

### BRIGHTON & HOVE CITY COUNCIL

#### PLANNING COMMITTEE

2.00pm 10 OCTOBER 2012

#### COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

**Present:** Councillors Hawtree (Chair), Carden (Opposition Spokesperson), Cobb, Davey, Gilbey, Hamilton, Mac Cafferty, Rufus, Simson, Sykes, 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); Anthony Foster, Senior Planner; Hilary Woodward, Senior Lawyer and Ross Keatley Democratic Services Officer.

#### PART ONE

#### 76. PROCEDURAL BUSINESS

##### 76a Declarations of substitutes

76.1 Councillor Simson was present in substitution for Councillor Hyde; Councillor Sykes was present in substitution for Councillor Jones and Councillor Rufus was present in substitution for Councillor Phillips.

##### 76b Declarations of interests

76.2 There were none

##### 76c Exclusion of the press and public

76.3 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.

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

**77. APPOINTMENT OF DEPUTY CHAIR**

77.1 It was agreed that the appointment of Deputy Chair would be deferred to the following meeting, and Councillor Mac Cafferty would act as Deputy Chair for the present meeting.

**78. MINUTES OF THE PREVIOUS MEETING**

78.1 In relation to Item 82a Councillor Carol Theobald asked that her comment that she was unhappy with the renaming of the Pavilion Theatre be added to the minutes.

78.2 **RESOLVED** – That, with the above addition, the Chair be authorised to sign the minutes of the meeting held on 19 September 2012 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 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2012/02225 Units 7b & 7c, Victoria Road Trading Estate, Victoria Road, Portslade	Deputy Development Control Manager
BH2012/02378 & 02379 Brighton College, Eastern Road, Brighton	Deputy Development Control Manager

**82. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A. BH2012/01992 - Brighton College, Eastern Road - Planning Permission -**  
Construction of a new four storey self-contained boarding house adjoining existing Dawson Hall comprising 40no student bedrooms, 2no staff flats and ancillary accommodation with associated works including hard and soft landscaping and dismantlement and reinstatement of part of boundary wall along Eastern Road.

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

(2) The Senior Planning Officer, Anthony Foster, introduced application BH2012/01992 for planning permission and application BH2012/01993 for listed building consent, and gave a presentation by reference to photographs, plans, elevational drawings and photo montages; a scale model had also been provided. The application site related to

the south-eastern corner of the college site; it was highlighted that there were a number of listed buildings on site; the site was located in the College Conservation Area and the historical context of the buildings was provided. The application was for a part 3 & 4 storey extension to Dawson Hall comprising of 40 students bedrooms – with 71 student sleeping spaces; house mistress and deputy house mistress flats; storage and common rooms. It was highlighted that English Heritage; the Heritage Team and CAG all supported the application. The building would be 17 metres high on the Eastern Road elevation, and the existing service entrance next to it would be retained. The height of the building would be similar to the existing Dawson Hall; the proposed fenestration would be a modern interpretation of that found on the existing building, and the front elevations would be red brick to ensure it remained in-keeping.

- (3) The application also proposed the temporary demolition of a flint wall which was to be rebuilt using the original materials where possible. The proposed extension would extend 33 metres to the rear, and the dormers set into the eaves at the top level would help to break up the bulk of the building and roof. At the north and west elevations there would be flint finishing matching the existing finishing in the quad. The existing east elevation of Dawson Hall would be retained inside the new extension, and incorporated into the design; the windows would also be retained and one would be obscured. No internal link was proposed between the existing building and the extension. The main considerations were outlined in section 8 of the report, and the highways impact was considered negligible as the vast majority of the accommodation would be dorms for students. The application proposed the removal of trees from the site, but three new ones had been proposed and the Council was satisfied with this. There would also be a number of ecological enhancements on the site including grasslands, native scrubs and nesting boxes. The recommendation on both applications was to grant for the reasons set out in the reports.

### Questions for Officers

- (4) In responses to separate queries from Councillor Carol Theobald it was explained that two sycamores and a crab apple tree would be removed from the site, and a transport plan had been included with the application which had not raised any issues in relation to dropping off and collection of students at the beginning and end of terms.
- (5) Councillor Simson asked for more information on the relationship internally of the existing building and the proposed extension; it was explained that the extension was at a higher level, and the existing windows would be at floor level.
- (6) In response to a query from Councillor Sykes it was explained that photovoltaic panels had not been included in the design as the proposals already met the required level of sustainability.
- (7) Councillor Carol Theobald asked about potential discolouration of the aluminium windows, and it was explained that such work would be part of ongoing maintenance.

### Debate

- (8) Councillor Carol Theobald stated that she had no objection to the scheme; was pleased to see the school doing well, and felt the scheme would blend well with the historic buildings.
- (9) Mr Breckell stated that CAG had unanimously supported the application as it was well designed and respectful of the original building.
- (10) Councillor Hawtree, the Chair, noted that the extension was a continuation of a series of extensions to the site since the original building had been built.
- (11) Councillor Wells commended the work of Officers and the architect, and stated he would be voting with the Officer recommendations.
- (12) A vote was taken and planning permission was unanimously granted.

82.1 **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 resolved to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**B. BH2012/01993 - Brighton College, Eastern Road - Listed Building Consent -** Construction of a new four storey self-contained boarding house adjoining existing Dawson Hall. Dismantlement and reinstatement of part of boundary wall along Eastern Road.

- (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.

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

**C. BH2012/01994 - 13 Preston Road - Removal or Variation of Condition -** Application for variation of condition 6 of application BH2010/01864 (Change of Use from retail (A1) to hot food take-away (A5) incorporating extraction flue) to permit the premises to be open for trade between 1100 and 0100 hours Sunday to Thursday and 1100 and 0300 hours on Friday and Saturday for a 12 month temporary period.

- (1) The Area Planning Manager (East), Claire Burnett, introduced the application and gave a presentation by reference to plans and photographs. An update was provided on the shop frontage which was subject to a planning enforcement notice; a decision had been issued on the appeal, and the notice had been upheld. The application site related to a pizza takeaway on the ground floor with residential accommodation above, and the application sought to allow the premises to be open for trade between 1100 and 0100 hours Sunday to Thursday, and 1100 to 0300 hours Friday and Saturday for a temporary 12 month period; a management plan was also proposed to help mitigate any problems. Two previous applications had been refused for a variation of condition,

and although it was proposed to restrict sales activity for delivery only it was considered that this condition would be unworkable. Sussex Police also objected to the application; the applicant had proposed that a dedicated telephone number be put in place to deal with noise complaints; however, it was not felt that this would be sufficient to mitigate against any potential noise impact caused by the extension of hours. For the reasons set out in the report the application was recommended for refusal.

### **Public Speakers and Questions**

- (2) Mr Bareham spoke in his capacity as the agent for the applicant, and stated that the temporary 12 permission was supported by Environmental Health, and highlighted that there was a neighbouring off-licence that currently operated until 0200 hours. Mr Bareham drew the attention of the Committee to the NPPF in relation to granting applications that promoted sustainable development, and went on to highlight the busy nature of the road through the week, and especially at weekends. He concluded by noting that the report did not take a positive approach to decision making and looking for solutions; instead it was his view that it focused on a 'flawed' representation from Sussex Police.
- (3) In response to a query from Councillor Cobb, Mr Bareham explained that it had been debatable which premises in the immediate vicinity complaints in relation to noise had come from.
- (4) In response to query from Councillor Carol Theobald accurate data on the number of deliveries could not be provided, but it was explained that jobs were stacked and the drivers arrived by car and pulled up outside the premises to collect food.
- (5) Councillor Davey asked for more information on how the application was sustainable, and it was explained that granting the application would add to the economy of the city. Councillor Davey also asked about potential conditions, and it was explained that the applicant would be willing to accept restrictions on the time deliveries could be made; it was also stated that the road was already very busy, and there was little demand for parking during the hours the variation was seeking to condition.
- (6) In response to a query from Councillor Hamilton the hours of operation of the other late night businesses in the immediate vicinity were given; these were confirmed by the Area Planning Manager (East).
- (7) It was confirmed that the current tenant in the flat above the premises was due to move out, and employees of the premises would be the future occupiers.
- (8) In response to a query from Councillor Simson it was confirmed that a late night licence, in relation to the Licensing Act 2003, had been granted in 2011.

### **Questions for Officers**

- (9) In response to a query from Councillor Sykes it was explained that a temporary permission of 12 months could be used to assess potential problems in relation to noise and disturbance but was not considered appropriate in this case.

- (10) It was confirmed for Councillor Davey that the enforcement action did not relate to this application.

**Debate**

- (11) Councillor Simson noted that there were ongoing problems in the area in relation to antisocial behaviour, and a late night takeaway would only add to this; for these reasons she would be voting with the Officer recommendation.
- (12) Councillor Cobb noted that the letters of objection had all come from properties in close proximity, and although there were already late night premises nearby this should not set precedent in the area.
- (13) A vote was taken and the variation of condition was unanimously refused.

82.3 **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 resolved to **REFUSE** the variation of condition for the reason set out below.

1. The proposed extension of opening hours would result in an increased opportunity for noise disturbance and anti-social behaviour during the early hours of the morning to the detriment of the amenity of neighbouring residential occupiers and contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

**D. BH2012/01505 - 34 Roedean Crescent - Planning Permission - Roof alterations to create additional storey incorporating rear dormers and rooflights to front roofslope.**

- (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. The area was characterised by detached dwellings on large plots, and a number of other properties in the immediate vicinity had undergone significant alterations. The application sought permission to replace the existing roof with a larger structure and a parapet wall, rooflights and new dormers. The parapet wall would be 1.4 metres higher than the original level and higher than the existing roof. This section of the street had an increased gradient from east to west, and the buildings stepped up to reflect this change; this feature would be retained through the application and raising the roof was considered acceptable in principle. A dormer was proposed on the front of the property, and it was noted that this feature was present on other properties in the street. The street scene was varied with some bold and contemporary designs, and it was felt that there would be no overbearing impact on neighbours, and the proposals would not result in overlooking or be out of keeping. For the reasons set out in the report the application was recommended for approval.

**Questions for Officers**

- (3) In response to a query from Councillor Hawtree, the Chair, a photograph of the original building, without any alterations, was shown.

**Debate**

- (4) Councillor Wells stated that the application would be a significant improvement to the existing building, and he would be voting with the Officer recommendation.
- (5) Councillor Carden stated that he could see no reason to refuse the application.
- (6) Councillor Simson stated that she had had concerns in relation to neighbouring amenity, but after seeing the plans she was satisfied this would not be an issue.
- (7) Councillors Sykes and Gilbey stated that the application increased the coherence of the street scene.
- (8) A vote was taken and planning permission was unanimously granted.

82.4 **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 resolved to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**E. BH2012/02147 - 31-33 Bath Street - Planning Permission** - Demolition of existing buildings to be replaced with proposed development of 5no residential dwellings to the rear of the site and 3no live-work units at the front of the site.

- (1) The Area Planning Manager (East), Claire Burnett, introduced application BH2012/02147 for planning permission and application BH2012/02148 for conservation area consent, and gave a presentation by reference to photographs, plans and elevational drawings. The application site was on the south side of Bath Street, and currently comprised two 2-storey buildings and a garage; at the rear there was a yard area which was disused. The applications sought the demolition of the existing buildings, and the erection of a 3-storey block fronting onto Bath Street containing three live/work units. The building would be extensively glazed at the ground floor with Juliet balconies on the first floor and lead clad dormers on the second. To the rear there would be a central courtyard and a configuration of four 2 bedroom units, and a 3 bedroom unit across 2-storeys. There was no car-parking proposed onsite; with adequate cycle and bin storage. It was highlighted that there was already an existing permission on the site for a similar scheme, but it proposed shops and offices in the front block instead of the live/work units and included some alterations to the design which were considered favourable. The existing buildings had been vacant for some time; were in a poor state of repair, and, as such, were not protected by policy in relation to the loss of workspace. In relation to the previous approved scheme it was explained that amenity concerns to the adjoining properties had been addressed and it was considered acceptable levels of overlooking could be maintained; this was helped by a large wall at the rear of the property. The development would accord with the lifetime homes standards, and a condition would be added to ensure this. For the reasons set out in the reports the applications were recommended for approval.

**Questions for Officers**

- (2) In response to a query from Councillor Mac Cafferty it was explained that the premises had been vacant for a significant period of time, although the exact date could not be clarified, and the nature of the previous use did not afford it protection under Council Policy.
- (3) Councillor Carol Theobald asked about the density, and potential problems in relation to amenity. In response it was explained that the scheme had been designed so that views at the rear would be obscured by the existing wall. In relation to the density there was already an existing permission on the site that was material, and the proposals were similar in terms of design and use to the neighbouring Dyke Road Mews; the units were also considered to be of sufficient size.
- (4) In response to a query from Councillor Sykes the obscurely glazed windows on the units at the rear were highlighted.
- (5) In response to a query from Councillor Davey it was clarified that the design sought to create active frontages and bring vibrancy to the street.
- (6) Councillor Gilbey highlighted a local publication which had suggested the scheme had already received planning approval; Officers confirmed that the author was incorrect in this statement.

**Debate**

- (7) Councillor Carol Theobald stated her view that the application would overdevelop the site, and she would be voting against the Officer recommendation.
- (8) Councillor Hawtree, the Chair, welcomed the application, and highlighted the varied nature of the neighbourhood.
- (9) Councillor Simson felt that the application would help regenerate the area.
- (10) A vote was taken and planning permission was granted on a vote of 10 to 1 with 1 abstention.

82.5 **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 resolved to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**F. BH2012/02148 - 31-33 Bath Street - Conservation Area Consent - Demolition of existing buildings.**

- (1) A vote was taken and conservation area consent was granted on a vote of 10 to 1 with 1 abstention.



- 82.6 **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 resolved to **GRANT** conservation area consent subject to the Conditions and Informatives in the report.
- G. BH2012/00736 - Land to West of 42 Falmer Gardens - Planning Permission -**  
Erection of a 2no storey detached dwelling with associated car parking and new access.
- (1) The Area Planning Manager (East), Claire Burnett, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was highlighted that amended plans had been received altering the width of the access; which was now 3 metres as shown on the plans. The area was a mix of 1 and 2-storey dwellings; with some larger and more substantial properties in the immediate area. The application site had been part of the rear garden of number 42 Falmer Gardens; the roof of the proposed property would slope away from the road, and at the rear high level windows were proposed on the first floor and glazed doors on the lower level. Timber cladding was proposed on the side of the property in sweet chestnut colour. An application had been refused in January 2012 for two more traditional semi-detached properties on the site; however, the principle of a dwelling on the site was not considered unacceptable. The proposed building was split level with a single storey visible at the front, and 2-storeys visible at the rear. The application included a 1.8 metre high boundary fence at the front of the property that would be similar to the existing fence. The building would be contemporary in appearance, and contrast more with the surrounding area. In relation to amenity there were no side windows proposed above eye level, and it was set far enough back from neighbouring properties to prevent any overbearing impact. It was not considered there would be an increased risk to highway safety, and the site would include off-street parking. The council also considered that code for sustainable homes level 4 was acceptable, and further details in relation to nature conservation could be secured through conditions. For the reasons set out in the report the application was recommended for approval.

### Questions for Officers

- (2) Councillor Cobb asked a series of questions in relation to daylight studies, and it was explained that whilst none had been undertaken these issues had been considered and it was felt that the combination of the high level windows and roof lights would provide adequate daylight into the building.
- (3) In response to queries from Councillor Hamilton and Gilbey it was explained that the application proposed a 1.8 metre fence around the plot; this would be similar in appearance to the current fence at the front.
- (4) In response to a query from Councillor Cobb the proposed position of the photovoltaic panels was confirmed.
- (5) Councillor Carol Theobald asked about the external cladding, and it was explained that a condition would be added to ensure all the external materials were agreed before use, and if the Committee were so minded they could add a condition in relation to the pre-treating of the cladding.

**Debate**

- (6) Councillor Wells stated he did not consider the design appropriate for the area – in particular the flat roof – and he would be voting against the Officer recommendation.
- (7) Councillor Simson commented that the design did not fit into the surrounding area, and she had concerns in relation to the width of the access, as such, she would be voting against the Officer recommendation.
- (8) Councillor Cobb stated that the design was not appropriate for the area; she also stated her reservations in relation to the height of the fence, and the external cladding. She however commended the high level of sustainability.
- (9) Councillor Hawtree, the Chair, noted that in his view the architect had not studied the streetscape, and felt a more bold design could have been achieved on the site.
- (10) Councillor Gilbey noted that she thought the fence was too high, and acted to mask the building.
- (11) Councillor Carden noted that the building reminded him of post-war prefabricated build.
- (12) The Deputy Development Control Manager explained that the rationale behind the design had sought to address the reasons for the refusal of the previous scheme for two dwellings, and the scheme before the Committee reflected this.
- (13) Councillors Simson and Wells noted that one unit of a more traditional design would be appropriate on this site.
- (14) A vote was taken on the Officer recommendation to grant planning permission but was not carried on a vote of 6 to 4 with 2 abstentions. Councillor Cobb proposed reasons for refusal and these were seconded by Councillor Wells; a short recess was then held to allow Councillor Hawtree, Councillor Cobb, Councillor Wells, 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 Cobb, Gilbey, Carol Theobald, Wells, Simson and Hawtree voted that the application be refused; Councillors Davey, Hamilton, Mac Cafferty and Rufus voted that the application be granted, and Councillors Carden and Sykes abstained from the vote.
- 82.7 **RESOLVED** – That the Committee has taken the Officer recommendation to approve into consideration but resolves to **REFUSE** planning permission for the reason set out below.
- i. The design of the proposed development is out of keeping with the surrounding properties and the surrounding streetscene particularly by virtue of its flat roof and timber cladding. Moreover, it is considered that the height of the fence is excessive in the context of the surrounding streetscene and would provide an unattractive and uninteresting frontage to Falmer Gardens. The proposed development is therefore contrary to policies QD1, QD2 and QD5 of the Brighton and Hove Local Plan 2005.

**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 **RESOLVED** – There were none.

**84. APPEAL DECISIONS**

84.1 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.

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

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

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

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

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

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

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

88.1 **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 4.15pm

Signed

Chair

Dated this

day of