

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 6 JUNE 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hawtree (Chair), Summers (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Bowden, Cobb, Gilbey, Hamilton, Jones, Mac Cafferty, C Theobald and Wells

Officers in attendance: Jeanette Walsh, Head of Development Control, Nicola Hurley, Area Planning Manager (West), Jason Hawkes, Planning Officer, Steven Shaw, Principal Transport Planning Officer, Hilary Woodward, Senior Lawyer and Ross Keatley, Democratic Services Officer.

PART ONE

1. PROCEDURAL BUSINESS

1a Declarations of substitutes

1.1 Councillor Bowden was substituting for Councillor Davey.

1b Declarations of interests

1.2 Councillor Gilbey explained that, in relation to item 5 on the Agenda, the proposed deed of variation relating to Portslade Aldridge Community Academy, she had previously made public her support for the level of highway contribution which was now recommended to be reduced. She was; however, satisfied that she could consider the report afresh and remain present during the discussion and vote.

1c Exclusion of the press and public

1.3 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.

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

2. MINUTES OF THE PREVIOUS MEETING

2.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 16 May 2012 as a correct record.

3. CHAIR'S COMMUNICATIONS

3.1 The Chair welcomed the new Committee Members and Deputy Chair for the new Municipal year, and highlighted that the Committee was currently trialling a new layout and he would be grateful for any feedback.

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

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

Application:	Requested by:
BH2012/00935 – 41 Wayland Avenue	Councillor Carol Theobald.
BH2012/00782 (Former Ice Rink) 11B and 11, Queens Square, Brighton	Jeanette Walsh - Head of Development Control

5. PORTSLADE ALDRIDGE COMMUNITY ACADEMY: VARIATION TO S106

5.1 Request for a variation of s106 dated 27 January 2012 signed in association with BH2011/02824.

5.2 The Planning Officer, Jason Hawkes, introduced the report and highlighted that the application related to the Portslade Aldridge Community Academy (PACA), and that the s106 agreement had secured a contribution for sustainable transport provision. Since the agreement had been signed the applicant had identified errors in their calculations, and a lower contribution was now being sought to reflect the amended calculations that anticipated a reduced impact. The Officer recommendation was to allow the variation to the s106 agreement.

5.3 Councillor Carol Theobald asked for more information on what infrastructure the funding would be used for, and it was explained that it was for bus passenger waiting facilities.

5.4 Councillor Cobb expressed her concern that the figures had been wrong, and asked what evidence had been provided to demonstrate that the figures were now correct. In response it was explained that the error related to the estimated number of trips; and it was now anticipated there would be less than originally calculated. Councillor Cobb went on to ask how the reduction in figures might affect the bus stop improvements, and in response it was explained that it might not be possible to cover as many stops as originally envisaged.

- 5.5 Councillor Carden asked if this might affect specific stops on Chalky Road, and it was highlighted that Officers could not be specific, but it was likely that the bus stops closest to, and directly linked to, the site were most likely to be improved.
- 5.6 Councillor Carol Theobald highlighted that she felt the original figure was excessive, and that the variation was much more reasonable, as such, she would support the Officer recommendation.
- 5.7 On a vote of 11 in favour with 1 abstention the request for a variation of the s106 agreement was granted.
- 5.8 **RESOLVED** – That the Committee resolves to allow the completion of a variation to the s106 planning agreement dated 27 January 2012 relating to Portslade Aldridge Community Academy, Chalky Road, Portslade, in accordance with the proposed heads of terms set out in section 8 of the report.

6. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

(i) MINOR APPLICATIONS

A. BH2012/00982 189 Kingsway

- (1) Erection of 5no houses facing Kingsway in five storey terrace with basement and roof terrace and separate five storey building with basement facing Sackville Gardens consisting of 2no flats and 2no maisonettes, all with underground parking accessed from Sackville Gardens.
- (2) The Area Planning Manager (West), Nicola Hurley, drew Members attention to the Late List, and gave a presentation detailing the scheme set out in the report by reference to plans, photographs, elevational drawings and concept drawings. The scheme was located in the Sackville Gardens Conservation Area, and it was noted a scheme on the neighbouring site at 191 Kingsway had been recommended for approval, but refused by the Committee in April 2012. A previous application on this site had been refused under delegated powers, and the plans were largely the same with some changes to the west elevation and widening of the basement car park access.
- (3) Given the range of building designs on this part of the Kingsway the contemporary design was considered appropriate; however, concern was raised in relation to the number of floors, and the overall design of the upper floors as it was felt the visual transition between the proposed and existed building was jarred. There was concern about the footprint of the proposed development, which sat directly on the footway on the corner of the Kingsway and Sackville Gardens, and that it would create a visually dominant structure that would be unfamiliar to the area. It was also noted that the upper three floors were particularly dominant; and the window placement could prejudice the redevelopment on the neighbouring plot at 191 Kingsway. The application was recommended for refusal for the reasons set out in the report.

Public Speakers and Questions

- (4) Mr Coleman spoke in objection to the scheme, and explained that as the developer at 191 Kingsway there was no objection to the redevelopment of the site in principle, but it was felt that the proposed placement of the windows would create a loss of amenity to the property at 191 Kingsway. It was felt that the barrel design of the roofs was poor in the context of other buildings on the Kingsway, and the proposed scheme would relate poorly to the surrounding buildings. Mr Coleman asked that the Committee refuse the application.
- (5) Mr Barling spoke for the applicant, and noted the architect, Professor Phillips, would be able to answer any queries in relation to design. Mr Barling referenced the National Planning Policy Framework (NPPF), and highlighted that applications should not be refused on design grounds because they did not relate to the surrounding area unless there were concerns in relation to the heritage of the area. Mr Barling noted that no concerns had been expressed by the Heritage Team at the Council in the report, and went on to state his belief that the comments of the Heritage Officer were opposite to those of the Case Officer.
- (6) Councillor Cobb asked about the gap between the proposals at 189 & 191 Kingsway; Professor Phillips responded that the whole of the seafront in the city was defined, in design terms, by gaps, and it was felt this was essential in the design.
- (7) In response to a query from Councillor Hyde it was confirmed that the plot had been vacant since 2006.

Questions for Officers, Debate and Decision Making Process

- (8) In response to a query from Councillor Carol Theobald Officers were able to confirm that the proposed development would be slightly lower than the maximum height of the former building on the site.
- (9) Councillor Hyde noted that she liked the design of the building and felt that redevelopment would be better than allowing the site to stay vacant. She stated that it was not ideal to have the bulk at the corner of the Kingsway and Sackville Gardens, but there were other examples of this in the area. The scheme would achieve the sustainability criteria, and the NPPF should take precedence over older style local plans.
- (10) Councillor Carol Theobald and Councillor Wells agreed with the comments made by Councillor Hyde, and stated that the proposals were more favourable than allowing the site to remain vacant.
- (11) The Senior Solicitor, Hilary Woodward, noted that older style plans were still relevant so far as they were consistent with the NPPF, and this consistency was outlined in the report.
- (12) Councillor Summers stated her view that development should not take place simply because the site was vacant, and there was room for a better design to come through

at the site. She felt the design was too top heavy, and did not account for redevelopment at 191 Kingsway.

- (13) Councillor Mac Cafferty highlighted the need for good design and good planning, and stated that this scheme was not good design and would not enhance the character and appearance of the area, as such; he would support the Officer recommendation.
- (14) The Head of Development Control, Jeanette Walsh, noted that the reasons for refusal did not relate to the height.
- (15) A vote was taken and the twelve Members present voted that planning permission be refused on a vote of 6 to 5 with one abstention.

6.1 **RESOLVED** – That the Committee has taken into consideration and agreed with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the following reasons:

1. The site occupies a prominent position of the seafront and is within the Sackville Gardens Conservation Area. The proposed terrace, by virtue of:

- a) its position set directly on the Sackville Gardens street frontage with no visual set back,
- b) the poor architectural style, bulk and detailing of the upper floors, including the barrel vaulted roofline,
- c) the excessive number of floors (6) in relation to the adjacent seafront buildings within the Conservation Area,

fails to respect the scale, general development pattern and predominant character of the Sackville Gardens Conservation Area and its significance as a heritage asset. Further, the proposed windows in the west elevation and the 0.5m separation to the west boundary fails to take into consideration the future redevelopment of the adjacent site at 191 Kingsway, in particular the visual relationship. For these reasons the proposal is considered to be contrary to policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan which aim to ensure that development preserves or enhance the character or appearance of Conservation Areas and local characteristics.

Informative:

- 1. This decision is based on the Planning, Design, Access and Heritage Statement received on the 17th January 2012; the Density Statement, Lifetimes Homes Checklist, Sustainability Checklist, Noise Assessment and 'breglobal' pre-assessment and drawing nos. ST.01 – ST.05, ST.09A, ST.09B, ST.09C, ST.10A, ST.10B, ST.10C, ST.11A, ST.11B, ST.11C, PLANS LIST – 06 JUNE 2012 ST.12AA, ST.12CA, ST.13A, ST.13B, ST.13C, ST.14 – St.20A, St.21 – ST.35, ST.37 & ST.39 received on the 30th March 2012; amended drawing nos. ST.06 rev A & ST.07 rev A received on the 11th May 2012; the supporting letter from Dean Wilson LLP received on the 16th April 2012; drawing nos ST.12BA & ST.38 received on the 18th May 2012; drawing nos. ST.06B, ST.07B & ST.08B received on the 17th May 2012; and drawing nos. ST.20 rev A & ST.36A received on the 22nd May 2012.

B. BH2011/03483 52 Church Road

- (1) Change of use from office accommodation (A2) to restaurant/bar (A3/A4) including rear extraction flue and proposed air conditioning units on east elevation.

Questions for Officers, Debate and Decision Making Process

- (2) Councillor Carol Theobald noted that the Police had recommended granting a temporary consent for a 12 month period, and it was her view that this was a good idea given the proposed late operation hours of 0200 on Saturdays. It was highlighted that Officers had not included this in the recommendation as it was felt it would be unreasonable for the applicant to change the whole outlay of the premises for a consent period of only 12 months. It was highlighted that Members could propose an amendment in relation to the operating hours.
- (3) Both Councillor Cobb and Councillor Hyde highlighted that the premises would also have to receive consent through the Licensing regime, and the Police concerns could be raised at this point. Officers noted that if shorter hours were granted through the planning regime then the planning hours of operation would prevail.
- (4) Councillor Bowden noted that the premises would be largely a food venue, and did not expect that there would be many people visiting solely to drink. He stated that he did not feel the 12 month consent was necessary and would support the Officer recommendation.
- (5) A vote was taken and planning permission was granted on a vote of 11 to 1.

- 6.2 **RESOLVED** – That the Committee has taken into consideration and agreed with the reasons for the recommendation set out in the policies and guidance in section 7 of the report, and resolves that it is **MINDED TO GRANT** planning permission subject to no new additional representations and subject to the conditions and informatives set out in the report.

C. BH2012/000195 Flat 6 Courtenay House Courtney Terrace

- (1) Extension of flat and associated alterations including removal of water tank enclosure, installation of roof lantern and alterations to fenestration.
- (2) The Area Planning Manager (West) gave a presentation for application BH2012/00195 for full planning permission and Application BH2012/00196 for listed building consent detailing the schemes by reference to elevational drawings, plans and photographs. The applications related to the extension of the upper floor, the removal of the water tank enclosure and alterations to the existing windows. The existing extension was added in 1922, and therefore the features were not original; the proposals would extend the top storey flat, remove the raised section and reduce the height. The proposals sought improvements to the windows to make them more in-keeping with the rest of the building, and there would be no loss of light or overlooking. Both applications were recommended for approval for the reasons set out in the reports.

(3) Of the twelve Members present it was unanimously agreed that Planning Permission be granted.

6.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in 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 the report.

D. BH2012/000196 Flat 6 Courtenay House Courtney Terrace

(1) Extension of flat and associated alterations including alterations to layout, removal of water tank enclosure, installation of roof lantern and alterations to fenestration.

(2) Of the twelve Members present it was unanimously agreed that Listed Building Consent be granted.

6.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the policies and guidance in section 7 of the report and resolves to **GRANT** listed building consent subject to the conditions and informatives set out in the report.

E. BH2012/00997 51 Wilbury Crescent

(1) Extension to roof incorporating raising of the ridge height, roof lights to front, rear and side, first floor rear extension, revised fenestration.

(2) The Area Planning Manager West gave a presentation detailing the scheme by reference to plans, photographs and elevational drawings. Planning permission was sought for a roof extension to raise the roof height by adding a new pitched roof. The application site was currently between two properties with higher pitch lines, and the extension would create a steady and gradual roof height consistent with the properties on the street. Both of the neighbouring properties were detached; the top floor window of no. 53 would be affected but it was felt this would not be detrimental, and the proposals would not affect the character or appearance of the street scene. The application was recommended for approval for the reasons set out in the report.

Public Speakers and Questions

(3) Mr Peacock spoke in objection to the proposals and stated his view that were errors in the information contained in both the report and the Late List, and he felt the proposals ignored the 45 degree rule. He stated that the proposals would create a harmful loss of light to his property, to the extent that it would be necessary to constantly use lighting in the kitchen. He went on to state that the scheme could be achieved differently, without the impact on his property, and asked that the decision be postponed to correct the errors, or refused in its entirety.

(4) Mr Wanless spoke in support of the application, as the applicant, and highlighted that the scheme sought to replace the three flats roofs with a pitched roof, and a pitched roof had been chosen rather than a gable ended one to minimise the loss of the light to

the neighbouring properties. He stated that the effected windows of the neighbouring properties were secondary in nature, and it was his view that the information in the report was correct; in summary Mr Wanless asked the Committee to support the Officer recommendation.

(5) In response to a query from Councillor Carol Theobald Mr Wanless explained that acoustic installation would be installed as recommended by the Environmental Health Officer.

(6) Of the twelve Members present it was unanimously agreed that Planning Permission be granted.

6.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set in the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the conditions and informatives in the report.

F. BH2012/01257 27-29 Pembroke Crescent

(1) Application for removal of condition 8 of application BH2011/02434 which states that the development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

(2) The Area Planning Manager (West) gave a presentation detailing the scheme by reference to plans and photographs. It was highlighted that a previous application had been appealed on the grounds of non-determination and the Committee had been asked to indicate how they would have voted had the application been brought before them; the Committee had determined that it would have approved the application. The site was located within a controlled parking zone (CPZ) and the location was considered to be sustainable. The applicants' case for the removal of the condition related to the previous use at the site when it had been a residential care home; that two staff parking permits had been rescinded; there was no waiting list in the CPZ and there was an existing ambulance bay that was no longer needed. The Traffic Regulation Order (TRO) had not been amended to remove the ambulance bay, and it was highlighted that the policy (HO7) was not demand driven, and therefore the lack of waiting list was not a relevant consideration. Lastly the applicant had not been able to demonstrate that the site was not in a sustainable location. The application was recommended for refusal for the reasons set out in the report.

Public Speakers and Questions

(3) Mr Bareham spoke on behalf of the applicant and explained that the properties were being converted back into two family homes, and it would be difficult to market the properties without the provision of parking. Mr Bareham went on to argue that the availability of parking permits in the CPZ should be a consideration as parking would not harm amenity in the area, and this was confirmed by the lack of any local objections to the application. It was also argued that the notional usage would be

approximately halved from when the properties had been a residential care home as there had been staff permits, visitors and the existing ambulance bay. Mr Bareham also stated that the policy was made approximately 10 years ago when there had been a demand for high density housing, but the scheme in question related to a much smaller development of two residential units.

Questions for Officers, Debate and Decision Making Process

- (4) The Area Planning Manager (West) highlighted that Policy HO7 did not set a threshold for high density.
 - (5) Councillor Cobb asked questions in relation to the removal of the ambulance bay through a TRO. In response it was explained that this would be dealt with through a different process and did not fall within the remit of the Committee.
 - (6) In response to query from Councillor Hyde it was explained that if the Committee were to grant the application than residents would be able to apply for a parking permit for use anywhere within the CPZ.
 - (7) In response to query from Councillor Bowden it was explained that there was another residential care home across the road, but they had no objections to the removal of the ambulance bay.
 - (8) Councillor Gilbey asked specific questions in relation to the rescinded staff permits, and it was explained that no weight was given to the argument that there used to be staff permits as these had been rescinded.
 - (9) Councillor Hyde highlighted that the scheme was for new family homes and it was most likely that families would need to own a car. She stated that the Committee had previously indicated it would grant the application and she saw no reason that this position should change.
 - (10) Councillor Hamilton noted that there nearest free parking was a considerable distance away, and although the site was deemed to be in a sustainable location this did not completely negate the need for the residents to own a car.
 - (11) Councillor Jones stated that there were often circumstances when it was necessary for residents to own a car.
 - (12) On a vote of 11 to 1 planning permission was granted. Councillor Hyde proposed reasons that the application be granted and these were seconded by Councillor Carol Theobald. A recorded vote was then taken. Councillors Summers, Hyde, Carden, Cobb, Bowden, Gilbey, Hamilton, Jones, Carol Theobald, Wells and Hawtree voted that planning permission be granted. Councillor MacCafferty voted that planning permission be refused.
- 6.6 **RESOLVED** – That the Committee has taken into consideration the recommendation but resolves to **GRANT** planning permission for the reasons set out below.

1. Parking permits are available and there is no waiting list. The proposed development is for family homes where vehicles are likely to be used. The proposed use is likely to be less car intensive than the former use.

G. BH2012/00935 41 Wayland Avenue

- 6.7 **RESOLVED** - That consideration of the above application be deferred pending a site visit.

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

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

Application:	Requested by:
BH2012/00935 – 41 Wayland Avenue	Councillor Carol Theobald.
BH2012/00782 (Former Ice Rink) 11B and 11, Queens Square, Brighton	Jeanette Walsh - Head of Development Control

8. APPEAL DECISIONS

- 8.1 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.

9. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

10. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

11. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

12.1 **RESOLVED** – That those details of applications determined by the Strategic Director of Place under delegated powers be noted.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Strategic Director of Place. The register complies with legislative requirements.]

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

The meeting concluded at 15.58

Signed

Chair

Dated this

day of