

BRIGHTON & HOVE CITY COUNCIL
PLANNING APPLICATIONS SUB-COMMITTEE

2.00PM – 7 MAY 2008

COUNCIL CHAMBER
HOVE TOWN HALL

MINUTES

Present: Councillor Kemble (Chairman); Councillors Barnett, Carden (OS), Davey, Hamilton, Hyde (Deputy Chairman), Kennedy, McCaffery, K. Norman, Older, Steedman and Wells.

Co-opted Members: Mr J Small, Conservation Advisory Group (CAG). Mr R Pennington, Brighton Federation of Disabled People.

PART ONE

Chairman's Vote of Thanks

Before proceeding to the formal business of the Sub Committee the Chairman stated that he wished to place on record his thanks to Members of the Sub Committee and Officers of the Planning Department, Jeanette Walsh, Development Control Manager ; Hilary Woodward and Ann Wilkinson, Solicitors to the Sub Committee and Caroline DeMarco, Committee Administrator, for their support during his period as Chairman. He would be replaced by Councillor Hyde with Councillor Wells as her deputy.

Councillor Hyde placed on record her thanks and those of the Sub Committee to the outgoing Chairman.

166A. Declarations of Substitutes

166.1 There were none.

166B. Declarations of Interest

166.2 There were none.

166C. Exclusion of Press and Public

166.3 The Sub-Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and 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 100 1 of the Local Government Act 1972.

166.4 **RESOLVED** - That the press and public not be excluded from the meeting during the consideration of any items on the agenda.

167. MINUTES – 16 APRIL 2008

167.1 **RESOLVED** - That the minutes of the meeting held on 16 April 2008 be approved and signed by the Chair.

168A. PETITIONS

168.1 There were none.

168B. LETTERS FROM COUNCILLORS

168.2 There were none.

169. PUBLIC QUESTIONS

169.1 There were none.

170. TO CONSIDER THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

170.1 **RESOLVED** – That the following site visits be undertaken by the Sub-Committee on 28 May 2008:-

<u>APPLICATION</u>	<u>SITE</u>	<u>SUGGESTED BY</u>	
* BH2008/00535	27 – 33 Ditchling Road, Brighton	Development Manager	Control
*BH2008/00713, 00723 & 00941	55 , 59, 61 New Church Road , Hove	Development Manager	Control
*BH2008/00106	Stretton Hall, 353 Portland Road, Hove	Development Manager	Control
*BH2008/00196	7 Elm Close, Hove	Councillor Kemble	

*Applications to be considered at the meeting to be held on 28 May 2008.

171. PLANS LIST APPLICATIONS, 7 MAY 2008 (SEE MINUTE BOOK)

(i) TREES

171.1 **RESOLVED-** That the Sub Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 of the report and resolves to grant permission to fell the tree covered by the tree preservation order referred to below subject to the conditions set out in

the report :

BH2008/00589, 91 Surrenden Road, Brighton

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

- 171.2 **Application BH2008/00210, Dresden House, 34 – 38 Medina Villas & 14 – 20 Albany Villas, Hove** - Change of use from vacant residential care home to form 32 self - contained residential units together with alterations to the existing building. The Planning Officer gave a detailed presentation in respect of this application.
- 171.3 It was noted that this application had formed the subject of a site visit prior to the meeting.
- 171.4 Councillor Kennedy requested to see floor plans in respect of the affordable units . She considered the scheme to be a good one which represented a significant improvement on the current appearance of the site. Whilst it was regrettable that 40% affordable housing had not been achieved, given the constraints presented by the site, she considered it was preferable to have slightly fewer units providing larger living accommodation .
- 171.5 Councillor Davey sought confirmation regarding the number and location of the cycle parking bays to be provided. Whilst he considered it would have been preferable for these to have been provided in closer proximity to the individual units rather than at lower ground floor level and for parking for the town houses to be provided other than along their frontages he supported the scheme overall. Councillor McCaffery concurred in that view.
- 171.6 Councillor McCaffery and Mr Pennington (Brighton Federation of Disabled People) sought clarification regarding the location and number of parking spaces to be provided on site. Mr Pennington sought confirmation as to whether there was a waiting list for parking permits within the surrounding controlled parking zone. This was not known, but any disabled residents were able to use the existing “Pay and Display” facility nearby. In answer to further questions by Mr Pennington it was explained that it would not be possible to provide a platform lift to the front of the building, as the Albany Villas frontage was accessed by way of steps . A platform lift would break the building line and be detrimental to the appearance of the façade, this would be unacceptable as the building as located within a conservation area. He considered this was regrettable.
- 171.7 Mr Small (CAG) commended the scheme stating that the compromise solution proposed in order to provide parking along the frontages of the 4 town houses was acceptable .
- 171.8 Councillor K Norman spoke in support of the scheme stating that loss of the rest home use was acceptable , there was no shortage of

rest homes in the vicinity and such needs could be provided elsewhere in accommodation of a better standard and more appropriate to current housing requirements..

171.9 Councillor Hyde commended the scheme which she considered was imaginative and in keeping with the sites' location in a conservation area. She considered that the provision of parking relative to the substantial town houses proposed was realistic. Councillors Barnett and Older also expressed their support for the scheme.

171.10 A vote was taken and Members voted unanimously that they were minded to grant planning permission in the terms set out below, but for the application to be refused in the event the proposed Section 106 Obligation was not secured within the agreed timeframe.

171.11 **RESOLVED - (1)** That the Sub Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 10 of the report and resolves that it is minded to grant planning permission subject to no objections being received from the Conservation Officer or Access officer following receipt of amended plans; a Section 106 Obligation to secure :

(A) i) the provision of 12 units of affordable housing ;

ii) £39,352.39 towards Open Space ;

iii) £79,324 towards Education ;

iv) £33,000 towards Public Art ;

v) £2,000 to amend the Traffic Regulation Order to ensure the development is car free (except the Town Houses , which benefit from off - street parking) ; and

(B) The Conditions and Informatives set out in the report. ;

(2) However, the application would be refused in the event that the terms of Section 106 Obligation are not agreed and signed within the 13 week period for expiry date .

Application BH2007/01058, Land at SW Corner Portland Street & Church Street Brighton - Mixed use development accommodated on 6 floors consisting of 5 studio flats, 24 one - bed roomed flats, 10 two - bedroom flats and 1 three – bedroom flat, 7 office units (Portland Street), 4 retail units (Church Street) and 21 parking spaces. Resubmission and revised scheme following initial withdrawal of Application BH2006/01813.

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

171.13 The Planning Officer gave a detailed presentation and explained that the applicant had lodged an appeal on the grounds on non determination, however the current status of the appeal had not

been confirmed .The application was recommended for refusal on a number of grounds as detailed within the report.

- 171.14 Councillor Kennedy sought details regarding the scale of the proposals and relative to any finishes /materials provided by the applicants . It was explained that materials to be used would be subject to conditions, however, overall Officers remained of the view that the scheme was unacceptable . Councillor Kennedy concurred in that view. She considered that a number of other developments constructed in the area were sympathetic to and had respected the prevailing street scene.
- 171.15 Councillor McCaffery sought clarification regarding the status of the scheme for which approval had already been granted and whether or that was now expired and a further permission for those proposals would be required. It was explained that as some preliminary works had been undertaken on site that scheme for which there was extant permission could be built. The applicants had subsequently submitted the application before the Sub Committee for determination that day . This situation was not uncommon.
- 171.16 Councillors Hyde, K Norman , Older and Wells stated that they considered the scheme as presented was unacceptable in terms of its appearance bulk, height and design and should be refused. It would overpower and overshadow some of the neighbouring terraced houses and was out of keeping with the character of the prevailing street scene.
- 171.17 In answer to a question the Development Control Manager explained that Agents Forum meetings took place on a quarterly basis. These meetings provided the opportunity to explain the Council's requirements in terms of quality of plans and matters to be considered in putting together and submitting applications. Councillor Hyde would be attending the next meeting in her capacity as Chairman
- 171.18 A vote was taken and Members voted unanimously that planning permission be refused on the grounds set out below.
- 171.19 **RESOLVED** - That the Sub Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 10 of the report and resolves to refuse planning permission on the following grounds :
1. The predominance of residential floorspace within the proposal is considered to be detrimental to employment generation objectives within the City and would involve the loss of a former and permitted employment floorspace and is contrary to policies EM2, EM9 and EM10 of the Brighton & Hove Local Plan ;
 2. The proposal, by reason of its design, massing height, failure to "step down" on both the Church Street and Portland Street frontages and ground to first floor heights on both frontages, would result in the building appearing incongruous within the street scene to the detriment of the

character and appearance of the surrounding area and the North Laine Conservation Area. As such the proposal is contrary to policies QD1, QD2, QD4 and HE6 of the Brighton and Hove Local Plan;

3. The siting, height, massing and design of the building on the south east corner adjacent to the smaller scale terraced property No. 28 Portland Street would result in the building appearing overly dominant and incongruous within the street scene to the detriment of the character and appearance of the area and the North Laine Conservation Area. As such the proposal is contrary to policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan ;

4. The 5 storey section of the building within the south western section of the site would be visible from areas within the south western section of the site would be visible from areas within Spring Gardens to the north east of the application site. The 5 storey section of the building would appear out of scale with its immediate surroundings and would be of detriment to the traditional roofspace of the North Laine Conservation Area. As such the proposal is contrary to policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan;

5. The proposal by reason of the inclusion of studios, over provision of one bedroom units, and under provision of two and three bedroom units, would not provide an appropriate mix of dwelling sizes and would therefore be contrary to policy HO3 of the Brighton & Hove Local Plan ;

6. The siting, design, height, bulk and massing of the building on the western boundary would result in the proposal unduly impacting on the living conditions, and visual amenity of neighbouring residents at Nos 43 - 46 Windsor Street, by reason of loss of light and aspect and due to its overbearing and over - dominant impact . As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan ;

7. The siting, design, height, bulk and massing of the building on the southern boundary would result in the proposal unduly impacting on the living conditions and visual amenity of neighbouring residents to the south on Portland Street, by its overbearing and over dominant impact. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan;

8. The proposal, by reason of its design, height and siting in close proximity to the western boundary and the presence of main windows within the western facing elevation, would by reason of limited light and outlook, would be detrimental to the living conditions of future residents of the scheme, and would be contrary to policy QD27 of the Brighton & Hove Local Plan ;

9. The proposal would result in an unsatisfactory level of private amenity space which would be to the detriment of the living conditions of any future residents of the scheme and is contrary to policies H)5 and QD27 of the Brighton & Hove Local Plan ;

10. Insufficient information has been provided by the applicant, with regard to an up to date Transport Statement, details of proposed access arrangements and the parking split provision for the different mix of uses , in order for the proposal to be properly judged against policies TR1, TR7, TR19 and H07 of the Brighton & Hove Local Plan and Supplementary Planning Guidance No.4 “Parking Standards” ;

11. insufficient information has been provided by the applicant with regard to the proposed solar panels and rain harvesting system in order for the proposal to be properly judged against policies QD1, QD2, QD4, HE6 and SU2 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 16 “Renewable Energy & Energy Efficiency” ;

12. The proposal, by reason of providing the main pedestrian access to the residential development through the shared refuse and recycling storage area , would fail to provide satisfactory pedestrian access, to the detriment of the amenity of future residents of the scheme. As such the proposal is contrary to policies QD27 and TR8 of the Brighton & Hove Local Plan;

13. The applicant has failed to demonstrate that all of the office units would be accessible to wheelchair units and as such the proposal is contrary to policy QD2 of the Brighton & Hove Local Plan.

Informatives :

1. This decision is based on drawing nos D.02, D.03, D.04, D.05, D.06, D.18, D.19c, D.29a submitted on 21 February 2008, D.26, D.27 and D.18 submitted on 14 January 2008, D.01a and A-03 submitted on 30 January 2008, A.02., D.25, D.28 submitted on 28 March 2008.

(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 7 MAY 2008

Application BH2007/04578 – Longhill High School, Falmer Road, Rottingdean, Brighton - Extension on west elevation of sports store and extension on south elevation of the Deans Leisure Centre.

- 171.20 It was noted that this application had formed the subject of a site visit prior to the meeting.
- 171.21 The Planning Officer referred to the additional representations received which were set out in the “Late Representations List”. In addition a pack containing a number of further letters and an e. mail had been submitted by Mr D Mitchell on behalf of a number of neighbouring objectors the previous day . However, no new material considerations had been raised.
- 171.22 Mr Mathieson spoke as an objector to the scheme. He explained that in his view and that of other neighbouring objectors the proposals which would result in a greater proliferation of use, both in terms of numbers and hours of use would result in increased noise and pedestrian traffic

in close proximity to their homes and would be detrimental to their amenity. These facilities would not be used by local residents and were not needed. The proposals would result in use by other parties well beyond the school day. There was an underprovision of parking on the site and vehicles would spill out into neighbouring roads causing additional congestion. Loss of amenity already occurred as a result of the proximity of the footpath, this would be exacerbated by these proposals. Councillor Mears spoke in her capacity as a Local Ward Councillor setting out her objections to the scheme. She reiterated the concerns of local residents. Additionally a number of piecemeal applications had been made by the school of which this had formed a part. Conditions of earlier permissions had not been adhered to and the school had failed to act as a good neighbour, it was understood that other applications were in the pipeline and the school needed to look at its requirements holistically and to be sensitive to needs of local residents.

- 171.23 The Solicitor to the Sub Committee stated that the application placed before Members was a stand alone application, did not form part of any other application and should be judged on its own merits. This advice was reiterated in response to comments made by the objector relative to the fact that funding for other elements of previously agreed schemes was attendant on approval or otherwise of these proposals.
- 171.24 Councillor Hyde referred to the recent planning history of the site stating that an earlier scheme had been approved by the Sub Committee and that at that time a number of conditions had been added including provision of a lockable gate to be secured when the facilities were not in use. Subsequent amendments had been made of which local residents had been unaware and on which they did not consider they had been adequately consulted. In consequence few objections had been received and those amendments had been approved under delegated authority. In consequence the changing rooms had been relocated and were now far closer to residential properties. This would create far greater potential for noise use and loss of amenity for neighbouring residents.
- 171.25 The Planning Officer explained that a further approval had been granted under delegated powers as very few objections had been received in respect of that scheme. In answer to further questions and by reference to plans the Planning Officer showed the location of the rear of the changing rooms and footpath in relation to the nearest residential dwellings. It was considered that any additional footfall would be such that it represent a significant increase nor would it be detrimental.
- 171.26 Councillor Older enquired regarding the siting of floodlighting and illumination to the walkways to and from the changing rooms and how this would be angled relative to its proximity to the nearest dwelling houses.

- 171.27 Councillor Hyde was of the view that as the pitches could be in use until 9.30pm at night and at weekends, there was potential for greater disturbance until a later hour particularly as the changing rooms would be in use once matches had ceased and there would be attendant noise as individuals left the site. Although a lockable gate had been provided, this was not always locked and in any event access points created in the adjacent hedge had not been made good. The current proposals would give further opportunities for noise nuisance, loss of privacy and loss of amenity to occur. Councillors Barnett, Older and Wells concurred in that view.
- 171.28 Councillor Hamilton stated that as Members were being asked to consider the application before them without reference to any other schemes, he was not of the view that the modest extensions proposed were unacceptable. He supported the Officer's recommendations that planning permission be granted.
- 171.29 Councillor Hyde proposed that planning permission be refused on the grounds set out below, this was seconded by Councillor Wells. A vote was taken and on a vote of 6 to 6 on the Chairman's casting vote planning permission was refused for the reasons set out.
- 171.30 **RESOLVED** - That the Sub – Committee has taken into consideration the reasons for the recommendation set out in Paragraph 8 of the report but resolves to refuse planning permission on the grounds that the proposed development would by reason of its use and location in close proximity to surrounding residential properties have an adverse impact on amenity through noise and disturbance. The proposal is therefore contrary to the objectives of policies HO19, SU10, SU9, QD14 and QD27 of the Brighton & Hove Local Plan.

[**Note 1** : a vote was taken and on a vote of 6 to 6 planning permission was refused on the Chairman's casting vote].

[**Note 2** : Councillor Hyde proposed that planning permission be refused, this was seconded by Councillor Wells. A recorded vote was then taken. Councillors Carden, Davey, Hamilton, Kennedy, McCaffery, and Steedman voted that planning permission be granted. Councillors Kemble (the Chairman), Barnett, Hyde, K Norman, Older and Wells voted that the application be refused. Therefore on a vote of 6 to 6 planning permission was refused on the Chairman's casting vote on the grounds set out above].

(iv) Other Applications

Application BH2007/04011- Kings Gate, 111 - 113 The Drive, Hove - Increase in height of roof by 0.5 m (amendment to approval BH2003/02989 construction of an additional storey to create six flats).

- 171.31 **RESOLVED** - That the Sub Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 of the report and resolves to grant planning permission subject to the

Conditions set out in the report.

Application BH2008/ 00196 - 7 Elm Close, Hove – Erection of 2 new family homes on vacant land.

171.32 Members agreed that it would be beneficial to hold a site visit prior to determining the application .

RESOLVED - That consideration of the above application be deferred pending a site visit .

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

171.33 **RESOLVED** – Those details of the applications determined by the Director of Environment under 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 the legislative requirements.]

[**Note 2:** A list of representations, received by the Council after the Plans List reports had been submitted for printing had been circulated to Members on the Friday preceding the meeting. (For copy see minute book). Where representations were received after that time they would be reported to the Chairman and Vice-Chairman and it would be at their discretion whether these should (in exceptional cases), be reported to the Sub-Committee. This is in accordance with resolution 147.2 of the Sub-Committee meeting held on 23 February 2005.

172. SITE VISITS

<u>APPLICATION</u>	<u>SITE</u>	<u>SUGGESTED BY</u>	
*BH2008/00535	27 - 33 Ditchling Road, Brighton	Development Manager	Control
*BH2008/00713,00723 & 00941	55 , 59 , 61 New Church Road, Hove	Development Manager	Control
*BH2008/00106	Stretton Hall, 353 Portland Road, Hove	Development Manager	Control
* BH2008/00196	7 Elm Close, Hove	Councillor Kemble	

*Applications to be considered at the meeting to be held on 28 May 2008.

173. APPEAL DECISIONS

173.1 The Sub-Committee noted a letter from the Planning Inspectorate advising on the result of a Planning Appeal, which had been lodged as set out in the agenda.

174. NEW APPEALS LODGED

174.1 The Sub Committee noted the list of Planning Appeals, which had been lodged as set out in the agenda.

175. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

175.1 The Sub-Committee noted the information set out in the agenda relating to information on Informal Hearings and Public Inquiries.

The meeting concluded at 3.30 p.m.

Signed

Chairman

Dated this

day of

2008

