The application is therefore contrary to tree protection policy QD16 of the Brighton & Hove Local Plan.
 4. The proposed dwelling would not be provided with adequate amenity space and would therefore not provide suitable living conditions for future occupiers and as such is contrary to policies QD3 and QD27 of the Brighton & Hove Local Plan.
 5. The applicant has failed to demonstrate that the proposal would incorporate adequate measures to reduce the use of raw materials, water and energy and as such would be likely to result in excessive use of these limited resources. This would be contrary to policy SU2 of the Brighton & Hove Local Plan.

6. The applicant has failed to demonstrate that the application could meet the requirements of lifetime homes standards, contrary to policy H013 of the Brighton & Hove Local Plan.

[**Note:** Councillor Kennedy was not present at the meeting when voting took place in respect of the above application].

- 134.54 **Application BH2007/04160, Land to the rear of 49 / 49a Downs Valley Road, Woodingdean** – Erection of 2 storey dwelling with attached garage.
- 134.55 The Area Planning Manager (East) gave a presentation setting out details of the proposed scheme.
- 134.56 Councillor Wells stated that he considered that the feasibility of using the sum of £2,000 required by informative 2 to fund either an improved sustainable transport infrastructure or towards funding a study to consider local measures to improve road safety should be explored. The Traffic Engineer present confirmed that there would be no objection to this in principle. Members concurred in that view.
- 134.57 A vote was taken and Members voted unanimously that planning permission be granted in the terms set out below. 11 Members were present when the vote was taken.
- 134.58 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and subject to the conditions and informatives set out.

Condition 2 to be amended as follows:

“The applicant is advised that the requirements of condition 3 maybe satisfied by the completion of a Unilateral Undertaking or Agreement under Section 106 of the Town and Country Planning Act 190 to provide £2,000 to fund either improved sustainable transport infrastructure in the vicinity or towards funding for a study to consider local measures to improve road safety.

[**Note:** Councillor Kennedy was not present at the meeting when voting took place relative to the above application].

- 134.59 **Application BH2007/04462, Royal Alexandra Hospital Site, 57 Dyke Road, Brighton** - Conservation Area Consent for demolition of existing buildings (former children’s hospital).
- 134.60 The Planning Officer gave a detailed presentation setting out the reasons for refusal had an appeal against no n determination not been lodged by the applicant. It was further explained that further applications relative to the site by the same applicant were anticipated as coming forward for consideration at the next scheduled meeting of the Committee. The Committee would be asked to determine those at that time. There were currently no acceptable plans for redevelopment of the Royal Alexandra Hospital site. The approval of conservation area consent for demolition of the

existing buildings on the site would therefore be premature and would potentially result in the creation of a gap site that would be harmful to the character and appearance of the conservation area. For this reason it was recommended that conservation area consent would have been refused had the applicant not appealed against non – determination.

- 134.61 Mr Sutcliffe-Smith spoke on behalf of the applicants in support of their application stating that further applications were due to be considered at a future meeting of the Committee and he hoped to establish that in principle demolition of the existing buildings would be supported if a scheme was brought forward which Members were happy with.
- 134.62 Mr Small CAG stated that he was very concerned that “in principle” approval to demolition of the existing buildings was not given in advance of a suitable scheme being brought forward. In answer to questions of Councillor Smart, the applicant’s representative explained that their general preference would always be for to place a new build scheme on any given site although they had explored the feasibility of using the envelope of the existing main hospital building.
- 134.63 Councillor Steedman enquired whether it would be possible to add a further reason for refusal. However, the Solicitor to the Committee stated that it was important that any reasons for refusal put forward were robust and could be rigorously defended at appeal.
- 134.64 Councillor Davey enquired as to whether or not the comments received from the District Valuer relative to lack of viability of a scheme in which the main hospital building was retained were accepted. Councillor McCaffery stated that she was very concerned if the Committee were placed in the position of agreeing in principle to demolition of buildings currently on site in the absence of a suitable replacement scheme. The Development Control Manager explained that notwithstanding that the view of the District Valuer had been sought Officers’ were of the view that in the absence of a scheme which was considered acceptable it would be premature to give conservation area consent for demolition of the existing buildings on site. The Committee would have the opportunity to form a view relative to the further schemes which were due to come forward in respect of the site
- 134.65 A vote was taken and Members voted unanimously that they would have refused conservation area consent for the reasons set out below. 11 Members were present when the vote was taken.
- 134.66 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons set out in the report and resolves that the Local Planning Authority would have refused conservation area consent for the reasons set out below, had an appeal against non-determination not been lodged by the applicant:
1. Policy HE8 of the Brighton & Hove Local Plan states that demolition in conservation areas will not be considered without acceptable detailed plans for the sites development. In the absence of an approved planning application for the redevelopment of the site the demolition of the existing buildings would be premature and result I the creation of a gap site that would fail to preserve or

enhance the character or appearance of the Montpelier and Clifton Hill Conservation Area and adjoining West Hill Conservation Area.

Informatives:

1. This decision is based on supporting statements (Boyer Planning & David Lewis Associates) and drawing nos. 7964 FE AS00 C, 602E & 604 E submitted 30 November 2007; and drawing nos 7964 PL 15, & 115 submitted 11 December 2007.

[**Note:** Councillor Kennedy was not present at the meeting when the vote was taken relative to the above application].

- 134.67 **Application BH2007/04446, 7 Brunswick Street West, Hove** - Insertion of new windows to front and rear ground floor (part retrospective). Amended scheme.
- 134.68 It was noted that consideration of the above application had been deferred pending confirmation on matters relating to ownership of part of the site.
- 134.69 **RESOLVED** - That the position be noted.
- 134.70 **Application BH2007/04452, 7 Brunswick Street West, Hove** - Insertion of new windows to front and rear ground floor (part retrospective) Amended scheme.
- 134.71 It was noted that consideration of the above application had been deferred pending confirmation on matters relating to ownership of part of the site.
- 134.72 **RESOLVED** - That the position be noted.
- 134.73 **Application BH2008/02440, Tudor Cottage 263 London Road, Brighton** - Demolition of existing dwelling and garage and erection of four storey apartment building containing 7 flats.
- 134.74 It was noted that this application had formed the subject of a site visit prior to the meeting.
- 134.75 The Area Planning Manager (West) gave a detailed presentation relative to the proposals.
- 134.76 Councillor Norman sought details relative to the proposed boundary wall treatment. Councillor Smart also requested information regarding the height and proposed finishes. It was explained that a rendered finish would be used with brick piers, this would replicate the existing adjacent walls. Councillor McCaffery sought information regarding the distance of the proposed parking area from the London Road, relative to distances between the proposed development and neighbouring properties and relative to the appearance of the proposed balconies and materials to be used in their construction.
- 134.77 Mr Small CAG stated that in his view the Tower Gate building should be retained it had clearly been built prior to creation of the surrounding conservation area and would not have been included in it had it not been considered of merit. In his view

the existing building should be retained, the proposed replacement block of flats would be out of keeping with neighbouring properties.

134.78 Mr Small CAG also enquired regarding the roofing materials proposed. It was understood that artificial slate would be used. Mr Small was of the view that such materials would not sit well within the roof slope proposed by virtue of their depth and how this would appear in profile. Councillors K Norman and Wells concurred in that view considering that either clay tiles or traditional slate should be used.

134.79 Councillor Mrs Theobald sought confirmation that the existing trees on site would be retained. It was explained that they would. Several of the Hollies and maples trees located at the north east corner of the site could be effected by the building works but would not be compromised provided their roots were protected during the building works.

134.80 A vote was taken and on a vote of 6 to 3 with 1 abstention planning permission was granted in the terms set out below. 10 Members were present when the vote was taken.

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

[**Note:** Councillors Davey and Kennedy were not present at the meeting when the vote was taken].

134.82 **Application BH2008 /01036, Tudor Cottage, 263 London Road, Brighton -** Conservation Area consent for proposed demolition of existing dwelling and garage.

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

134.84 A vote was taken and on a vote of 6 to 1 with 3 abstentions conservation area consent was granted in the terms set out below.

134.85 **RESOLVED-** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant conservation area consent subject to the conditions and informatives set out in the report.

[**Note:** Councillors Davey and Kennedy were not present at the meeting when the vote was taken].

134.86 **Application BH2008 / 02529, 1 – 2 Clifton Hill, Brighton –** Alterations to existing boundary walls and railings with access to new hard standing.

134.87 A vote was taken and on a vote of 7 with 3 abstentions listed building consent was granted in the terms set out below. 10 Members were present when the vote was taken.

134.88 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendations set out in paragraph 8 of the report and resolves to grant listed building consent subject to the conditions and informatives set out in the report.

[**Note:** Councillors Davey and Kennedy were not present at the meeting when the vote relative to the above application was taken.]

134.89 **Application BH2008/02813, 1 Clifton Hill, Brighton** – Alterations to boundary wall and railings of no 1 with access to hard standing.

134.90 A vote was taken and on a vote of 9 with 1 abstention planning permission was granted in the terms set out below. 10 Members were present when the vote was taken.

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

[**Note:** Councillors Davey and Kennedy were not present at the meeting when the vote relative to the above application was taken].

134.92 **Application BH2008/02814, 2 Clifton Hill, Brighton** - Alterations to boundary wall and railings of No1 with access to hard standing.

134.93 A vote was taken and on a vote of 5 to 3 with 2 abstentions planning permission was granted in the terms set out below. 10 Members were present when the vote was taken.

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

[**Note:** Councillors Davey and Kennedy were not present at the meeting when the vote was taken relative to the above application].

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

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

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

[**Note 2 :** A list of representations, received by the Council after the Plans List reports have been submitted for printing, was circulated to Members on the Friday preceding

the meeting (for copy see Minute Book). Where representations were received after that time they would be reported to the Chairman and Deputy Chairman and it would be at their discretion whether these should (in exceptional cases), be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee held on 23 February 2005.

135. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST

135.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination:

* BH2008/02095 / 02808, Royal Alexandra Children's Hospital Site

Development Control Manager

* BH2008/01992, Northfield, University of Sussex

Development Control Manager

* BH2008/03220, Sussex Education Centre, Nevill Avenue

Development Control Manager

* BH2007/04446 / 04452, 7 Brunswick Street West

* Anticipated as applications to be determined at the next scheduled meeting of the Committee.

136. TO CONSIDER AND NOTE THE CONTENT OF THE REPORT DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY

136.1 The Committee noted those applications determined by Officers during the period covered by the report.

137. APPEAL DECISIONS

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

138. NEW APPEALS LODGED

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

139. INFORMATION ON INFORMAL HEARINGS AND PUBLIC INQUIRIES

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

The meeting concluded at 7.25pm

Signed

Chair

Dated this

day of