

BRIGHTON & HOVE CITY COUNCIL
PLANNING APPLICATIONS SUB-COMMITTEE

13 AUGUST 2003

2.00 PM

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Carden (Chair), Hamilton, Hyde, K Norman, Older, Paskins, Pennington (Deputy Chair), Smith, Tonks, Turton, Watkins and Wells.

Also in attendance: Mr J Small, Conservation Areas Advisory Group; Mrs J Turner, Disabled Access Advisory Group.

PART 1

46A DECLARATION OF SUBSTITUTES

46A.1 <u>Councillor</u>	<u>attending as substitute for</u>
Councillor Smith	Councillor Mrs Theobald
Councillor Turton	Councillor Forester

46B DECLARATION OF MEMBERS' INTERESTS

46B.1 Councillor Wells declared a minor personal interest in application BH2003/02022/FP, land between 38 & 50 Carlyle Street. He stated that he and the applicant were both members of the Private Sector Housing Forum. He had taken legal advice and been advised that he could remain in the room while the application was considered.

46B.2 Councillor Carden declared a prejudicial interest in item 51 on the agenda. He stated that he was a member of Shoreham Port Authority. He left the room for the duration of this item and Councillor Pennington took the chair.

46B.3 The Development Control Manager informed members that the joint applicant in the case of application BH2003/01864/FP, 11 Wayland Avenue, was an officer of the council but that this had not influenced the planning officer's recommendation.

46B.4 Councillor Paskins declared a prejudicial interest in application BH2003/01905/FP, 12 Sillwood Road. She left the room while this application was under consideration and took no part in the debate or voting on it.

46B.5 Councillor Meegan attended the meeting in his role as local ward councillor to speak about application BH2003/00826/FP, 58 Palmeira Avenue. Councillor Meegan declared a personal interest as he lived in close proximity to the site but confirmed that other local residents had asked him to speak on their behalf.

46C EXCLUSION OF PRESS AND PUBLIC

46C.1 The sub-committee considered whether the press and public should be excluded from the meeting during consideration of any items contained in the agenda, having regard to the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100I of the Local Government Act 1972.

46C.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 57 and 58 on the agenda.

47 MINUTES

47.1 **RESOLVED** – That the minutes of the meeting held on 23 July 2003 be approved and signed by the Chair as a correct record of the proceedings, subject to deleting the name “Councillor Giebeler” and replacing it with “Councillor Older” in paragraph 39.53.

48 PETITIONS

48.1 No petitions were presented at the meeting.

48.2 The sub-committee noted a petition containing 55 signatures objecting to the lowering of the flint wall between St Andrew's Grade 2* listed church and Tesco (under construction) in Church Road, Hove, which had been presented by Councillor Older at the Council meeting on 17 July 2003. The Planning Officer reminded members that full planning and listed building applications have been determined under delegated powers as no objections had been received within prescribed timescales. Both applications were received in December last year and the listed building application had since been referred to GOSE and would not come back before the sub-committee. English Heritage had no objection to the lowering of the height of the wall subject to

appropriate conditions and both applications have been progressed in close liaison with the Conservation & Design Team.

49 UPDATE ON DECISIONS DELEGATED TO OFFICERS AT PREVIOUS MEETINGS

49.1 The Development Control Manager confirmed that, in the case of application BH2003/01550/FP, 133 Cuckmere Way, officers had met the applicant to advise that a similar roof to a neighbouring property would be acceptable (see minute 39.2). The applicant was now considering submitting new plans to reflect this. If the plans were satisfactory the application could be determined by officers acting under delegated powers.

49.2 The Development Control Manager advised that in the case of application BH2003/00960/FP, 121-123 Havelock Road, (minute 39.14) the applicant's agent had indicated that they would be prepared to reduce the size of the dormers in accordance with the original approved drawings. A new application would shortly be submitted covering this and the other changes to the original approval.

49.3 The applicants for application BH2003/01356/FP, 1 Western Road, (minute 39.23) had already informed the council that they intended to appeal against the decision to refuse planning permission. They would seek a local inquiry. The Development Control Manager stated that this raised the question of who would represent the council, given that officers had recommended refusal. The applicants were also considering whether to submit a second application to the council.

49.4 With regard to application BH2003/01786/FP, Saltdean Reservoir, the applicant had agreed to the sub-committee's wish that there should be no proliferation of masts on this site (as set out in minutes 39.46 - 39.48) and officers had therefore issued a decision notice granting consent.

50 DRAGONS HEALTH AND LEISURE CLUB, ST HELIERS AVENUE

50.1 Members considered a request to hold events which had been sent by e-mail from the Manager of Dragons Club as set out in the agenda.

50.2 However, the Development Control Manager stated that the council had been informed that the Club had held an unauthorised event on 5 July and a local resident had submitted a formal complaint to the Chief Executive. The local ward councillors had concerns about issuing any further consents for social events at the present time and the Development Control Manager recommended that it would be

inappropriate to make any decision until the complaint had been investigated.

50.3 **RESOLVED** - That the item be deferred.

51 CONSULTATION RESPONSE ON TWO PLANNING APPLICATIONS IN ADUR

51.1 The sub-committee considered a report of the Director of Environment concerning two planning applications in Adur: one for a road haulage operation on the southern arm of the port and one for an aggregate bagging operation. Letters which officers had despatched in order to comply with the deadline for submitting responses were attached as appendices to the report.

51.2 Councillor Hamilton confirmed that he had submitted a letter of objection to Adur Council regarding the application to move the vehicle maintenance depot to a place where it would increase traffic on roads in Brighton & Hove. He regretted that Adur members had overturned the officers' recommendation and had granted planning permission.

51.3 **RESOLVED** (1) That the letter dated 14 July stating that no objection be raised to an aggregate bagging operation on the northern side of the Harbour at Solent Wharf, Basin Road South for the reasons set out in section 3 of this report (West Sussex County Council application) be endorsed as set out in appendix 1.

(2) That the letter dated 2 July raising objections to the planning application at the Asphaltic Premises, Basin Road South for a road haulage operation (Adur planning application) for the reasons set out in section 3 of the report be endorsed as set out in appendix 2.

(3) That the decision made by Adur members to approve the road haulage planning application be noted and the comments of officers relating to the proposed conditions be endorsed.

52 SITE VISITS

52.1 **RESOLVED** That the following site visits be undertaken by the sub-committee prior to determining the applications:-

WARD	APPLICATION	SITE	SUGGESTED BY
Withdean	BH2003/01936/F P	17 Hillbrow Road*	Councillor Norman
Westbourne	BH2003/01517/F P	Holy Cross Church, Tamworth Road	Councillor Hyde

[* Brought forward from a previous meeting]

[Note: item 54 sets out a full list of future site visits]

53 PLANS LIST OF APPLICATIONS, 13 AUGUST 2003 (SEE MINUTE BOOK)

(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY

Application BH2003/01557/FP - 4 Sillwood Street

53.1 Before the meeting members had visited the site and the neighbouring property at 27 Sillwood Road. The Planning Officer reminded members that the appeal inspector's decision was a material consideration.

53.2 Councillor Older considered that roof lights would be more acceptable than dormer windows at the rear and that condition four would be unnecessary if they were installed. The Development Control Manager advised that, if members were minded to grant planning permission subject to roof lights on the northern elevation of the extension, officers could issue a decision notice under delegated powers once satisfactory amended plans were received.

53.3 **RESOLVED** - That the council be minded to grant planning permission subject to the receipt of satisfactory revised plans and to the conditions set out in the report (with any appropriate amendments).

Application BH2003/02202/FP - North Street Quadrant

53.4 Mrs Turner, representing the Disabled Access Advisory Group, stated that this development should be fully accessible to people in wheelchairs and that she was unhappy that this did not seem to be the case. The Development Control Manager informed members that the Solicitor to the sub-committee was researching the implications of the Disability Discrimination Act for recommendations made under the Town and Country Planning Act

53.5 Councillor Watkins sought clarification as to whether this was a new application or an amendment. The Development Control Manager advised that this was a new application for an amendment to an approved scheme. The nature of the development proposed was similar to what had been approved before and the fact that consent had been granted very recently was a material consideration. Councillor K Norman stated that in his opinion there was a considerable difference between this and what had previously been approved. Councillor Smith considered that the appearance would be unsatisfactory if the

limestone cladding was confined to the ground and first floors and not extended to the second floor.

53.6 The Planning Officer responded to a question from Councillor Hyde by stating that the demolished section had been 17 metres wide. He confirmed that the footprint of the new proposal was no greater than that previously approved.

53.7 Mr Small stated that the architect and the CAAG had worked hard to achieve a satisfactory appearance. Although not in the conservation area, the site was next to a listed building. Mr Small stated that the façade, which had fallen down, should be rebuilt to reflect what was there before. He emphasised the importance of the site and expressed concern that the perspective provided by the applicant did not show the full extent of the proposal. Councillor Paskins shared this concern and it was agreed to defer the application for an artist's impression of the entire frontage.

53.8 **RESOLVED** - That the application be deferred.

Application BH2003/01864/FP - 11 Wayland Avenue

53.9 This application was the subject of a site visit before the meeting.

53.10 Mrs C Morley spoke as an objector to the proposal. Mr J Boys spoke for the applicant. Councillor A Norman attended the meeting and spoke in support of the objectors. She stated that there had already been some unacceptable piecemeal development in this garden. This application was contrary to policy QD14. It was a retrospective application, which meant that it was too late to work out a compromise suitable to the neighbours.

53.11 A member asked for an explanation of policy QD14 and the Development Control Manager advised that it was not the only consideration in this case. This policy would carry more weight in a uniformly spaced street. Other considerations were the impact on the area and on the neighbours. Officers had visited the site and considered that there would be no detrimental impact on either. Councillor K Norman stated that there would be a serious impact on the neighbours by way of overlooking, but the Development Control Manager stated that if this were given as the reason for refusal, it would be difficult to sustain at an appeal.

53.12 Councillor A Norman stated that it would be impossible to undertake maintenance without dismantling the fence between the two properties but the Planning Officer advised that the issue of maintenance was not a planning consideration.

53.13 **RESOLVED** - That planning permission be granted by the council subject to the conditions set out in the report.

Application BH2003/00826/FP - 58 Palmeira Avenue

53.14 This application was the subject of a site visit before the meeting.

53.15 Mr J Turner spoke on behalf of the applicant. Councillor Meegan attended the meeting and spoke on behalf of objectors. He stated that people living behind the site had concerns for the security of their property, particularly given the unusual shape of the site, which would create a blind corner. He requested a security fence be installed.

53.16 Councillor Older considered that the standard of design was not high enough and Councillor Hyde that it was bland without interesting features. Councillor Hamilton stated that there were many blocks of flats in the area and the development might be more acceptable when built than it appeared on the drawings. Councillor Paskins added that it would be difficult to refuse planning permission because the street scene now differed considerably from its original appearance.

53.17 There was some concern among members that officers had indicated to the applicant that the originally proposed building of colonial character with a distinctive colour scheme was unacceptable. They considered that it should have come before the sub-committee.

53.18 Officers responded to members' questions. The Planning Officer indicated the communal and private amenity spaces on the plans. The Development Control Manager confirmed that the single unit would be fitted out to wheelchair standard.

53.19 The Development Control Manager concluded the discussion by stating that there were already blocks of flats of similar height in Palmeira Avenue. The colonial style of the earlier scheme would be excessively fussy on this site, while the present application was an example of good modern design. The council was concerned that all new developments should be sustainable and appropriate action was being taken to meet this aim and to incorporate it into the final draft of the Local Plan.

53.20 **RESOLVED** - That planning permission be granted by the council subject to the conditions set out in the report.

[Note: Councillors Carden, Forester, Hamilton and Tonks voted for the officer's recommendation to grant planning permission. Councillors Giebeler, Hyde, Smith, Mrs Theobald and Wells voted against the

recommendation. Councillors Pennington and Watkins abstained. Councillor Paskins had declared an interest and also abstained.]

Application BH2003/02022/FP - Land between 38 & 50 Carlyle Street

53.21 The Planning Officer requested that an additional reason for refusal be added (as set out below).

53.22 **RESOLVED** - That planning permission be refused by the council for the reasons set out in the report with the following additional reason:

6. The proposal is contrary to policy HO2 of the Brighton & Hove Local Plan Second Deposit Draft which states that development comprising 10 units or more will only be permitted where 40% of the total number of units are for affordable housing and none are proposed in this case.

(ii) DECISIONS ON MINOR APPLICATIONS LIST DATED 13 AUGUST 2003

The recommendations of the Director of Environment were agreed with the exception of items reported in parts (iii) and (iv) below and items deferred for site visits as set out in the agenda items before and following the plans list.

(iii) DECISIONS ON MINOR APPLICATIONS WHICH VARY FROM THE RECOMMENDATIONS OF THE DIRECTOR OF ENVIRONMENT AS SET OUT IN THE PLANS LIST (MINOR APPLICATIONS) DATED 13 AUGUST 2003

Application BH2003/0905/FP - 12 Sillwood Road

53.23 The applicant Mr T Atkins attended the meeting and requested members to overturn the officer's recommendation to refuse planning permission. He informed the sub-committee that he had tried to sell the property for eighteen months without success. The Downsland Housing Association had told him that the property was unsuitable for use as a HMO but that it would be a useful acquisition as a family house.

53.24 A majority of members voted against the officers' recommendation. They stated that their reasons for doing so were as follows. The property was not built as a HMO and was unsuitable for such use because some rooms were undersized and none had a private bathroom; Mr Atkins, the landlord, wished to retire but could not sell because the property was not viable; there was a shortage of family homes in the city and a housing association had expressed an interest in using it as a single family home; all letters received as a result of neighbour consultation expressed support for the proposal.

53.25 **RESOLVED** - That planning permission be granted by the council.

[Note: 1 member supported the officer's recommendation to refuse planning permission. 7 voted against it. 3 members abstained from voting. Councillor Paskins had declared an interest in the item. She remained outside the room and took no part in the debate and voting.]

Application BH2003/01577/FP - Land at rear of 56-58 Round Hill Crescent

53.26 Mr B Hartley and Mr R Stephenson spoke as objectors to the proposal.

53.27 The Planning Officer stated that the spaces would be used for residential parking only. He added that officers considered there would be no adverse impact on the surrounding area and that the access way would be acceptable. He drew attention to the List of Additional Representations which set out an additional condition referring to domestic parking and no commercial activities.

53.28 Councillor Smith enquired how the number of cars parking would be enforced and the Planning Officer stated that the space was very constrained and therefore the authorised users would quickly report any misuse. Photographs were displayed showing the difference in levels between the site of the application and the properties in Upper Lewes Road. Councillor Smith considered that a wall was required to ensure the safety of houses in Upper Lewes Road and Councillor Paskins added that the wall should be solid to protect the residents from exhaust fumes.

53.29 **RESOLVED** - That planning permission be granted by the council subject to the conditions set out in the report with two additional conditions as follows:

The proposed car parking spaces hereby permitted shall be used only for the purposes of domestic parking and not for any commercial activities whatsoever.

And

The use hereby approved shall not commence until a solid wall or barrier along the boundary of the site to the south of parking spaces 2 and 3 has been constructed in accordance with details submitted to and approved in writing by the Local Planning Authority. The wall shall be retained thereafter.

Application BH2003/01946/FP - Shepherds Cottage, Bazehill Road

53.30 **RESOLVED** - That the application be deferred to allow neighbour consultation as set out in the Additional Representations list.

Applications BH2003/01896/FP & BH2003/01897/LB - The Cottage, 2 Brunswick Square

53.31 Members received a presentation and Councillor Older requested a site visit, stating that it was difficult to envisage the proposal. Councillor Watkins seconded this.

53.32 **RESOLVED** - That the application be deferred for a site visit.

(iv) OTHER APPLICATIONS

Application BH2003/01214/FP - 23 Upper Hamilton Road

53.33 Councillor Hyde expressed concern about the recommendation to grant planning permission in view of the comments of the Planning Policy Team that the conversion was very poor and that the building could provide a family home. Councillor Pennington and Tonks both spoke in support of the application.

53.34 **RESOLVED** - That planning permission be granted by the council subject to the conditions set out in the report.

Application BH2003/02093/AD - Argus House, North Road

53.35 Councillor Older drew attention to the comments made by the North Laine Community Association and feared that approving the application would set an unacceptable precedent. Councillor Paskins stated that the proposal was contrary to policy HE9.

53.36 **RESOLVED** - That planning permission be granted by the council subject to the conditions set out in the report.

Application BH2003/01973/FP - 100 North Road

53.37 Councillor Paskins sought clarification about the proposal. The Chair permitted Mr John Blake, representing the owners' company, to address the sub-committee and respond to questions. He advised that Orbit Housing would manage the affordable housing, confirmed that none of the space reserved for offices in the 2002 consent would be lost by the inclusion of a restaurant in the scheme and stated that the restaurant entrance would be from Vine Street.

53.38 **RESOLVED** - That planning permission be granted by the council subject to the conditions set out in the report.

Application BH2003/01986/FP - Court Farm Barn, Devils Dyke Road

53.39 Councillor Paskins drew attention to PPG8, which required councils to designate sites suitable for telecommunications masts. Individual requests could then be determined in light of this. Councillor Watkins suggested that the council should ask the emergency services to explain their future intentions. Councillor Carden stated that the emergency services were in the process of implementing a new system and details would follow.

53.40 Mrs Turner, representing the Disabled Access Advisory Group, enquired when members would receive some documents she had provided concerning radiation from masts. The Development Control Manager advised that the Planning Policy Manager was preparing to submit a report to a future meeting of the Environment Committee and that the information regarding health issues would be considered at that time.

53.41 **RESOLVED** - That temporary planning consent be granted by the council subject to the condition set out in the report.

(v) TREES

53.42 **RESOLVED** - (1) That permission to fell the trees which are the subject of the following applications be granted as set out in the report.
BH2003/02308/TPO/F, English Business Park, English Close

(2) That the decisions on tree works delegated to the Director, Environment, as set out in the Plans List dated 13 August 2003, be noted.

(vi) DECISIONS ON APPLICATIONS DELEGATED TO THE DIRECTOR OF ENVIRONMENT

53.43 **RESOLVED** – That the decisions of the Director of Environment on other applications using her delegated powers be noted.

[Note: 1. All decisions recorded in this minute are subject to certain conditions and reasons recorded in the Planning Register maintained by the Director of Environment. The Register complies with legislative requirements.

2. A list of the representations, received by the council after the Plans List reports had been submitted for printing, was circulated to members (for copy see minute book). Representations received less than 24 hours before the meeting were not considered in accordance with resolutions 129.7 and 129.8, set out in the minutes of the meeting held on 16 January 2002.]

54 SITE VISITS

54.1 The following list contains site visits as agreed during consideration of items 52 and 53 above, any additional site visits in respect of applications currently being processed by officers, and sets out the total number of site visits agreed prior to the next (or a future) meeting of the sub-committee.

54.2 **RESOLVED** That the following site visits be undertaken by the sub-committee prior to determining the applications:-

WARD	APPLICATION	SITE	SUGGESTED BY
Withdean	BH2003/01936/F P	17 Hillbrow Road*	Councillor Norman
Westbourne	BH2003/01517/F P	Holy Cross Church, Tamworth Road	Councillor Hyde
Brunswick & Adelaide	BH2003/01896/F P BH2003/01897/L B	The Cottage, 2 Brunswick Square	Councillor Older
Hollingbury & Stanmer	-	Watts Bank, Lewes Road	Development Control Manager
Queens Park	-	St James' Street/Dorset Gardens	Development Control Manager
Rottingdean Coastal	-	Rotunda Tower Block, Rottingdean	Development Control Manager

* Brought forward from previous meeting.

54A. PROGRESS ON CURRENT APPEALS

54A.1 The Development Control Manager circulated a sheet giving details of forthcoming planning inquiries or appeal hearings.

55 APPEAL DECISIONS

55.1 The sub-committee noted letters from the Planning Inspectorate advising the results of planning appeals as set out in the agenda.

56 APPEALS LODGED

56.1 The sub-committee noted a list of planning appeals, which had been lodged as set out in the agenda.

SUMMARY OF BUSINESS CONSIDERED UNDER PART 2

57 PART 2 MINUTES - EXEMPT CATEGORY 12

57.1 **RESOLVED** – That the minutes of the meeting held on 23 July 2003 be approved and signed by the Chair as a correct record of the proceedings.

58 16 HIGHCROFT VILLAS - EXEMPT CATEGORY 13

58.1 Members agreed a course of action to be undertaken to secure the removal of unsightly rubbish from a domestic front garden.