

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 9 JANUARY 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, A Norman, Rufus and Wells

Officers in attendance: Jeanette Walsh, Head of Development Control Forum; Aidan Thatcher, Enforcement & Investigations Planning Manager; Jonathan Puplett, Planning Officer; Steven Shaw, Principal Transport Planning Officer; Hilary Woodward, Senior Lawyer and Ross Keatley, Democratic Services Officer.

PART ONE

126. PROCEDURAL BUSINESS

126a Declarations of substitutes

126.1 Councillor Rufus was present in substitution for Councillor Phillips, and Councillor Ann Norman was present in substitution for Councillor Carol Theobald

126b Declarations of interests

126.2 There were none.

126c Exclusion of the press and public

126.3 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.

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

127. MINUTES OF THE PREVIOUS MEETING

127.1 Councillor Hawtree noted that owing to Christmas break the minutes of the previous meeting had not been finalised and would be agreed at the next meeting of Committee; they would be circulated by email shortly for information.

128. CHAIR'S COMMUNICATIONS

128.1 Application E, BH2012/03100 14 Withdean Road, had been withdrawn from the agenda.

129. PUBLIC QUESTIONS

129.1 There were none.

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

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

Application:	Requested by:
BH2012/02631 – 26A St Martins Place, Brighton	Councillor Jones

131. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A. BH2012/03250 - Princes House, 53 Queens Road, Brighton - Full Planning Permission - Change of use of ground and first floors from office space (B1) to language school (D1).

(1) The Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application sought permission for a change of use from offices to a language school; with no external alterations to the building. The application site related to Prince’s House; a four storey building with basement car parking facilities; the site adjoined a Grade 2 listed building. The ground floor had an inset entrance with a communal staircase, and there was also access from North Gardens. The ground and first floors had been empty since August 2010, and it was noted one neighbour letter had been received in objection. The property had been marketed to establish the redundancy of the current use, and the principle of the new use was deemed acceptable. It was highlighted that the entrance to the property was on a busy thoroughfare, and to safeguard the amenity of local residents a management plan for the site would be secured through condition. It was also noted there was disabled parking in the basement car parking. The application was recommended to be minded to grant for the reasons set out in the report.

Questions for Officers

- (2) In response to a query from Councillor Hyde in relation to the management plan it was explained that Officers did not have detail of the specifics, but they were confident the plan would properly manage the movement of students in and around the site. Following a further query the location of the disabled parking was clarified using the plans.
- (3) It was confirmed for Councillor Ann Norman that there was existing disabled access by elevator between the basement, ground and first floors.
- (4) Councillor Hawtree asked how the plan would fit into proposals around the Gateway scheme for Brighton Railway Station, and in response it was explained that part of the scheme proposed the widening of the pavement in front of the site.
- (5) Councillor Mac Cafferty asked for information on the rationale to condition permitted use until 22.00. In response it was explained that the primary use was expected to be normal office hours, and the later permission was to allow for weekend and occasional evening use. Following further questions from Councillor Hyde the Head of Development Control, Jeanette Walsh, clarified that Officers were not seeking to define the occasional use, and they were satisfied that the proposed condition was reasonable.

Debate and Decision Making Process

- (6) Councillor Mac Cafferty stated that the permitted use until 22.00 was too late to safeguard amenity for local residents, and he cited the cumulative impact of other premises in the area. He proposed amending Condition 4 to fix the terminal hour for permitted use to be until 21.00 Monday to Saturday; the proposed amendment by seconded by Councillor Hyde.
- (7) Councillor Cobb stated that she did not agree with this proposed amendment or position, and felt that the premises should not be penalised based on cumulative impact; the area was already busy with a lot of through traffic and the amendment to the terminal hour would be of little consequence.
- (8) Councillor Carden stated that this is a very dangerous junction, and he did not feel he could make an informed decision on the application without knowing the full details of the Gateway scheme. He stated that not enough thought had been given to the management of students at the front of the site.
- (9) Councillor Rufus stated that it was difficult to see how students would have enough space at the front of the site as it was a heavy walking route. The numbers of students congregating outside of the site could also cause an obstruction for people crossing the busy road. He was not satisfied that this could be sufficiently controlled through the management plan, but highlighted that he had no objection to the principle of the change of use. Councillor Jones noted his agreement with these concerns, but also welcomed the change of the use.

- (10) The Committee voted on the amendment to Condition 4 put forward by Councillor Mac Cafferty and this was agreed on a vote of 9 to 2.
- (11) A vote was taken and the eleven members present voted that planning permission be granted on a vote of 7 for, 1 against and 3 abstentions.
- 131.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations, and the policies and guidance set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to the Conditions and Informatives in the report, and the amended Condition below.
- i. The use hereby permitted shall not be open except between the hours of 08.00 and 21.00 on Mondays to Saturdays and 09.00 and 20.00 on Sundays, Bank or Public Holidays.

Note: Councillor Davey was not present during the consideration and vote on this item.

- B. BH2012/02631 - 26A St Martins Place, Brighton - Full Planning Permission -** Erection of four storey building to replace existing garage comprising of office accommodation on ground floor, 2no one bedroom flats and 3no two bedroom flats on upper floors, incorporating terraces, bicycle parking and associated works.

131.2 This item was deferred to allow a site visit to take place.

- C. BH2012/01545 - 151 & 151A Marine Drive, Rottingdean, Brighton - Full Planning Permission -** Demolition of existing house and erection of 3no detached dwellings.

- (1) The Planning Officer introduced the applicant and gave a presentation by reference to plans photographs and elevational drawings; information contained on the Late List was also highlighted. The application sought the demolition of the existing property and the erection of 3 new detached dwellings; each plot would run vertically to the frontage of the site. The three properties would be set back to maintain the character of the current arrangements; the details of the proposed properties were highlighted using the plans. There had been a previous refusal on the site for a scheme of three dwellings of more modern design. The density and scale were considered acceptable, and although one of the properties was larger than the others this was considered acceptable as it related to the size and position of the current property on the site. The design was contemporary, but acceptable due to the variety of designs in the area, and the amenity space for each property was suitable. Noise reports had been carried out on the site in relation to traffic concerns, and mitigation measures in relation to neighbouring amenity were addressed through condition, but not considered significant to warrant refusal. Due to recession measures there would not be a request for contributions towards sustainable transport, and issues in relation to nature and conservation were addressed by condition. The application was recommended for approval for the reasons set out in the report.

Questions for Officers

- (2) Following a query from Councillor Hyde a contextual elevation was used to give some indication of the differences in roof height between the proposed and existing properties and surrounding properties. In response to a further query about the use of a grey slate roof it was acknowledged that the design was contemporary in nature and effort had been made to incorporate more traditional features to ensure the properties would sit comfortably in the area; it was also stated that there was already some variety of buildings in the area.
- (3) Councillor Cobb asked if there were any concerns in relation to overshadowing of the two smaller properties by the larger; in response it was explained that the light levels were considered acceptable as all three properties would have their primary aspect to the south.

Debate and Decision Making Process

- (4) Councillor Cobb stated her view that the properties would not be in-keeping with the surrounding area, and although they were modern in design she did feel some of the pallet of materials would not be appropriate.
- (5) Councillor Wells stated that he agreed with the comments made by Rottingdean Parish Council in the report that the proposal would constitute overcrowding on the site, and for these reasons he would be voting against the Officer recommendation. Councillor Hyde agreed with this, and stated that the site would be more suited to two properties.
- (6) The Planning Officer highlighted the inspector's views on the previous refusal and stated that the reasons for upholding the refusal had related to the design, but not the bulk and mass of the units.
- (7) A vote was taken and planning permission was granted on a vote of 8 to 3 with 1 abstention.

131.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations, 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. BH2012/03343 - 26 Coombe Road, Brighton - Full Planning Permission - Installation of new shopfront.

- (1) The Enforcement & Investigations Planning Manager, Aidan Thatcher, introduced this application and gave a presentation by reference to plans, photographs and elevational drawings; reference was also made to information on the Late List. The application sought the replacement of the timber shop front with an aluminium frontage, and the property related to 2 storey terrace building with an A1 commercial premises on the ground floor and a residential flat above. The premises formed part of a parade of shops on the street. The proposed new shop front would replace the existing recessed timber frontage with a more modern flush aluminium frontage, and there was no justification in design terms to replace the traditional timber frontage that was in good

condition. All the properties, with one exception, had timber frontages on the parade, and the current frontage was considered to contribute the design of the general area. The application was recommended for refusal for the reasons set out in the report.

Public Speakers and Questions

- (2) Mr Patel spoke on behalf of the applicant as the shop fitter and designer; he stated that the premises was currently a pharmacy and the applicant was looking to upgrade and refit the shop. It was highlighted that the existing frame was rotting on the inside, and there was a step that prevented the premises from being DDA compliant; there were also other aluminium fronted shop premises within walking distance and this design was considered to be in-keeping. It was highlighted that a significant amount of investment was being made in the new shop, and one of the main reasons for the application was to give better disabled access to the shop.
- (3) Following a query from Councillor Cobb it was noted that the applicant had some disabled customers who currently had to be served from the front of the premises.
- (4) Councillor Rufus asked if there were any clinical or safety issues relating the proposed changes, and in response it was explained that it related to the poor condition of the current shop frontage.
- (5) Following a query from Councillor Mac Cafferty it was explained that as there were other aluminium fronted premises nearby it had been considered that the design would be acceptable.

Question for Officers

- (6) It was confirmed for Councillor Gilbey that the tiles onto the pavement were flush, but there was a small threshold on the door to the premises.
- (7) In response to queries from Councillor Rufus it was confirmed that the width of the door was 900mm. The Head of Development Control also confirmed that no pre-application advice had been requested by the applicant, but the authority would be happy to work with the applicant on a more traditional scheme to the satisfaction of both the applicant and the planning authority.

Debate and Decision Making Process

- (8) Councillor Hyde noted that she agreed with the Officer recommendation, and stated that the shop front was attractive; she believed a better solution could be agreed to maintain the traditional design, and help achieve the applicant's aims.
- (9) Councillor Rufus stated that the applicant had not been able to provide any practical need that justified the changes, and as such he would be voting in support of the Officer recommendation.
- (10) A vote was taken and planning permission was refused on a vote of 8 in favour of the recommendation and 3 abstentions.

- 131.4 **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 **REFUSE** planning permission for the following reason:
- i. The proposal, by reason of design, materials and detailing would result in an unsympathetic and visually harmful alteration that fails to represent an improvement in the design of the existing shopfront and is detrimental to the character and appearance of the existing building, the Coombe Road street scene and the wider surrounding area. As such the proposal is contrary to policies QD1, QD2 and QD10 of the Brighton & Hove Local Plan and the Supplementary Planning Document on Shop Front Design (SPD02).

Note: Councillor Davey was not present during the consideration and vote on this item.

- E. BH2012/03100 - 14 Withdean Road - Full Planning Permission -** Erection of new detached 5no bedroom dwelling, swimming pool and pool house adjacent to existing house.

131.5 This application was withdrawn from the agenda.

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

132.1 There were none.

133. APPEAL DECISIONS

133.1 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.

134. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

135. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

136. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

137.1 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 3.01pm

Signed

Chair

Dated this

day of