

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 7 OCTOBER 2015**

**THE RONUK HALL, PORTSLADE TOWN HALL**

**MINUTES**

**Present:** Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Brown, Bennett, Hamilton, Inkpin-Leissner, Littman, Morris and Simson

**Co-opted Members:** Apologies were received from Mr Gowans, CAG

**Officers in attendance:** Nicola Hurley (Planning Manager – Applications); Paul Vidler (Planning Manager - Major Applications); Steven Shaw (Development and Transport Assessment Manager); Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

**PART ONE**

**77 PROCEDURAL BUSINESS**

**(a) Declarations of substitutes**

77.1 Councillor Simson was present in substitution for Councillor Miller and Councillor Brown was present in substitution for Councillor Wares

**(b) Declarations of interests**

72.2 The Chair, Councillor Cattell, declared an interest in respect of application (A) – BH20015/00544, Media House, 26 North Road, Brighton. The agent for the scheme was known to her having been a colleague a number of years previously when they had both been employed by the city council, however, she had not pre-determined the application and remained of a neutral mind and would remain for the discussion and vote on the application.

**(c) Exclusion of the press and public**

72.3 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.

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

**(d) Use of mobile phones and tablets**

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

**78 MINUTES OF THE PREVIOUS MEETING**

78.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 16 September 2015 as a correct record.

**79 CHAIR'S COMMUNICATIONS**

79.1 There were none.

**80 PUBLIC QUESTIONS**

80.1 There were none.

**81 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

81.1 There were none.

**82 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2015/00544, Media House, 26 North Road, Brighton -**

Alterations to main building to facilitate the conversion from office/general industrial (B1/B2) to form 3no. residential dwellings (C3). Extension to secondary building (The Coach House) to provide additional office space (B1), revised fenestration and associated works. It was noted that one further letter of representation had been received setting out concerns in respect of the proposed office use, potential overlooking and pressure on existing on-street parking.

- (1) The Planning Manager, Major Applications, Paul Vidler, introduced the report by reference to plans including details of the existing and proposed floor plans, photographs and elevational drawings detailing proposed changes including those to the roof and to the Coach House. It was explained that permission was sought for conversion of the main building from office/general industrial (B1/B2) to form 3 residential dwellings (C3) including associated external alterations. The secondary building (The Coach House) would be extended to provide additional office space (B1), including associated external alterations. Amendments had been made during the course of the application which removed the proposed side extension to the main building and reduced the number of proposed dwellings from 4 to 3.
- (2) The main considerations in determining this application related to the principle of the development; visual impact of the external alterations; impact on amenity; and

sustainable transport considerations. The loss of office use was considered acceptable in this instance and significant weight had been given to the previously approved prior approval application (BH2014/03962) which allowed conversion of the first and second floors to residential. The development would create an acceptable standard of accommodation for future residents. The proposed use and external alterations would enhance the character and appearance of the building and preserve the wider setting of Preston Village Conservation Area. It was not considered that the development would result in significant harm to neighbouring amenity through loss of light, outlook, privacy or increased noise and disturbance; approval was therefore recommended.

### **Questions for Officers**

- (3) Councillor Mac Cafferty sought clarification of the distance between the application site and the residential property located at 17 North Road and also sought confirmation regarding the configuration and specification of the proposed office space and whether the space would be utilised by one or several other users. Councillor Mac Cafferty also sought clarification regarding comments contained in the officer report in relation to policies EM5 and EM3 in relation to meeting the needs of modern employment uses and to the statement that in this instance Policy CP3 was considered to hold more weight than the Local Plan Policy.
- (4) Councillor Cattell, The Chair sought confirmation regarding the provision of bi-folding doors to the office. It was explained that these internal doors could be closed in cooler weather.
- (5) Councillor Barradell enquired regarding the planning history of the site and the weight attached to it, including the fact that prior approval had recently been given to the change of use of the first and second floors of Media House to form two self contained units. Councillor Barradell expressed concern that the Committee had not had the opportunity to consider an application for use as a live-work unit. Councillor Barradell also sought confirmation regarding the date of at which planning permission had been granted for the existing building. The Planning Manager, Major Applications, explained that he had been unable to ascertain when planning permission had been granted. Councillor Barradell queried whether the building had been erected without permission and it was confirmed that was unlikely.
- (6) Councillors Mac Cafferty and Littman sought confirmation regarding the level and siting of on-site parking and location and distances from the proposed scheme and neighbouring buildings. Councillor Littman referred to the fact that the letter of objection had been signed by Councillors A and K Norman, not solely Councillor K Norman as indicated in the report.
- (7) Councillor C Theobald enquired regarding the hours of operation of the proposed office use and parking associated it and the amenity space provided with each of the residential units. It was confirmed that each would have a rear garden.

### **Debate and Decision Making Process**

- (9) Councillor Barradell stated that she was dismayed that the Committee's decision making appeared to be fettered as a result of previous decisions, she considered this

was unfortunate, as she considered that a better scheme could have been brought forward. The legal adviser to the Committee, Hilary Woodward, confirmed that whilst every application needed to be considered on its merits, the Committee were charged with considering any application as submitted. Application BH2014/03962 was a material consideration in determining this application. The prior approval could be implemented which would result in loss of all the B1 employment floor space currently located on the first and second floors.

- (8) Councillor Mac Cafferty stated that he was of the view that there were no reasonable grounds for refusing the application and Councillor Littman concurred in that view. Both noted that future access to the site would be via Lauriston Road also considering that in view of the level of on-site parking to be provided there would not be a significant impact in the vicinity.
- (9) Councillors Gilbey and Simson stated that they considered the scheme was acceptable
- (10) Councillor Inkpin-Leissner supported the proposals which would provide family housing.
- (11) Councillor Cattell, the Chair considered that it would be appropriate for approval of materials to be delegated to the Planning and Building Control Applications Manager in consultation with herself as Chair, the Deputy Chair and both opposition spokespersons.
- (12) A vote was taken and on a vote of 11 with 1 abstention planning permission was granted.

- 82.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance set out in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 and to the additional informative set out below.

**Additional Informative:**

The details submitted in relation to external materials to discharge Condition 8 are delegated to the Planning and Building Control Applications Manager for agreement in consultation with the Chair, the Deputy Chair and the Opposition spokespersons.

**B BH2015/02127, Rear of 15 Welesmere Road, Brighton -**

**Erection of detached four bedroom dwelling with associated landscaping and access.**

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Manager, Major Applications, Paul Vidler introduced the report by reference to plans, photographs and elevational drawings. Permission was sought for the erection of a two-storey detached four-bed dwelling house on land to the rear of 15 Welesmere Road which would be accessed via a driveway between nos. 13 and 15

Welesmere Road. The building would incorporate an L-shaped footprint with a hipped roof; materials would comprise a stock brick with plain clay tiles. The proposal included new hedging to the north-west of the proposed dwelling to create formal separation with no. 15. The gradient of the land fell away steeply to the south and east and as a result the dwelling would be set into the slope with a retaining wall built up to the rear of the building. There would be an integral garage to the front elevation and a terraced area at first floor level to the south west facing side elevation. Off street parking was proposed to the front of the property with garden to the south and west of the dwelling.

- (3) The main considerations in determining the application related to the principle of the plot's sub-division and the subsequent impact on the character and appearance of the site and the surrounding area, including the adjoining South Downs National Park. The standard of accommodation and impact on neighbouring amenity and transport were also material considerations. It was considered that the proposal would not detract significantly from the appearance or character of the site, the surrounding area or the adjoining South Downs National Park or result in significant harm to the residential amenity of neighbouring properties and was appropriate in terms of highway safety and sustainability; approval was therefore recommended.

#### **Questions for Officers**

- (4) Councillor Barradell sought confirmation regarding the height and pitch of the roof slope of the proposed dwelling and also the distance between it and distances from the neighbouring dwellings. It was proposed, that permitted development rights would be removed by condition for roof extensions and alterations and for fenestration within the north west elevation to protect neighbouring amenity from overlooking or visual intrusion.
- (5) Councillor Bennett requested confirmation as to whether it was proposed that any of the upper windows would be obscure glazed/fixed shut. It was confirmed that this was not considered necessary in view of the distance(s) and configuration of the site. Also, regarding measures to protect the boundary with the national park
- (6) Councillor Mac Cafferty sought clarification regarding proposed boundary treatment(s) and level of existing trees and planting to be retained and whether any of the trees were the subject of TPO's. It was confirmed that none were. However, the separation distances and existing boundary screening would be protected by condition.
- (7) Councillor Brown requested details of the proposed boundary treatment and sought assurances that this would not be reduced. She was concerned that if the current level of planting was not retained it could impact detrimentally either on the adjoining national park or neighbouring dwellings.
- (8) Councillor C Theobald requested details of the arrangements to be put into place for refuse collection, also, the area of the site. It was explained that refuse collection would take place from the access way. It was confirmed in response that the roof would be of clay tile material.
- (9) Councillor Simson sought clarification of the distances between the proposed property and nos 45 and 47, considering that the greatest impact was likely to be on no 45.

Photographs were displayed showing the relationship between the site and existing buildings and the proposed development.

- (10) Councillor Morris sought details regarding proposed access arrangements to the site and measures which would be undertaken to ensure that this did not impact on the existing adjacent property and also details about, the point at which the new access would join the existing driveway, its length and extent. It was confirmed that screening would be provided between the adjoining properties at nos 13 and 15.
- (11) Councillor Littman also enquired whether it was envisaged that safety issues could arise in consequence of the screening proposals, either for pedestrian or vehicular movements. The Development and Transport Assessment Manager, Steven Shaw explained that as the new access way would result in a limited number of pedestrian and vehicular movements it was not envisaged this would create a safety hazard.

### **Debate and Decision Making Process**

- (12) Councillor Gilbey explained that having attended the site visit the previous day, which had been valuable as a tool in appreciating its configuration, she considered that given the steep changes in levels across the site and the separation distances involved that there would not be a detrimental impact on either the neighbouring dwellings or the setting of the national park.
- (13) Clarification was also given that although the adjoining properties located in Gorham Avenue were considerably lower than the application site it was considered that the depth of the rear gardens would prevent any harm to amenity through loss of light or outlook.
- (14) Councillor Barradell stated that having had the benefit of Councillor Gilbey's input and having viewed photographs taken from various locations across/adjoining the site she was satisfied that the scheme was acceptable.
- (15) Councillor Littman stated that whilst he considered the design uninspiring and whilst also having some sympathy with the objections put forward he considered it was acceptable and supported the officer recommendation.
- (16) Councillor Inkipin-Leissner concurred in that view.
- (17) Councillor C Theobald stated that notwithstanding that this represented a back land development, which she tended not to favour, in this instance given the distances involved and configuration of the site she considered the application was acceptable.
- (18) A vote was taken and members voted unanimously that planning permission be granted.

- 82.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11. with Condition 9 to be amended as set out below:

**Condition be 9 to be amended to read:**

- 9) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a. details of all hard surfacing;
  - b. details of all boundary treatments;
  - c. details of all existing vegetation to be retained and proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development and retained as such thereafter. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

- 83.1 There were none.

**84 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

- 85.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. The register complies with legislative requirements.]

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to

the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

**86 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**87 INFORMATION ON HEARINGS/PUBLIC INQUIRIES**

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

**88 APPEAL DECISIONS**

88.1 Councillor Mac Cafferty queried whether the decision in respect of the Toby Inn, Cowley Drive had been a Committee decision. It was explained that whilst the subject of an earlier Committee decision the subsequent decision on which the appeal had been made had been taken by officers under their delegated powers.

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

The meeting concluded at 3.40pm

Signed

Chair

Dated this

day of