

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 31 OCTOBER 2012**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

**Officers in attendance:** Jeanette Walsh, Head of Development Control; Claire Burnett, Area Planning Manager (East); Shannon Waaldijk, Area Planning Manager (West), Pete Tolson, Principal Transport Planning Officer; Clare Gibbons, Senior Planning Officer; Alison Gatherer, Lawyer and Ross Keatley, Democratic Services Officer.

**PART ONE**

**89. PROCEDURAL BUSINESS**

**89a Declarations of substitutes**

89.1 Councillor Bowden was present in substitution for Councillor Phillips.

**89b Declarations of interests**

89.2 There were none.

**89c Exclusion of the press and public**

89.3 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.

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

**90. APPOINTMENT OF DEPUTY CHAIR**

90.1 **RESOLVED** – That Councillor Jones be appointed as Deputy Chair for the remainder of the 2012/13 Municipal Year.

**91. MINUTES OF THE PREVIOUS MEETING**

- 91.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 19 September 2012 as a correct record.

**92. CHAIR'S COMMUNICATIONS**

- 92.2 There were none.

**93. PUBLIC QUESTIONS**

- 93.1 The Chair noted that one written question had been submitted for the meeting, and invited Ms Paynter to come forward and put her question to the meeting.
- 93.2 Ms Paynter asked the following question: 'For a few years now Planning Forum meetings have been held to which those submitting a lot of planning applications are invited. The Council website provides Minutes for these meetings. May I ask why no Minutes have been uploaded for the last meeting in 2010 or for any of the 2011 or 2012 meetings listed there.'
- 93.3 The Chair thanked Ms Paynter for her question and gave the following response: 'In October 2010 the format of the Planning Forum changed to become more focused on professional training. The change took place as a result of discussion and agreement with the professionals who attend that Forum.

A smaller group called the **Technical Forum Working Group** was set up to deal with operational issues and they help to set the agenda for presentations at wider Planning Forums and also feedback on their work with the Local Planning Authority to the Planning Forum.

The last set of Planning Forum minutes were 13<sup>th</sup> July 2010. All the previous minutes are available on the Information for Professionals page - <http://www.brighton-hove.gov.uk/index.cfm?request=c1216034>

The next meeting on 5<sup>th</sup> October 2010 was the first of the new arrangements and it involved a presentation from the Building Research Establishment (BRE). From this point forward the presentations to the Planning Forum were uploaded onto the website (at the bottom of the Information for Professionals page): <http://www.brighton-hove.gov.uk/index.cfm?request=c1220395>

The minutes of the smaller **Technical Forum Working Group** are also uploaded onto the website (at the bottom of the Information for Professionals page) <http://www.brighton-hove.gov.uk/index.cfm?request=c1199528>'

- 93.4 Ms Paynter asked the following supplementary question: 'Is this information provided to Councillors in written form; for example in agendas?'
- 93.5 The Chair stated that: 'Planning Committee was one part of a larger process.' A response would be provided in full to Ms Paynter.

**94. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

94.1 There were none.

**95. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS****Major Applications****A. Unit 7b & 7c Victoria Road Trading Estate, Victoria Road, Portslade - Planning Permission** - Temporary change of use from warehouse (Class B8) to climbing wall centre (Class D2) for a period of 5 years. Associated external alterations including addition of extract fans and access ramps.

(1) The Senior Planning Officer, Clare Gibbons, gave a presentation by reference to photographs, plans, elevational drawings and concept images, and updated the Committee that the applicant had now agreed to the proposed conditions of the s106 agreement and amended the application for the temporary change of use from 5 years to 10. The application sought permission for a temporary change of use of two of the units to be used as a climbing wall centre. Portslade Town Hall was to the north of the site, and there was access from Victoria Road into the industrial estate. There was an existing planning permission to allow the warehouse to be subdivided into 3 units which had not been implemented, and photographs were used to show that the warehouses were in a good state of repair and had recently been refurbished. The proposed climbing walls would be custom made to fit into the contours of the building, and there would be an office and other ancillary use at the front of the building. There would be minimal changes made to the front of the building, and these included ramps for disabled access, and the installation of fans to allow for fresh air, but not for mechanical plant. Although the site was within the Victoria Road Industrial Estate and the use should be primarily industrial; there was evidence to show that the site had been vacant since 2009 and had been properly advertised. It was noted that there was temporary permission also granted at a Newtown Road site and if this went ahead there would be a significant loss of warehouses, but with this application the Council was satisfied that the applicant would not be progressing the Newtown Road site, and were satisfied with the amendment of Condition 2 to allow the temporary permission for 10 years. The recommendation was to be minded to grant for the reasons set out in the report.

**Questions for Officers**

- (2) Councillor Hyde asked questions in relation to the site at Newtown Road, and it was explained that the applicant was no longer interested in this site, and did not have any control in regards to the use. Councillor Cobb highlighted another site that she believed had permission and it was stated they this related to an overall use that was not tied to a climbing wall.
- (3) In response to a query from Councillor Mac Cafferty it was clarified that the proposed loss of industrial space was approximately 1600 sq metres.

- (4) Councillor Davey asked for more information on why the unit had not been let in its currently use, and in response it was explained that Officers had also looked into this matter and had drawn conclusions that the local demand was for either larger or smaller units, although it was difficult to say with certainty.
- (5) Councillor Bowden stated that it was better to give permission for this use than allow the site to remain empty, and in response it was highlighted that it was healthy for the city to have a proportion of its business units empty to allow businesses to move between premises.
- (6) In response to a query from Councillor Cobb it was explained that the proposed business would employ 15 staff.

**Debate and Decision Making Process**

- (7) Councillor Mac Cafferty highlighted the importance of holding onto employment land in the city, but went on to note that this site had been vacant for almost 4 years and the application would provide much needed sporting facilities for the city. For these reasons he stated he would be voting in support of the Officer recommendation.
  - (8) Councillor Hamilton stated that this site had been out of use longer than the one in Newtown Road.
  - (9) Councillor Carol Theobald stated that the site had been out of use for a long time; she could see no objections to the application, and would be voting in support.
  - (10) Councillor Carden noted that the Newtown Road site had once been a paperworks and it was his view that this site was more suitable as there was less risk in relation to chemical contamination.
  - (11) Councillor Hyde stated that the city lacked sporting facilities, and hoped the application could provide some regeneration to the area.
  - (12) Councillor Jones noted that people currently travelled out of the area to use climbing facilities, and this was an excellent initiative that he would support.
  - (13) A vote was taken and planning permission was unanimously granted.
- 95.1 **RESOLVED** – That the Committee has taken into consideration, and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to the Conditions and Informatives in the report.

**Minor Applications**

**B. Unit 7a Victoria Road Trading Estate, Victoria Road, Portslade - Planning Permission** - Alterations to facilitate subdivision and create smaller warehouse including replacement of loading bay door with new pedestrian entrance and windows to front elevation.

(1) A vote was taken and planning permission was unanimously granted.

95.2 **RESOLVED** – That the Committee has taken into consideration, and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**C. 19a & Workshop 19a Bath Street, Brighton - Planning Permission** - Construction of mansard roof with front and rear dormers to form an additional floor, alterations to fenestration to front and rear elevations, installation of glass balustrade to rear roof terrace and associated works.

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

(2) The Area Planning Manager (East), Claire Burnett, introduced this application and gave a presentation by reference to photographs, plans and elevational drawings. The application site was on the south side of Bath Street; was in a mainly residential area and in the Westhill Conservation Area. The existing building was a 2 storey building with residential accommodation on the first floor and a disused garage on the ground floor. The ground at the rear was unusual as it dropped considerably and there was a terrace area above the existing garage on the ground floor. The application sought permission for the construction of a mansard roof extension. The existing garage and ground floor workshop would be retained, and the roof space would be used to accommodate a bedroom and en-suite bathroom. Although mansard roofs were not a feature on the road there were several examples of buildings that benefitted from them; the proposed alterations were considered acceptable and for the reasons set out in the report the application was recommended for approval.

**Questions for Officers**

(3) Councillor Hyde asked if there had been some misunderstanding from the neighbours about the application which had lead to some of the letters of objection, and Officers stated that this could be the case as the site was unusual in nature.

(4) Councillor Bowden asked for more information in relation to the petrol pumps, and in particular if they were of any historical interest. In response it was explained that that the pumps were conditioned requesting further details before a decision was made in relation to restoration. In response to further questions about the petrol storage tanks Officers said they were of the belief that these had been drained. The Head of Development Control, Jeanette Walsh, stated that the Committee could be minded to attach an informative requesting the applicant follow up with Environmental Protection.

- (5) Councillor Mac Cafferty asked for information on how the site fitted in with the neighbouring properties, and it was explained that the rear terrace was very enclosed; the mansard roof would be set back and it was envisaged there would no further impact than already existed.
- (6) Councillor Bowden asked if the applicant had given any indication of the use of the ground floor, and it was explained that this information was not relevant to the application before the Committee.

**Debate and Decision Making Process**

- (7) Councillor Hyde welcomed the use of the site in providing additional living accommodation, and stated it was good all round development that would be sympathetic to the range of properties in the area.
- (8) Councillor Gilbey stated that from the site visit it was clear the walls around the terrace were high; enclosing the area, and as such she would be voting in support of this application.
- (9) Councillor Hawtree stated that the application would bring a disused site back into use, and be a useful addition to the area.
- (10) A vote was taken and planning permission was unanimously granted.

95.3 **RESOLVED** – That the Committee has taken into consideration, and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**D. 37 Lewes Road - Planning Permission - Change of use from tool hire premises (Use Class A1) to car sales premises (Sui Generis) including the erection of an office cabin and installation of 3no wall mounted external lights.**

- (1) The Area Planning Manager (East) gave a presentation by reference to photographs, plans and elevational drawings, and noted information contained in the Late List in relation to minor typographical errors in the report. The site was located on the eastern side of Lewes Road, and accessed under an archway from Lewes Road, and there was also vehicular access from Newport Street. Permission was sort for a change of use and the erection of a log cabin to serve as a sales office. The site would include 14 car parking spaces to store cars, and 4 spaces for staff and visitors. The application also included the installation of three external lights. Previous the entire shop frontage had formed part of a larger tool hire centre used in association with the rear yard; the units were now used for different purposes and no longer associated with the yard. In relation to the potential visual impact it was felt that although the office would be visible from neighbouring properties it would not cause harm, and no objection had been raised from the Transport Officer. It was felt that the conditions in relation to deliveries and repairs were appropriate to prevent noise disturbance to neighbours. The application was recommended for approval for the reasons set out in the report.

**Questions for Officers**

- (2) Councillor Davey asked how the proposed change of use would impact on the potential use of the site in the future, and it was explained that as this was sui generis it would not impact.
- (3) Councillor Mac Cafferty asked questions in relation to the criteria for police crime prevention, and why the Council had not asked for comments from the Police. In response it was explained that the Police would identify themselves which application they wanted to comment on, and they also identified the criteria.
- (4) In response to a query from Councillor Bowden it was explained that there would be one full-time and one part-time position at the site.
- (5) Councillor Carol Theobald asked about a building already on the site and it was explained that the Council had received a letter in relation to this matter, and it was being looked into by the Enforcement Team.

**Debate and Decision Making Process**

- (6) Councillor Hyde noted the concerns of local residents in relation to noise, but stated that the previous use as a tool hire business would have created, in her view, more noise than the proposed use. She was satisfied with the proposed conditions and use and would be voting in support of the Officer recommendation. Councillor Carol Theobald echoed these comments, and stated she would be voting with the Officer recommendation.
- (7) Councillor Davey drew a comparison with the previous use and stated that he was disappointed with the proposed use, and would not support the application.
- (8) A vote was taken and planning permission was granted on a vote of 10 with 2 abstentions.

95.4 **RESOLVED** – That the Committee has taken into consideration, and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**E. St Agnes Church, Newtown Road, Hove - Extension to time limit for Planning Permission** - Application to extend the time limit for implementation of approval BH2008/01824 for the conversion of existing roof void to form 5 two-bedroom maisonettes with associated alterations. Continued use of ground and lower ground floors as gymnasium.

- (1) A vote was taken and the extension to limit for planning permission was unanimously granted.

95.5 **RESOLVED** – That the Committee has taken into consideration, and agrees with the reasons for the recommendation, and the policies and guidance set out in the report

and resolves to **GRANT** the extension to limit for planning permission subject to the Conditions and Informatives in the report.

**F. 9 Hillbrow Road, Brighton - Planning Permission** - Erection of 2no dwelling houses with new access drive and associated parking.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (West), Shannon Waaldijk, gave a presentation by reference to photographs, plans and elevational drawings. The application sought the erection of two detached houses. The existing building on the site has a large basement with a garden on a step downward gradient. There would one unit constructed at the front of the site, and the second to the rear which would be accessed by a footpath. There was an existing permission for a property at the front and this application sought a slight reduction in the footprint to allow for the footpath to the rear of the site. In 2008 planning permission had been refused for a unit at the rear of the site; however, this had been overturned at appeal and as such there was no objection to the principle of the development. The recommendation was minded to grant for the reasons set out in the report.

**Questions for Officers**

- (3) Councillor Hyde asked how residents of the rear properties would cope with day to tasks such as moving bin waste to the storage at the top of the site; in response it was explained that there was no way to overcome residents having to use the footpath to access the bin storage at the top of the site.
- (4) Councillor Carden said that the property at the rear would not meet lifetime standards, and in response Officers explained that as the inspector had deemed the principle of a development acceptable the Council had to follow this decision.
- (5) Councillor Carol Theobald asked if the property at the top of the site would affect the views of other properties in the area, and it was explained that the proposed building would be lower and this would not be the case.
- (6) Councillors Bowden and Gilbey asked questions in relation to the access for services and it noted that these were matters which fell under the remit of Building Control.
- (7) Councillor Cobb asked for more information on the proposed materials, and these were clarified. It was highlighted that the Committee could be minded to attach condition in relation to the approval of the material and the discharge of this condition could be done by the Committee or under delegated powers.

**Debate and decision Making Process**

- (8) Councillor Hyde noted her disappointment that the application included the provision of a metal roof, and stated her view that the materials should be in-keeping with the surrounding area.



- (9) Councillor Carol Theobald stated that she thought this was an overdevelopment of the site; she did not believe it conformed with lifetime homes due to the steep slope and felt that the properties would be unsightly and out of character.
- (10) Councillor Carden stated that he could not support the application due to the position and access to the building at rear of the site.
- (11) Councillor Bowden stated that it would be difficult for the Committee to vote against the ruling of the inspector, and Officers confirmed that if the Committee were minded to do so it could be considered an unreasonable decision at a public enquiry; however, the Committee could still take a view in relation to the design and visual impact of the proposals.
- (12) Councillor Hyde proposed an amendment to Condition 6 to request that a palate of materials be approved that would reflect those in the existing street scene. A Vote was taken on this amendment and it was agreed on a vote of 9 to 2 with 1 abstention.
- (13) A vote was then taken on the application, together with the agreed amendment, and planning permission was granted on a vote of 7 to 1 with 4 abstentions.

95.5 **RESOLVED** – That the Committee has taken into consideration, and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to the Conditions and Informatives in the report, and the amended Condition 6 set out below.

- i. No development shall take place until samples of a pallet of proposed materials have been submitted to and agreed in writing by the Local Planning Authority. The materials are expected to reflect the materials in use in the vicinity of the development. The agreed materials shall be used in the implementation of the development. Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

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

96.1 There were none.

**97. APPEAL DECISIONS**

97.1 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.

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

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

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

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

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

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

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

101.1 That the Committee notes the details of applications determined by the Strategic Director of Place 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 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 15.45

Signed

Chair

Dated this

day of