

BRIGHTON & HOVE CITY COUNCIL

PLANNING APPLICATIONS SUB-COMMITTEE

15 OCTOBER 2003

2.00 PM

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Carden (Chair), Elgood, Forester, Hamilton, Hazelgrove, Hyde, K Norman, Older, Paskins, Pennington (Deputy Chair), Mrs Theobald and Wells.

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

PART 1

82A DECLARATION OF SUBSTITUTES

82A.1	<u>Councillor</u>	<u>attending as substitute for</u>
	Councillor Elgood	Councillor Watkins
	Councillor Hazelgrove	Councillor Tonks

82B DECLARATION OF MEMBERS' INTERESTS

82B.1 Councillor Pennington declared a personal interest in application BH2003/02354/FP, City College as he is a governor of the college, and left the Chamber during this item. Councillor Wells declared a personal interest in application BH2003/02452/FP and left the chamber during this item.

82C EXCLUSION OF PRESS AND PUBLIC

82C.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.

82C.2 **RESOLVED** – That the press and public be not excluded from the meeting during consideration of any item on the agenda.

83 MINUTES

83.1 **RESOLVED** – That the minutes of the meeting held on 24 September 2003 be approved and signed by the Chair as a correct record of the proceedings.

84 PETITIONS

84.1 No petitions were presented at the meeting.

85 UPDATE ON DECISIONS DELEGATED TO OFFICERS AT PREVIOUS MEETINGS

85.1 The Development Control Manager reported on the following:

85.2 The next meeting to be held on Wednesday 5 November would start at 1.00.p.m. instead of 2.00 p.m as Members and officers had other commitments that evening.

85.3 Further information was being obtained about application BH2003/02094/FP – Hove Town Hall, Norton Road. Councillor Mrs Theobald asked officers to investigate whether there would be guarantees against the breakage of glass.

85.4 A new planning application for the North Street Quadrant was expected shortly. This would be submitted to the 26 November or 17 December meeting of the Sub-Committee. The Development Control Manager confirmed that planning permission was not required for the demolition of the building. If building works commenced which were not in accordance with the existing permission, it would be possible, as part of any enforcement procedure, to ask the applicants to reinstate a replica of the original façade.

85.5 Members were asked to note that there would be a training day on Friday 5 December 2003 primarily for Members of the Sub-Committee and substitutes. The training would be relate to probity and propriety issues such as declarations of interest, lobbying and how the Sub-

Committee should deal with decisions contrary to officers' recommendations.

85.6 The Development Control Manager apologised for the poor quality of the plans list and assured Members that officers would try and overcome this problem. She further apologised that the tree applications were placed out of order on the agenda.

85.7 A planning application had been received from Sussex County Cricket Club to put on half their floodlights (2 pylons) from 18.00 until 19.20 hours and from 20.00 until 20.30 hours, on Wednesday, 5 November 2003. The County Club in conjunction with Brighton Lions was planning to host a Charity Fundraising Firework Display and the floodlights were required for safety reasons.

85.8 **RESOLVED** - That consent be granted to Sussex County Cricket Club to put on half their floodlights (2 pylons) from 18.00 to 19.20 hours and 20.00 until 20.30 hours on Wednesday 5 November 2003.

86. SITE VISITS

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

APPLICATION	SITE	SUGGESTED BY
BH2003/01628/F P	76 Crescent Drive South	Councillor Wells
BH2003/00987/F P	113-114 Church Street	Councillor Paskins
BH2003/03004/F P	Hove Rugby Club, Hove Recreation Ground	Development Control Manager
New Application	Babylon Lounge, Kingsway, Hove	Development Control Manager

[Note: item 88 sets out a full list of future site visits]

87 PLANS LIST OF APPLICATIONS, 24 SEPTEMBER 2003 (SEE MINUTE BOOK)

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

Application BH2003/02092/FP – Corporation Yard to rear of Castle Street

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

87.2 The additional representations list reported that a letter had been received from the agents providing clarification on issues raised at the last Sub-Committee meeting. The list recommended a further condition relating to the incorporation of sparrow terraces within the scheme.

87.3 Councillor Wells expressed concern that recommendation, was subject to the completion of a 106 obligation securing an amendment to the existing Traffic Regulation Order to exclude occupants of the proposed units from receiving parking permits for the adjoining controlled parking zone. He felt that residents should be able to have parking permits.

87.4 The Development Control Officer explained that similar 106 obligations had been implemented elsewhere.

87.5 Councillor Paskins was pleased to see the incorporation of the sparrow terraces and supported the concept of a car free scheme. The scheme met an employment need and she would support the application. However, she and other Members expressed concern that sustainability issues had not been fully considered in the application. The Development Control Manager replied that a draft supplementary planning guidance note was being produced. This would enable officers to assess the sustainability of new developments. A report on this subject would be submitted to the Environment Committee shortly.

87.6 **RESOLVED** - That the Council is minded to grant planning permission subject to the completion of a Section 106 Obligation securing an amendment to the existing Traffic Regulation Order to exclude occupants from receiving parking permits for the adjoining controlled parking zone and subject to the conditions set out in the report, and to a further condition as follows:

No development shall take place until details of sparrow terraces to be incorporated within the scheme have been submitted to and approved in writing by the Local Planning Authority. The sparrow terraces shall be installed in accordance with the agreed scheme before the first occupation of any of the units hereby approved.

Reason: In the interests of nature conservation and in accordance with policies ENV.55 of the Brighton Borough Local Plan and QD18 of the Brighton and Hove Local Plan Second Deposit Draft.

Application BH2003/01773/FP - Garages to rear of 67 Brunswick Place

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

87.8 The additional representations list set out a further objection to the application.

87.9 Councillor Elgood raised concern that the house would have no pavement outside the front door. The Principal Planning Officer replied that this was not a busy road and the area in front of the house was considered acceptable in planning terms. There would be the capacity for any future occupier to undertake footpath work. The Chair mentioned that the front door was recessed and it would be possible to place a small gate in front of the door to address safety issues.

87.10 Generally, Members considered the application improved the appearance of the street.

87.11 Mr Small suggested that the scheme should be subject to a site visit when implemented as this was a very small house.

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

Application BH2003/01777/CA – Garages to rear of 67 Brunswick Place

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

87.14 **RESOLVED** - That conservation area consent be granted by the Council subject to the conditions set out in the report.

Application BH2003/00602/FP – 74 St James's Street

87.15 The additional representations list reported a further letter from the Kingscliffe Society.

87.16 Janet Turner expressed concern that no toilet suitable for disabled people was indicated in the application. She stressed that it would be sensible for applicants to prepare for the future changes in legislation.

87.17 Some Members expressed grave concerns about the number of drinking establishments in St James's Street, and the effect this would have on crime and disorder. The Planning Officer explained the policies that were currently in place in relation to the number of pubs and drinking establishments operating in one area. The application under consideration was not covered by either of the policies. It was suggested that a condition be imposed restricting the use to a café bar, notwithstanding the applicant's reluctance to accept this.

87.18 Councillor Elgood expressed his support for the application.

87.19 **RESOLVED** - That planning permission be granted by the Council subject to the conditions set out in the report and to a further

condition stating that there be no "vertical drinking" and that alcohol only be served by waiting staff to people at tables.

Application BH2003/02748/FP – 5-8 West Street, Rottingdean

87.20 The additional representations list reported comments from the Traffic Manager.

87.21 Councillor Hyde expressed concerns regarding possible traffic congestion and the proposed opening hours. She would prefer the general hours to be 7.00 to 22.00 hours, rather than 23.00 hours and she asked for a condition to prevent deliveries before 7.00 hours on Sundays. Councillor Hyde questioned whether buses would have enough room to negotiate the advisory parking bay and whether the council had sold three parking spaces to Tesco's.

87.22 Councillor Mrs Theobald expressed concern that the building was too modern and inappropriate in an historic village setting. She considered the design inferior to the previous application. She was also concerned about the proposed opening hours and felt that the closing time should be 22.00 hours. She pointed out that the previous scheme had stated that there would be no deliveries before 9.00 hours on Sundays.

87.23 The Development Control Manager pointed out that the proposed condition 9 stated that there would be no deliveries before 9.00 hours on Sundays. The recommended closing hour was 23.00 hours but the condition could be altered to 22.00 hours.

87.24 Councillor Paskins raised concerns over safety and suggested that the pavement outside the building be extended to Marine Drive.

87.25 The Traffic Engineer explained that she and the bus company were satisfied that there would be enough room for buses to negotiate West Street. It was proposed to make West Street one way. It was not true that the council were planning to sell three parking spaces to Tesco's.

87.26 Councillor Forrester and Mr Small agreed that the design of the building was not good enough and bore no relation to the village of mainly 2 storey buildings. Any proposal should respect the neighbourhood.

87.27 **RESOLVED** - That the application be refused on the grounds that the building by virtue of its design and scale, was out of character and context with the village setting.

[Note: The following councillors voted against the officers' recommendation – Councillors Elgood, Forrester, K Norman and Paskins. The following councillors voted for the officers' recommendation – Councillors Carden, Hamilton and Pennington. The following councillors abstained from voting - Councillors Hazelgrove, Hyde, Older, Mrs Theobald and Wells.]

(ii) DECISIONS ON MINOR APPLICATIONS LIST DATED 15 OCTOBER 2003

87.28 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 15 OCTOBER 2003

Application BH2003/00987/FP – 113-114 Church Street

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

Application BH2003/02802/FP – Land Adjacent: 14 Varndean Gardens, Brighton

87.30 Ms North spoke on behalf of objectors to the proposed scheme.

87.31 Councillor K Norman requested a site visit.

87.32 **RESOLVED** – That the application be deferred for a site visit.

Application BH2003/02606/FP – 48 Withdean Crescent, Brighton

87.33 Dr Farrant spoke as an objector to the scheme.

87.34 Councillor Mrs Theobald asked if the balcony could be screened to protect neighbours privacy. The Development Control Manager replied that a condition could be added for the erection of a solid screen around the balcony to provide privacy.

87.35 Councillor K Norman felt that the proposal was not acceptable and he would therefore not support it.

87.36 **RESOLVED** – That the application be granted subject to the conditions set out in the report and with a further condition as follows:

The enlarged balcony at rear first floor level shall not be brought into use until screening has been installed along its entire north western and south eastern sides in accordance with details submitted to and approved in writing by the local planning authority. The screening shall thereafter be retained in accordance with the details approved.

Reason: To safeguard the amenities of the occupiers of adjoining properties by virtue of reducing levels of overlooking and in accordance with policies ENV.6 of the Brighton Borough Local Plan and QD14 and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

Applications BH2003/02330/FP & BH2003/02594/CA - 72 St. George's Road, Brighton

87.37 The additional representations list reported that an request had been received from the applicant for the Sub-Committee to defer the applications to enable further work to be produced on the design of this development.

87.38 - **RESOLVED** - That the applications be deferred.

Application BH2003/02178/FP – University of Sussex, land adjacent to Arts Road

87.39 Councillor Hyde requested a green finish to the accommodation.

87.40 **RESOLVED** – That the application be granted subject to the recommended conditions and informative plus a further condition requiring the portakabins to be green.

Application BH2003/02384/FP – 7 Princes Street, Brighton

87.41 Further objections were reported in the additional representations list. The Planning Officer reported a further objection from the Kingscliffe Society.

87.42 Mr Rolfe spoke as an objector to the scheme. Mr Landivar spoke on behalf of the agent.

87.43 Councillors Hyde, K Norman, Older, Mrs Theobald and Wells expressed their concern about the design of the building. They felt that the proposal did not blend in with the street scene and was inappropriate design, close to the Royal Pavilion.

87.44 Councillor Paskins was concerned that the flat roof might be used as a terrace. She quite liked the design when viewed from the Old

Steine end but had reservations about the appearance of the rear elevation.

87.45 Councillor Pennington supported the application, which he considered good design. Councillor Forrester agreed and said that the application responded to the area in terms of footprint, scale and design.

87.46 The Development Control Manager stressed that it was a national and local priority to promote good modern design that was appropriate to the area in which it was sited. Officers believed that the current application met this test. Meanwhile, a condition could be imposed to ensure that the flat roof should not be used except in emergencies.

87.47 **RESOLVED** – That the application be granted subject to the conditions set out in the report and to further condition taking away rights of permitted development from the house.

Application BH2003/02224/FP – Basement Flat , 31 Sussex Square

87.48 Mr M Sinclair spoke as an objector to the overall scheme relating to this application and to Application BH2003/02226/LB referred to below.

87.49 The additional representations list recommended a further condition.

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

Application BH2003/02226/LB - Basement Flat, 31 Sussex Square

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

Application BH2003/01765/FP - 14 A West Street, Rottingdean

87.52 Councillor Paskins expressed concern about the rear view of the application.

87.53 **RESOLVED** – That the application be deferred to enable officers to obtain further information about the rear elevation.

Application BH2003/01628/FP – 76 Crescent Drive South, Woodingdean

87.54 **RESOLVED** – That the application be deferred for a site visit.

Application BH2003/02452/FP – 166 Warren Road, Woodingdean

87.55 Ms J Watson spoke on behalf of objectors to the scheme.

87.56 The additional representations reported an additional letter of objection, and recommended a further condition.

87.57 Councillor Hyde felt the development would greatly improve the site and she would support the application. However, she did express some concern about the possibility of vehicles reversing out the site.

87.58 **RESOLVED** - That planning permission be granted subject to the conditions set out in the report and to the further condition set out in the late representations list.

(iv) OTHER APPLICATIONS

Application BH2003/02480/FP – 165 Ladies' Mile Road

87.59 Mr F Williams spoke in support of the application.

87.60 Councillor Wells and Hyde had no objection to the gable end, however Councillor Hyde did not like the appearance of the large flat roof beside it.

87.61 Councillor Theobald considered that the proposal was overdevelopment and would unbalance the adjoining property.

87.62 The Development Control Manager stressed that the proposal would be contrary to planning policies, which were put in place to secure a better standard of roof conversion. Supplementary Guidance note no 1 set out the guidance for acceptable roof conversions.

87.63 **RESOLVED** – That Planning permission be refused for the following reasons :-

The roof alterations would be extensive and overbearing, causing a loss in the symmetry of the roof design with the adjoining dwelling (163 Ladies' Mile Road), with a detrimental impact on the character of the subject site, the attached pair of dwellings, and on the surrounding streetscape. The proposal would thereby be contrary to policies ENV.5 and ENV.7 of the Brighton Borough Local Plan and QD14 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft and Supplementary Planning Guidance Note SPGBHI: Roof Alterations and Extensions.

Application BH2003/02847/FP – 39 Cheltenham Place, Brighton

87.64 Councillor Paskins was concerned that the proposal would remove a residents' parking permit space to provide access to the off-street parking space. She therefore could not support the application. The Traffic Engineer reported that officers did not consider the loss of the parking permit space a reason to reject the proposal. The proposal would not jeopardise the application for a disabled parking bay.

87.65 Councillor Pennington made the point that a review of parking was due in the area.

87.66 **RESOLVED** – That the application be granted subject to the conditions set out in the report.

Application BH2003/02707/FP - 37a Gloucester Road

87.67 Mr N Wiltshire spoke as an objector to the scheme.

87.68 Councillor Paskins objected to the loss of residents' parking spaces in order to create a private parking space.

87.69 **RESOLVED** - That the application be granted subject to the conditions set out in the report.

Application BH2003/02753/FP – Ground Floor, 51 Lewes Road

87.70 Mr Thompson spoke as an objector to the proposal. The applicant, Mr Eibayouk spoke in support of the application.

87.71 A further objection was reported in the additional representations list.

87.72 Members expressed concern that the premises was breaching the current conditions relating to opening hours and was close to residential properties. It was noted that the area was considered a high risk crime area and that Sussex Police had recommended refusal.

87.73 **RESOLVED** – That the application be refused for the following reasons :-

1. The extension of the opening hours would lead to an unacceptable increase in persons congregating at the premises during a known peak time for potential street crime and disorder and is likely to add to existing problems of policing this high risk crime area. Thus the proposal conflicts with policies ENV.1 and ENV.4 of the Brighton Borough Local Plan and policy QD27 of the Brighton and Hove Local Plan – Second deposit Draft.

2. The proposal would lead to an increase in noise and disturbance, harming the amenities of nearby occupiers and making the policy contrary to policy ENV.1 of the Brighton Borough Local Plan and policy QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

Application BH2003/02808/FP – The Ray Tindle Centre, Upper Gardner Street, Brighton

87.74 The additional representations list set out the comments of the CAAG.

87.75 **RESOLVED** – That the application be granted subject to the conditions set out in the report.

Application BH2003/02460/FP – Intek House, Ellen Street, Hove

87.76 The Planning Officer reported that he had received a late representation from Mr R Scott concerning cycle storage. He considered that matter had been dealt with satisfactorily.

87.77 **RESOLVED** – That the application be granted subject to a Section 106 obligation to ensure the provision of a) 5 units of affordable housing managed by a Registered Social Landlord, b) a commuted payment of £13,796 towards recreation and open space improvement in the vicinity, c) a commuted payment of £1,500 to amend the existing on-street parking bay adjacent to the site in Ellen Street to allow for the new vehicular access to the site and to amend the Traffic Orders to the Controlled Parking Zone, d) to ensure that the proposed internal and external refurbishment of the existing building will take place to the satisfaction of the Local Planning Authority before the flats are occupied, and subject to the conditions set out in the report.

Application BH2003/01431/FP – Land adjacent to 4 The Upper Drive, Hove

87.78 Mrs S Mackay spoke on behalf of objectors to the scheme. The agent, Mr Voller, spoke in support of the proposal.

87.79 Councillor Meegan spoke as a local Ward Councillor. He asked for a further condition to be added to ensure that trees to the northern boundary of the development would be adequately protected during and after building work.

87.80 The Development Control Manager reported that condition 10 would cover Councillor Meegan's concern.

87.81 **RESOLVED** - That the application be granted subject to the conditions set out in the report.

Application BH2003/02477/FP – 10 Woodlands, Hove

87.82 Dr Morgan spoke as an objector to the proposals.

87.83 Mrs Hother spoke as the applicant.

87.84 The Principal Planning Officer reported that the distance between the objectors rear elevation and the applicants rear elevation was 40 m.

87.85 **RESOLVED** – That the application be granted subject to the conditions set out in the report.

Application BH2003/02569/FP – 56 New Church Road, Hove

87.86 The additional representations list reported that Environmental Health officers had no objections to the scheme.

87.87 **RESOLVED** – That the application be granted subject to the conditions set out in the report.

(v) TREES

87.88 **RESOLVED** - (1) That permission to fell the trees which are the subject of the following applications be granted as set out in the report.

BH2003/02447/TPO/F - 5 Chalfont Drive, Hove;
BH2003/02835/TPO/F - 5 Woodland Walk, Ovingdean;
BH2003/02512/TPO/F - 6 Croft Road;

(2) That permission to fell the tree which is the subject of the following application be refused as set out in the report

BH2003/03038/TPO/F - 5 Woodland Walk, Ovingdean;

(3) The application relating to Brighton & Preston Cemetery is deferred as page 170 of the Plans List referred to application BH2003/00497/TPO/F and the felling of a sycamore, but the site plan referred to application BH2003/02775/TPO/F, as did the photograph which identified a horse chestnut, rather than a sycamore. If there is not time for the application to be submitted to the next Sub-Committee, the Director, Environment is granted delegated power in consultation with the Chair, Vice-Chair and Opposition Spokesperson to determine the application when the correct information is to hand.

(4) That the decisions on tree works delegated to the Director, Environment, as set out in the Plans List dated 15 October 2003, be noted.

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

87.89 **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.]

88 SITE VISITS

88.1 The following list contains site visits as agreed during consideration of items 86 and 87 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.

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

APPLICATION	SITE	SUGGESTED BY
BH2003/00987/F P	113-114 Church Street	Councillor Paskins
BH2003/02802/F P	Land adj 14 Varndean Gardens	Councillor K Norman
BH2003/02224/F P}BH2003/02226 /LB}	Basement Flat, 31 Sussex Square	Councillor Carden
BH2003/01628/F P	76 Crescent Drive South	Councillor Wells
BH2003/03004/F P	Hove Rugby Club, Hove Recreation Ground	Development Control Manager
New Application	Babylon Lounge	Development Control Manager

89 PROGRESS ON CURRENT APPEALS

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

90 APPEAL DECISIONS

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

91 APPEALS LODGED

91. The Sub-Committee noted a list of planning appeals, which had been lodged as set out in the agenda.

The meeting concluded at 6.15 p.m.

Signed

(Chair)

Dated this

day of

2003