

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 19 SEPTEMBER 2012****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

Co-opted Members: James Breckell (Conservation Advisory Group)

Officers in attendance: Paul Vidler, Deputy Development Control Manager; Claire Burnett, Area Planning Manager (East); Steven Shaw, Principal Transport Planning Officer; Hilary Woodward, Senior Lawyer and Ross Keatley, Democratic Services Officer.

PART ONE**64. PROCEDURAL BUSINESS****64a Declarations of substitutes**

64.1 There were none.

63b Declarations of interests

64.2 There were none.

64c Exclusion of the press and public

64.3 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.

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

65. MINUTES OF THE PREVIOUS MEETING

- 65.1 The Democratic Services Officer, Ross Keatley, noted that following an amendment at the briefing Item 59i paragraph (6) had been amended to read ‘Councillor Hyde stated that the design was too bulky and ‘box-like’, she went to highlight that the site was close to the rear of the field in which Rottingdean Windmill was situated; subsequently she would be voting with the Officer recommendation to refuse. Councillor Carden echoed these comments’.
- 65.2 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 29 August 2012 as a correct record.

66. CHAIR'S COMMUNICATIONS

- 66.1 Councillor Hawtree welcomed Councillor Phillips as a new Member to the Committee, and noted that the Committee should appoint a Deputy Chair as the position was vacant. It was agreed that Councillor Mac Cafferty would act as Deputy Chair for the present meeting and nominations and the vote on a permanent Deputy Chair would be taken at the next meeting of the Planning Committee on 10 October 2012.

67. PUBLIC QUESTIONS

- 67.1 There were none.

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

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

Application:	Requested by:
BH2012/01992 Brighton College, Eastern Road, Brighton	Paul Vidler, Deputy Development Control Manager
BH2012/02225 Units 7b & 7c, Victoria Road, Victoria Road, Portslade	Paul Vidler, Deputy Development Control Manager

69. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A. BH2012/01634 - Brighton Dome, Church Street - Advertisement Consent

- (1) The Area Planning Manager (East), Claire Burnett, introduced application BH2012/01634 for advertisement consent and application BH2012/01635 for listed building consent and gave a presentation by reference to photographs, plans, elevational drawings and visualisation images and the material samples which had been provided by the applicant since the last meeting. Objection had been received from The Regency Society, The Brighton Society, North Laine Community Association, and CAG; English Heritage supported the application. Attention was also drawn to additional information on the Late List. It was confirmed the lettering would be

constructed of brass effect metal as this did not oxidise, and the life expectancy of the banners was approximately 5 years, but the applicant intended to replace these every 3 years. It was also confirmed that the fixings would be marine grade steel, and the large 'D' on the south side had been withdrawn from the scheme.

- (2) The visualisation images were used to show the proposed position of the signage, and it was highlighted the Pavilion Theatre would be renamed. It was acknowledged that the current signage was incoherent and inadequate, and, although Council Policy advised against banners on listed buildings the unique nature of the buildings created an exceptional case. The appearance of the proposed signage would not create an increased risk to highway safety. The internal signage followed the same theme and style, and it was considered there would be no impact on the listed building. For the reasons set out in the reports the applications were recommended for approval.

Questions for Officers

- (3) Mr Breckell asked if an independent designer was used to preside over the design as it was his view that the company who designed the signage would have a vested interest to place as many signs as possible on the building. In response the Senior Solicitor, Hilary Woodward, confirmed that this was not a planning consideration.

Debate and Decision Making Process

- (4) Councillor Mac Cafferty said that he appreciated the input of CAG in relation to this application, and went on to note that this was a set of buildings that had evolved over time. The Council had an obligation to ensure their survival by enabling them to operate in an economically viable manner, and it was important that there was adequate signposting to visitors.
- (5) Councillor Hawtree noted that it was his view there was the capacity to incorporate a more 'flamboyant' design. He went on to highlight a typographical error on the internal signs for the 'Founder's Room' that should be corrected to reflect the proper historical context of the name.
- (6) Councillor Hyde echoed the comments made by Councillor Mac Cafferty, and stated that it was her view the design was tasteful and appropriate.
- (7) Councillor Carol Theobald agreed with the rationale behind the signage.
- (8) Councillor Wells welcomed the removal of the canopy, and the alterations of the scheme to remove the large 'D' from the Southside; he stated that he would be voting in support of the Officer recommendation.
- (9) Mr Breckell stated that CAG welcomed the removal of the large 'D' from the scheme, but it was still felt that the scheme was overbearing and dominant and could still work without the banners. He also stated that CAG had not been consulted further on the scheme since it had been amended. The Deputy Development Control Manager stated that as the amendment to the scheme had only related to the removal of the large 'D' it was not considered necessary to refer the scheme back to CAG for further comment.

- (10) Councillor Cobb noted her objections to the design of the scheme.
- (11) A vote was taken and advertisement consent was granted on a vote of 10 to 2.
- 69.1 **RESOLVED** – That the Committee has taken into consideration, and agrees with, the reasons for the recommendation, and policies and guidance set out in the report and resolves to **GRANT** advertisement consent subject to the Conditions and Informatives in the report.
- B. BH2012/01635 - Brighton Dome, Church Street - Listed Building Consent**
- (1) A vote was taken and listed building consent was granted on a vote of 11 to 1.
- 69.2 **RESOLVED** – That the Committee has taken into consideration, and agrees with, the reasons for the recommendation, and policies and guidance set out in the report and resolves to **GRANT** listed building consent subject to the Conditions and Informatives in the report.
- C. BH2012/00991 - St Augustine's Church, Stanford Avenue - Full Planning Consent**
- (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) introduced application BH2012/00991 for full planning consent and application BH2012/00992 for listed building consent and gave a presentation by reference to photographs, plans and elevational drawings. A verbal update was also given in relation to the first floor balcony which would now be recommended by condition to be screened as part of the application to prevent loss of neighbouring amenity; a minor typographical error in the report was also noted. The application site related to a Grade 2 listed church, with an existing church hall. The application was for the conversion of the hall into 9 self-contained flats; an extension to the rear; internal alterations to the church to allow for community space and demolition on an existing timber structure to the rear of the site. Seven of the nine units in the church hall would have private amenity space, and there would also be communal amenity space; the site would have 11 car parking spaces with vehicular access from Florence Road.
- (3) Inside the church a section to the north would be used for a bistro, and a southern section would be converted into offices; the chancel would be retained for multi-functional community use and the existing link building would be converted into a kitchen, toilets and bin store. There would be a loss of community space at the site, but this was considered acceptable as the application would provide better, and more flexible, community space. It was considered there would be no negative impact on no. 24 Stanford Avenue, but a screen on the balcony to the rear was considered necessary. In respect of the windows on the northern elevation it was explained that these would be obscurely glazed or high level. The proposed church would have increased noise, and impact on the highways, but this could be managed through appropriate conditions. In relation to the listed building consent the proposed alterations were not considered harmful to the building. For the reasons set out in the reports the applications were recommended for approval.

Questions for Officers

- (4) In relation to the contribution for an off-site recreational area it was explained that, although there was residential amenity space on the site, it was the usual expectation that off-site recreational provision would form part of developer contributions.
- (5) In response to query from Councillor Davey it was confirmed that the community space would be church led and operated.
- (6) In response to a query from Councillor Gilbey it was explained that the applicant had not specified the users of the parking provision, but this would be agreed by condition.

Debate and Decision Making Process

- (7) Councillor Carol Theobald stated that she felt it was a good use of the site, but it was her view that the developer contribution was too high.
- (8) Councillor Hamilton highlighted other churches in the city that already had such mixed use, and stated that they were well used and appreciated by communities.
- (9) Councillor Jones stated that he knew the building well, and it was in a poor state of repair; he welcomed the community space at the site.
- (10) A vote was taken and full planning consent was unanimously granted.

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

- 1. No development shall commence until details of a 1.8m high screen to the north side of the balcony to flat 6 at first floor level have been submitted to and approved in writing by the Local Planning Authority. The screen shall be installed in accordance with the approved details prior to the occupation of this flat and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.

D. BH2012/00992 - St Augustine's Church, Stanford Avenue - Listed Building Consent

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) A vote was taken and listed building consent was unanimously granted.

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

resolves to **GRANT** listed building consent subject to the Conditions and Informatives in the report.

E. BH2012/02115 - 52 Dyke Road - Full Planning Consent

- (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) introduced the application and gave a presentation by reference to photographs, plans and elevational drawings; attention was also drawn to information contained in the Late List, and a minor typographical error in the report was noted. The site was located in the West Hill Conservation Area, and the property was a four storey double-bayed Victorian villa with a prominent façade that currently operation as a nursery. The application sought retrospective planning permission for the erection of a ramp with timber balustrades which was part of an existing decking structure. Both the Heritage Team and CAG had recommended that the application be refused; the ramp and balustrade were highly prominent and were considered to cause harm to character of the street scene. It was also noted that the ramp did not comply with the approved plans; was considered a large structure as it was visible above the boundary wall, but was unlikely to cause harm to neighbouring amenity as it was only in use for a short period of time. For the reasons outlined in the report the application was recommended for refusal.

Public Speakers and Questions

- (3) Councillor Deane spoke in her capacity as the Local Ward Councillor and highlighted that the nursery offered unique facilities that were not available anywhere else in the city, and made an important social and economic contribution. The nursery already had planning permission for the existing decking, but the design of the ramp had to be altered to facilitate buggies accessing the building. There had been no objections in relation to the application, and it was felt that a gentle gradient was a visually less intrusive structure.
- (4) The Director of the nursery, Ms Moody-Stuart, and the General Manager, Ms Fogden spoke as the applicants in support of the application and stated that they had not been aware of the discrepancies between the approved plans and what was built until they had been contacted by Officers at the Council. The original planning permission had been granted in 2011 for the conversion of the building into a nursery and the completion of the decking and ramps had been one of the final aspects of the works to be undertaken. A specialist contractor had carried out the works and constructed the ramp on as gentle a gradient as possible to allow use by buggies. The ramp was the sole means of access between the ground and lower ground floors without the use of stairs; it was also used as a safe and secure parking area for buggies which were in use by staff throughout the day, and served as a secondary fire escape.
- (5) In response to a query from Councillor Gilbey the location of the decking was confirmed on the plans, and it was explained that the upper decking was used to park buggies and the lower decking was used as a play area for the children attending the nursery.

- (6) Councillor Jones asked if any discussion had taken place in relation to adaptations of the existing structure, and it was noted that the ramp could be moved further from the boundary wall, but this was not considered a viable option as it would block out light to the lower ground floor, and the existing position of the ramp helped prevent littering on the site.
- (7) Councillor Davey noted that the balustrade of the ramp formed a boundary fence, and the applicant agreed that they were also of this view and stated that the original planning permission included a fence of the boundary wall.
- (8) In response to a query from Councillor Hyde it was explained that the materials suggested for the construction of the ramp were recycled plastic and natural wood.
- (9) Councillor Carol Theobald asked if the balustrade could be painted to allow it blend better with the surrounding buildings; in response it was explained that the use of natural materials had been encouraged on the site, but the applicant confirmed that they would be willing to paint the ramp white if the Committee were minded to grant permission with such a Condition.
- (10) In response to a query from Mr Breckell it was confirmed that the ramp and the decking could be deconstructed and removed from the site.
- (11) Councillor Gilbey asked if the ramp was wheelchair accessible, and it was confirmed that neither the ramp nor the building was DDA compliant. It was also noted that there was a steeper concrete section at the bottom of the ramp.
- (12) The Deputy Development Control Manager confirmed that there was permission, on the original application, for a 1200mm fence on the existing 1 metre boundary wall; however, the wall was not 1 metre in height for its entirety.

Questions for Officers

- (13) In response to a query from Councillor Davey the Area Planning Manager (East) confirmed that a fence on the boundary wall would help to alleviate some of the impact of the ramp. Councillor Wells went on to ask if a fence would need planning permission, and it was confirmed that this would be the case.
- (14) Councillor Hyde asked how much of the wall had permission for a fence under the existing planning permission, and it was confirmed that it would only apply to those parts of the wall that were greater than 1 metre in height. The height of the wall increased from 0.80 metres at the lowest point at the southern end.
- (15) In response to a query from Councillor Carol Theobald it was confirmed that the original application had specified the ramp be constructed of natural timber.

Debate and Decision Making Process

- (16) Councillor Davey stated it was his understanding that the recommendation for refusal related to the visual impact of the ramp, and, whilst he was in agreement about this impact, noted that there could be a way of reaching agreement between the Council

and the applicant. Therefore the application in front of the Committee could be refused and then such dialogue could take place. The Deputy Development Control Manager highlighted that it was necessary the Committee determine the application that was before them, but noted there was an informative in relation to adaptations.

- (17) Councillor Hyde suggested that the application might be deferred for a later meeting.
- (18) Councillor Carol Theobald noted that she understood for the rationale behind the construction of the ramp, but felt that it was too prominent from the street. She went on to state that she did not wish the application to be refused, and hoped some agreement could be reached in relation to the painting of the structure to allow permission to be granted.
- (19) Councillor Mac Cafferty explained that he understood the rationale used by Officers in reaching the recommendation, but felt that part of planning was to support local communities – which this premises already did – the ramp was necessary for access to the building, and the structure was temporary and could be removed at a later date. For these reasons he would be voting against the Officer recommendation. The Deputy Development Control Manager highlighted that permission was being sought for a permanent structure not a temporary one. Councillor Mac Cafferty confirmed that he had used the term ‘temporary’ to demonstrate that the structure could be removed without harm to the host building.
- (20) Councillor Hyde asked if permission could be granted on a temporary basis to give time for a compromise to be reached between the Council and the applicant. The Senior Solicitor advised that temporary permissions were usually given to trial a scheme, and often this related to noise or operation schedules; it was her view that this application did not warrant such a case, and temporary permission would not be justified.
- (21) Councillor Phillips highlighted that the prominence of the structure had been made clear at the site visit, and she felt that the objections to the scheme could be overcome if a condition were added in relation to the colour of the ramp. The Senior Solicitor confirmed that if the Committee were minded to grant to application such a condition could be attached.
- (22) A vote was taken and planning permission was refused on a vote of 5 to 2 with 5 abstentions.
- 69.5 **RESOLVED** – That the Committee has taken into consideration, and agrees with, the reasons for the recommendation, and policies and guidance set out in the report and resolves to **REFUSE** full planning permission for the reasons set out below.
1. The ramp and balustrading shown on the submitted plans and as constructed on site, forms a highly prominent and incongruous feature, a large part of which is set above the height of the boundary wall alongside. The size, scale and bulk of the ramp and balustrading are considered to be inappropriate. These features block views of the main building when viewed from Dyke Road alongside, cause harm the character and appearance of the property, and have significantly diminished the special historic character of the West Hill and Montpelier and Clifton Hill Conservation Areas. The

ramp and balustrading, as shown on the submitted plans, and as constructed on site, is therefore contrary to policies QD1, QD2, QD3, QD14 and HE6 of the Brighton & Hove Local Plan.

F. BH2012/01521 - Sainsburys Supermarket, 93 Lewes Road, Brighton - Removal or Variation of Condition

- (1) The Area Planning Manager (East) introduced the application and gave a presentation by reference to plans; attention was drawn to the Late List and two minor typographical errors were noted in the report. The site was on the west side of Lewes Road, and deliveries accessed the site from Hollingdean Road into an open yard with service bays. The application sought the variation of Condition 2 on the original 1992 permission, and this would equate to an extra 2 deliveries on Sundays and bank holidays. The main considerations related to residential amenity and traffic. The applicant had submitted a supporting statement that the additional hours were to allow fresh produce to be delivered for Sundays and Monday mornings. Environmental Health were satisfied that the current fence was sufficient; subject to continual monitoring. The permission was recommended for 12 months to allow any complaints to be investigated. The application was recommended for approval for the reasons set out in the report.

Questions for Officers

- (2) Councillor Mac Cafferty asked if the temporary permission could be for a shorter period rather than 12 months. In response Officers explained that the normal period was 12 months to allow for monitoring to take place throughout the four seasons, and this was supported by Environmental Health.
- (3) Councillor Davey asked if there was any evidence that the supermarket operator had sought to work with residents to address their concerns, and it was confirmed that Officers had no evidence of this.

Debate and Decision Making Process

- (4) Councillor Mac Cafferty noted his concerns in relation the neighbour objections and stated that he would be voting against the Officer recommendation. Councillor Davey also highlighted these concerns and stated he would vote against the Officer recommendation.
- (5) Councillor Hyde stated that the application would equate to 2 additional deliveries; the business should be supported, and that she would in voting in support of the Officer recommendation.
- (6) Councillor Gilbey asked noted her concerns in relation to neighbour objections, and she went on to ask about home deliveries; it was confirmed that the application related solely to deliveries to the store.
- (7) A vote was taken and the variation of condition was refused on a vote of 6 to 6 on the Chairs casting vote. Councillor Davey proposed reasons for the refusal and these were seconded by Councillor Phillips; a short recess was then held to allow Councillor

Hawtree, Councillor Davey, Councillor Phillips, the Senior Lawyer, the Area Planning Manager (East) and the Deputy Development Control Manager to agree the reasons for the refusal in full. A recorded vote was then taken with the reasons for refusal and Councillors Davey, Gilbey, Jones, Mac Cafferty, Phillips and Hawtree voted that the application be refused, and Councillors Hyde, Carden, Cobb, Hamilton, C Theobald and Wells voted that the application be approved. As there was a tie in the vote the Chair exercised his casting vote to refuse the application.

- 69.6 **RESOLVED** – That the Committee has taken the Officer recommendation to approve into consideration but resolves to **REFUSE** the variation of condition for the reason set out below.
1. The increase in the delivery hours and the increase in the number of delivery vehicles would have an unacceptable detrimental impact on the amenity of residents of nearby properties contrary to policies QD27 and SU10 of the Brighton and Hove Local Plan 2005.
- 70. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**
- 70.1 There were none.
- 71. APPEAL DECISIONS**
- 71.1 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.
- 72. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**
- 72.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.
- 73. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**
- 73.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.
- 74. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**
- 74.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.
- 75. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)**
- 75.1 **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 15.59

Signed

Chair

Dated this

day of

