

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 20 FEBRUARY 2013

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Officers in attendance: Jeanette Walsh (Head of Development Control), Steve Lewis (Planning Officer), Zachary Ellwood (Area Planning Manager – West), Steven Shaw (Principal Transport Officer), Alison Gatherer (Lawyer) and Ross Keatley (Democratic Services Officer).

PART ONE

150. PROCEDURAL BUSINESS

150a Declarations of substitutes

150.1 There were none.

150b Declarations of interests

150.2 There were none.

150c Exclusion of the press and public

150.3 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.

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

151. MINUTES OF THE PREVIOUS MEETING

151.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 30 January 2013 as a correct record.

152. CHAIR'S COMMUNICATIONS

152.1 There were none.

153. PUBLIC QUESTIONS

153.1 There were none.

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

153.1 There were none.

155. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A. BH2012/03982 - The Old Ship Hotel, 31-38 Kings Road, Brighton - Extension to Time Limit Full Planning - Replacement application for the demolition of hotel garage and construction of new 7 storey extension (basement - 5th floor) to provide 42 bedrooms, 2 conference rooms, car parking and restaurant/bar.

(1) The Planning Officer, Steve Lewis, introduced application BH2012/03982 for extension to limit for full planning permission and application BH2012/03998 for conservation area consent and gave a presentation by reference photographs, plans, elevational drawings and an unverified artist's impression. The application sought the extension of the permission granted in 2010 and replacement conservation area consent. It was noted that the application site was located in the Old Town conservation area. It was explained that little had changed since the previous approval. Floor plans were shown and it was noted that there was a basement car park with lift access, and a combination of conference rooms, bedrooms and staff quarters spread across the other floors. The s106 monies would be used as in the previous application for highways improvements and public art. The application was recommended to be minded to grant for the reasons set out in the report.

Questions for Officers and Decision Making Process

(2) In response to a query from Councillor Carol Theobald it was explained that the Council did not have any information about the likelihood of the scheme being implemented.

(3) Following a query from Councillor Davey it was confirmed by Officers that the payment of the section 106 monies would be due at the point of implementation of the scheme.

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

155.1 **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.

B. BH2012/03998 - The Old Ship Hotel, 31-38 Kings Road, Brighton - Extension to Time Limit Conservation Area - Replacement conservation area consent application for the demolition of hotel garage.

(5) A vote was taken and conservation area consent was unanimously granted.

155.2 **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. BH2012/03550 - 41 Carlyle Avenue, Brighton - Full Planning - Demolition of existing house and erection of a terrace of 3no three bedroom houses with associated landscaping and cycle storage.

(1) The Area Planning Manager (West), Zach Ellwood, introduced the report and gave a presentation by reference to plans, photographs and elevational drawings. It was explained that the existing detached property sat at an angle to the road and did not reflect the line of other buildings in the street. The street also sloped right to left and number 43 was at a higher level; however, there were no windows in the flank elevation onto the site. Using plans it was shown that the proposed properties would be situated in line with the other buildings in the street, and due to the slope of the street there would be access by steps and ramps. Bin and recycle storage would be situated at the front of the properties and screened, and there would also be small front gardens. The characteristics of the proposed properties would echo those already in the street with bay windows; the scheme also included dormers to the rear and photovoltaic panels. The design would be very similar to a scheme next door, and Officers were of the mind that the proposed visual relationship would be an improvement, and an efficient use of the site. The transport section had also raised no concerns in relation to parking. The application was recommended for approval for the reasons set out in the report.

Public Speakers and Questions

(2) Mr Palmer spoke in objection to the scheme in his capacity as a local resident and stated that he had been a resident at no. 43 Carlyle Avenue for 13 years. He highlighted that he had a series of documents to demonstrate a different position between the published report and his understanding of the application, and noted that he felt the decision should be deferred to give these consideration. He noted differences in appearance between the proposed buildings and the details and finishes of the existing 1930's buildings; he also stated that the conservatory at the rear of his property would be affected. Mr Palmer went on to highlight areas that, in his view, presented discrepancies between the report and the application of guidance and policy.

(3) In response to a question from Councillor Hyde it was explained by Mr Palmer that development of high density housing to the northwest of the site by the same developer was already showing signs of deterioration.

- (4) Mr Alderton spoke in support of the scheme in his capacity as the agent, and stated that he welcomed the recommendation in support of the application; highlighting that the report did not find negatives with the proposed scheme. He was of the view that the proposed scheme met the objectives of the local plan, and it offered a clear continuity of the development pattern within the street. It was considered that the neighbour objections were not on planning grounds, and the proposed building would offer an improvement to the amenity of the adjacent property; nor would the rear garden be overlooked. Mr Alderton asked that the Committee accept the Officer recommendation.
- (5) In response to a query from Councillor Davey it was explained by Mr Alderton that the site to the north west that had been referenced by Mr Palmer was by the same developer; however, it was felt the concerns related to maintenance. The development had been there for approximately 4-5 years.

Questions for Officer

- (6) In response to a query from Councillor Cobb it was explained that the front of the proposed properties would sit in line with the existing buildings on the street, and extended slightly beyond them at the rear. The gap between no. 43 and the proposed properties would be approximately 5 metres.
- (7) Councillor Carol Theobald asked about windows of the side elevation, and it was explained there were none proposed on the flank wall.

Debate and Decision Making Process

- (8) Councillor Hyde explained that she had considered the concerns of neighbours, but was of the mind that the proposed scale, mass and form were appropriate for the site; she also stated that the new development would fit in better with the street scene, and she would support the Officer recommendation.
- (9) Councillor Wells stated he approved of the application, and was of the mind that the materials and build would be more in keeping with the existing buildings in the street. He stated that, although it was a shame to demolish the existing building – the proposal would be a better replacement, and he would support the Officer recommendation.
- (10) Councillor Carden expressed concern about the accessibility of the area, and in response it was confirmed that the nearest bus stop was approximately 5 minutes walking distance.
- (11) Councillor Davey stated the proposal was appropriate to the site and offered an improvement to the area.
- (12) Councillor Hawtree stated that the existing building lacked any distinguishing façade.
- (13) Councillor Carol Theobald stated that it was a shame to lose the existing family home, but felt the proposal would sit better in the street scene.

- (14) Before a vote was taken the Head of the Development Control, Jeanette Walsh, highlighted that the scheme had been publicised and put out to consultation as part of the authority's statutory obligations, and there was no reason to postpone the decision.
- (15) A vote was taken and planning permission was unanimously granted.
- 155.3 **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. BH2012/02586 - 108 Preston Drove & 193 Havelock Road, Brighton - Full Planning** - Demolition of existing outbuildings and erection of 1no two bed house fronting Havelock Road. Additional alterations including a new communal entrance and window to flats at 108 Preston Drove.
- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (West), introduced the report and gave a presentation by reference to plans, photographs, elevational drawings and an unverified photo montage; it was also noted that the advertisement had gone into the press in error, and it was necessary to amend the recommendation to be **MINDED TO REFUSE**. Reference was also made to the Late List. The application site related to a commercial premises with residential accommodation above, and series of storage sheds to the rear used in connection with the commercial premises. The proposal was for a two-storey building to replace the existing sheds. It was noted that there was currently a sizeable gap between the rear of the property on Preston Drove, and the terrace on Havelock Road which was considered important for the character of the area; the application proposed to fill in this gap with materials and a design to match the surrounding area. The application proposed no windows at the rear of the proposed building, nor any to the flank wall onto the building on Havelock Road.
- (3) The principle of residential development was not objected to; however, there was concern in relation to the conservation area, and it was felt the proposals would be dominating and fill in the gap to the detriment of the wider area. It was also noted that a similar request to infill had been refused on the grounds of the impact of the loss of the gap in the context of the conservation area. Officers also had concern in relation to the loss of light for the garden at no. 106 Preston Drove, and the overbearing nature of the proposals. The proposed amenity space to the front was also considered to be insufficient and unpractical. The layout and size of the proposed building was considered to be inadequate and cramped; no evidence had been provided that it would comply with lifetime homes standards. The outbuildings were currently used in connection with the commercial premises, and a loss of these could restrict the storage space for the shop; as well as the visual amenity of the area and the future viability of the business. The application was recommended to be minded to refuse for the reasons set out in the report and in the Late List.

Public Speakers and Questions

- (4) Mr Shah spoke in support of the application in his capacity as the applicant and stated that his family had owned the commercial premises for over 30 years as a successful convenience store; however, the area to the rear with the storage sheds had always been troublesome, and recently it had been necessary to keep the gates locked. The current application had been submitted in consultation with the planning authority, and the scheme was a response to a previous refusal at the site. The scheme requested a modest infill, and it was considered that the neighbours 'right to light' at the rear would not be affected. It was felt the application would help to 'tidy up' the area and compliment the existing building.

Questions for Officers

- (5) Councillor Cobb asked for confirmation on the communal alleyway and it was explained that this related to the gap between the site and the property on Havelock Road.
- (6) Following a query from Councillor Hyde it was explained by Officers that their concerns related to the proposed closeness of the out-rigger to the property at 191 Havelock Road. It was also considered that the setting back of the first floor would not be sufficient to protect neighbouring amenity.
- (7) Following a query from Councillor Gilbey the size of the amenity space at the front was clarified, and it was explained that it was not clear in the application how this would be divided between the flat and the proposed new building.

Debate and Decision Making Process

- (8) Councillor Hyde explained that the site visit had clearly demonstrated the importance of the gap in the wider context of the conservation area, and how the loss of this would be detrimental. She stated that she would support the Officer recommendation.
- (9) Councillor Carol Theobald echoed these comments, and expressed concern about the potential impact on other properties in the area.
- (10) Councillor Jones noted that the commercial premises was a very well regarded local business, he was of the view the loss of the gap would not be outweighed by the gains on this site; he stated he would support the Officer recommendation.
- (11) A vote was taken and planning permission was unanimously refused for the reasons set out below.

155.4 **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 be **MINDED TO REFUSE** planning permission for the reasons set out below.

- i. The proposed dwelling, by reason of its design, footprint, depth, materials, and prominent location, would form an unsympathetic and excessively dominant extension

to the existing building at No. 108 Preston Drive, which would form an incongruous and visually intrusive element in the street scene that would fill the existing characteristic open space between the rear of No. 108 and the side of No. 191 Havelock Road, detracting from the character and appearance of the Preston Park Conservation Area and represents overdevelopment of the site. As such, the proposal is contrary to policies QD1, QD2, QD3, QD14 and HE6 of the Brighton & Hove Local Plan.

- ii. The proposed dwelling, by reason of its siting, proximity, height and orientation, would cause significant loss of light and have an overbearing impact upon No. 191 Havelock Road and the rear garden of No. 106 Preston Drive and, as such, is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
- iii. The proposed dwelling would provide cramped internal accommodation, which does not comply with Lifetime Homes Standards, and provides insufficient usable private outdoor amenity space for a unit which is suitable for family accommodation. The proposed development is therefore contrary to policies HO5, HO13 and QD27 of the Brighton & Hove Local Plan.
- iv. The applicant has failed to demonstrate that the proposal would not, by reason of the loss of existing storage space, jeopardise the future operation and viability of the retail unit at No. 108 Preston Drive, cause detriment to the visual amenity of the area by reason of inadequate refuse storage and consequent reliance on external storage, and adversely affect the character and appearance of the area and, as such, the proposal is contrary to policy QD27 and HE6 of the Brighton & Hove Local Plan.

E. BH2012/03254 - Workshop, 1A Marmion Road, Hove - Full Planning - Demolition of warehouse and erection of 4no two bedroom terraced houses and 1no office unit (B1).

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) A presentation was given by the Area Planning Manager (West) by reference to photographs, plans, elevational drawings and an unverified concept image. The existing warehouse adjoined a cottage to the north, and there was a commercial garage to the east. The proposal was for four 2 bedroom properties, and a B1 office unit to replace the loss of the existing business space. The site had been marketed since May 2012, and it was considered that rate was reasonable. The proposal would include the provision of 4 parking spaces and it been agreed 2 would be allocated to 2 of the residential units, and the other 2 for use by the commercial premises. The proposed building would be to the line of the street, and the doorways would be recessed for ease of access. Each of the units would have access to cycle storage, and there would be amenity space for the residential units, with the accommodation spread across three storeys; the living rooms would be on the top floor with private terraces, and the habitual rooms would be located at the front of the properties away from the noise of the car repair garage to the rear.
- (3) The level of the road dropped from left to right and the applicant had sought to address this by stepping down the buildings in height. It was explained that in terms of its height the adjoining cottage was an anomaly, and the height of the proposed scheme would

be comparable with surrounding properties, but it was acknowledged the proposals would be taller than the cottage. The residential units would be painted render, and the commercial unit would be finished in brick. The private front balconies would have screening. It was considered the modern design would sit well in the wider area, and there was already a similar scheme in nearby Stoneham Road. Officers had raised no objection to the form and the scale, but the position in relation to the marketing of the commercial unit had been discussed with the Economic Development Team who were satisfied with the undertaking. The application was recommended for approval for the reasons set out in the report.

Public Speakers and Questions

- (4) Ms Spearpoint spoke in objection to the scheme in her capacity as a local resident. She stated that she had lived at the adjoining cottage for almost 20 years, and that as well as the objection from both local Councillors 20 residents had objected to the scheme. Concerns related to height and bulk of the proposals, and the unsuitability for the area. The scheme would be overbearing; overlook other properties from the balconies and block out light to the cottage. The properties were also not set back from the road like many others in the Poets Corner area, and it was felt that the nature of the car repair garage behind would cause further issues in relation to safety. Ms Spearpoint stated that it was the view of residents that the historic building should be preserved and renovated rather than demolished. In closing she added that the proposal was not sympathetic to the area.
- (5) Following a query from Councillor Davey it was explained by Ms Spearpoint that the existing building was used for storage on a daily basis.
- (6) Mr Turner spoke in support of the application in his capacity as the agent and stated that the proposal would be built alongside the cottage with no effect in terms of overshadowing or overlooking. The proposal had been designed to respond to the site conditions, and the design had purposely sort to avoid 'pastiche' by reinterpreting a traditional terrace form with similar materials and characteristics. The site would provide 8 employment spaces, and in closing it was stated this was an attractive scheme that responded sensitively to the wider area.
- (7) In response to a query from Councillor Mac Cafferty about the marketing of the site, it was explained by Mr Turner that this had been undertaken as a previous refusal on the site had drawn attention to this area. In this case dialogue between the Council and the agent had determined that 6 months was an adequate period of marketing for the site. In response to a further query from Councillor Hawtree it was clarified by Mr Turner that he had no knowledge as to whether the building was currently in use.
- (8) Following a query from Councillor Phillips it was explained by Mr Turner that the 4 spaces had been provided as they were currently in situ, and it was considered appropriate to retain them.
- (9) In response to a query from Councillor Hyde it was explained by Mr Turner the process used to design a scheme that would be considerate of neighbouring properties.

- (10) Mr Turner provided more information in response to Councillor Davey in relation to overshadowing and overlooking of the cottage and stated that the set backs and line angles of the roof had been designed such that it would not affect the cottage. The only overlooking would be front to front which was common in the wider area.

Questions for Officers

- (11) Officers confirmed the total amenity space of the residential units in response to Councillor Wells. It was also clarified for Councillor Gilbey that this included the balconies on the second floor, and the commercial unit would also have the same balconies as the residential units.
- (12) Councillor Mac Cafferty asked for more information in relation to the marketing of the scheme, and in particular why a period of 6 months had been accepted when the planning authority would normally seek a period of 12 months. In response it was explained that this application was not requesting the removal of all employment space, and instead proposed retention; it was also considered that the current employment potential of the existing site would be less than what was proposed by the scheme. Councillor Mac Cafferty went on to ask about B8 use at the site, and the Head of Development Control explained that B8 use at the site would be considered more difficult due to servicing issues. Officers considered that the evidence base in this application was not significant enough to resist redevelopment of the site, and the proposals included employment space.
- (13) Councillor Hyde pointed to the anecdotal evidence provided by Ms Spearpoint that the site was still in use, and asked about the potential to refurbish the existing building. In response the Head of Development Control advised that the planning authority had no evidence that the site was in use, and Officers had consulted the Economic Development Team who considered the marketed rate was competitive for this kind of unit in the city.
- (14) Councillor Davey asked about the historic use of the site, and it was explained that Officers had information that it was a disused warehouse – they had not been made aware it was an active unit.
- (15) Councillor Hyde asked why the report had not made mention that the inclusion of the additional storey was not in keeping with the wider area. Officers explained that the Case Officer had been of the view that this would be in keeping with the area.
- (16) It was clarified for Councillor Gilbey that the scheme would be set back by two metres from the rear boundary, and Environmental Protection did not have any concerns with the relationship between the residential units and the car repair garage.
- (17) It was confirmed for Councillor Hamilton that the scheme had been designed such that it would have minimal impact on the light to the car repair garage at the rear.

Debate and Decision Making Process

- (18) Councillor Carden stated that buildings such as the existing one on the site would have a use in the future, and it was important they were not taken out of use.

- (19) Councillor Hyde expressed her dislike of the scheme; the development would be exceedingly detrimental to the adjoining cottage, and would do nothing to enhance it. She did not feel that the entrances directly onto the street were appropriate for the area, and that the bulk and form did not comply with policy.
- (20) Councillor Mac Cafferty also noted that he had similar concerns to Councillor Carden, but he had less objection to the design. He stated that although the scheme would retain employment space this would be of a much lower quantity, and he wanted to seek to retain employment space.
- (21) Councillor Carol Theobald stated that she thought the proposal was too large and too high, and would not be in keeping with the wider street scene. She also expressed doubt about the viability of the commercial space, and felt that the existing building could be renovated.
- (22) Councillor Davey stated that the unit had not been properly in use for some time, and the site was not suitable for intensive commercial use; it would also be an important means provide additional family housing.
- (23) Councillor Hamilton stated it was important to consider reasonable marketing, and he was of the view that mixed residential and commercial often presented problems. He considered that the design was incongruous, and not in keeping with the area, and he would not support the Officer recommendation.
- (24) Councillor Cobb echoed the previous comments, and stated that smoking by staff in the commercial premises outside could be unpleasant.
- (25) Councillor Jones stated that the scheme was overdevelopment of the site, and considered that the amenity space would not be adequate for families; he added that he currently of two minds.
- (26) Councillor Gilbey stated that the footprint of the units was too small, and this had forced the applicant to add an additional storey; she stated she would not support the Officer recommendation.
- (27) Before a vote was taken the Head of Development Control stated that the existing building was not an historic asset, and it was common for the planning authority to approve schemes with inter-looking across the street.
- (28) A vote was taken and planning permission was refused on a vote of 9 to 3. Councillor Hyde proposed reasons for refusal and these were seconded by Councillor Mac Cafferty; a short adjournment was then held to allow Councillor Hawtree, Councillor Hyde, Councillor Mac Cafferty the Lawyer, the Head of Development Control and the Area Planning Manager (West) to draft the reasons for the refusal in full. A recorded vote was then taken with the proposed reasons for refusal and Councillors Hawtree, Jones, Hyde, Carden, Cobb, Gilbey, Hamilton, Mac Cafferty and Carol Theobald voted that permission be refused and Councillor Davey, Phillips and Wells voted that planning permission be granted.

155.5 **RESOLVED** – That the Committee has taken the Officer recommendation to approve into consideration but resolves to **REFUSE** planning permission for the reasons set out below.

- i. The proposed development by reason of its detailed design and unsympathetic roof form would create an awkward visual relationship with the adjoining dwelling to the north (The Cottage) and would fail to relate positively to the prevailing character of the surrounding area. In addition the amenity space is considered to be insufficient. The development is therefore contrary to policies QD1, QD2 and HO5 of the Brighton and Hove Local Plan 2004 and to the advice in Section 7 of the National Planning Policy Framework.
- ii. The Local Planning Authority is not convinced that the redundancy test has been satisfied. Insufficient information has been submitted to demonstrate this. The application is therefore contrary to policy EM3 of the Brighton & Hove Local Plan 2004.

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

156.1 There were none.

157. APPEAL DECISIONS

157.1 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.

158. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

159. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

160. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

161.1 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 16.21

Signed

Chair

Dated this

day of