

BRIGHTON & HOVE CITY COUNCIL
PLANNING APPLICATIONS SUB-COMMITTEE

21 MAY 2003

2.00 PM

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Pennington (Deputy Chair in the Chair), Forester, Hamilton, Hazelgrove, Hyde, K Norman, Older, Paskins, Mrs Theobald (Opposition Spokesperson), Tonks, Watkins and Wells.

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

PART 1

1A DECLARATION OF SUBSTITUTES

1A.1 Councillor Hazelgrove stated that he was attending in substitution for Councillor Carden.

1B DECLARATION OF MEMBERS' INTERESTS

1B.1 Councillor Paskins declared a prejudicial interest in application BH2002/02956/FP & BH2002/2957/LB, 128 Kings Road, stating that she had objected to the loss of the listed building. She left the room while the application was considered and took no part in the debate or voting on it.

1C EXCLUSION OF PRESS AND PUBLIC

1C.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.

1C.2 **RESOLVED** – That the press and public be not excluded from the meeting during consideration of any item on the agenda.

2 MINUTES

2.1 **RESOLVED** – That the minutes of the meeting held on 30 April 2003 be approved and signed by the Chair as a correct record of the proceedings.

[Note: Councillor Mrs Theobald enquired about application BH2002/02991/FP, shown as “withdrawn” on the current list of delegated applications. She understood it was related to the West Pier project. The Development Control Manager explained that the application related to the Seafront Development Initiative and was not related to the West Pier planning application. The council could carry out these works on the seafront without planning permission, except for the demolition of the wall, which was listed and would need the consent of the Government Office for the South East.]

3 PETITIONS

3.1 No petitions were presented.

4 UPDATE ON DECISIONS DELEGATED TO OFFICERS AT PREVIOUS MEETINGS

4.1 The Development Control Manager informed members that the Section 106 Obligation relating to the redevelopment of the Brighton Station Site was still the subject of negotiation. In the meantime, the architect had advised the council that the housing element in the central area had been shortlisted for a national Housing Design Award. The Development Control Manager reminded members that a major objective of the council was to achieve good modern design in new buildings.

4.2 The Development Control Manager stated that the Royal Town Planning Conference was due to take place in Cardiff from 15-18 June. Two places could be reserved for sub-committee members, subject to finance being available.

RESOLVED - That the Labour group and the Conservative group each nominate one member to attend and advise the Development Control Manager of the name.

4.3 The Development Control Manager advised that good progress had been made in drawing up the Section 106 Planning Obligation in respect of Stanmer House and she hoped that it would be signed shortly.

5 PLANS LIST OF APPLICATIONS, 21 MAY 2003 (SEE MINUTE BOOK)

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

Application BH2002/01511/FP - Reservoir Site, Freshfield Road/Pankhurst Avenue

5.1 Several members expressed concern that the council had had to vacate the allotments in spite of public demand. As the recommendation was to refuse planning permission they hoped that the allotments could be reopened. However, the Planning Officer stated that it was not within the council's powers as Local Planning Authority to insist on this. Councillor Hamilton considered that it was not desirable to leave the site fallow and hoped that a more suitable application would follow. The Development Control Manager stated that she would report back to a future meeting whether this site, or an alternative site in the applicant's ownership, could be negotiated for allotments. She had previously met the applicants with a view to negotiating an improved design, but no progress had been made and officers recommended refusal.

5.2 Several members expressed support for the recommendation, as the proposal was clearly contrary to local planning policy.

5.3 Mrs Turner, representing the Disabled Access Advisory Group, requested that, if a development was approved on this site, there should be one flat fitted out to full wheelchair accessibility standard.

5.4 Councillor Wells stated that the allotments were unlikely to be reinstated and there was a need for affordable housing, however he would only support a two-storey development on this site.

5.5 **RESOLVED** - That planning permission be refused by the council for the reasons set out in the report.

Application BH2002/01890/FP - 5-8 West Street, Rottingdean

5.6 The Planning Officer reminded the sub-committee that no planning permission would be needed to use the existing building for retail purposes. Improvements had been made to the application, following negotiations with the applicant, regarding the hours of opening and deliveries, traffic issues, ground levels and design. The revised layout

would reduce the possibility of conflict between customers and delivery vehicles. The applicant was prepared to make a financial contribution as set out on page 10 of the plans list. The Planning Officer advised that the design had been improved and the ridge height reduced. The hours of trading would be 0700 to 2300 hours with no deliveries before 0900 hours on Sundays. A noise assessment had been undertaken and the Environmental Health Officer was satisfied that there would be no additional disturbance from noise as a result of the scheme. The officers considered that the proposal would complement the local shopping centre rather than damage its viability.

5.7 Mr P Hampton spoke on behalf of Rottingdean Parish Council. He requested that the hours of opening be reduced to 0800-2200 hours for the sake of the neighbours. He also requested that the footpath in front of the store should be extended as far as the Marine Drive junction to ensure pedestrian safety. Mr M Alsop spoke on behalf of the applicant. He responded to Mr Hampton's concerns by stating that noise would not exceed existing levels and that it would be up to the local authority to decide how to spend the money provided through the unilateral undertaking.

5.8 To a question from Councillor Hyde, the Development Control Manager explained that it was not possible to submit all planning applications to the Architects Panel and that the panel had not considered this application.

5.9 Councillor Tonks stated that the new building would be very close to the conservation area and many objections had been received. Councillors Forester, Hyde, Mrs Theobald and Older all disliked the design. Councillor Mrs Theobald stated that it was too modern for Rottingdean. Councillors Forester and Paskins considered that the proposal resembled a shed. Councillors Watkins and Forester stated that it did not match the surrounding buildings.

5.10 Councillors Watkins, Tonks and Hyde considered that the proposed opening hours were too long and that the neighbours could reasonably expect to be able to sleep before 2300 and after 0700 hours. Councillor Paskins stated that there was a lot of concern about noise from the roll cages.

5.11 Councillor Hyde noted that some residents welcomed the proposal but considered that there had been no improvement as a result of the officers' negotiations with the applicants. She stated that people living behind the site did not suffer from noise at present but would do so if the scheme went ahead. She stated that, in her role as ward councillor, she already received many complaints about noise from the Co-op store. Councillor Hyde added that, if fewer journeys were

made to other supermarkets in the area, there would inevitably be more parking in Rottingdean. She considered that the applicant should pay to improve another car park in Rottingdean. Councillors Tonks and Mrs Theobald supported her concerns about car parking.

5.12 Councillors Hyde and Mrs Theobald doubted that the slip road where buses and delivery lorries would pass was satisfactory. They feared that the proposed arrangements might cause traffic jams. Councillor Paskins added that she was concerned about the safety of people alighting from buses.

5.13 Mr Small, representing the Conservation Areas Advisory Group, considered that significant design improvements had been made to the original proposal. However, he was concerned about the proposal to install a frontage in Tesco's colours. He asked whether the planning permission would allow them to install any combination of colours, if the firm altered their corporate colour scheme in future.

5.14 The Development Control Manager confirmed that officers considered the revised design to be an improvement. This was an area of mixed development. The Environmental Health Officer addressed the sub-committee on the noise assessment, which had taken place. She noted that there was particular concern about the noise from roll cages and stated that there would be a condition to address this, but in any case, it would only be an intermittent activity and raised no objections to the proposed conditions relating to deliveries and opening hours. The Principal Traffic Engineer demonstrated on the plan that there would be sufficient room on the slip road for buses to pass delivery vehicles. He added that new traffic regulation orders would be introduced and that the sum to be provided by the applicant would cover the cost. The money would also cover alterations to the footway and, if considered necessary, the introduction of a one way scheme.

5.15 Members voted to overturn the officer's recommendation that the council should be minded to grant planning permission. The Development Control Manager asked members to give reasons. Members stated that they had concerns about traffic issues, the proposed opening hours and delivery times, and that the design was inappropriate because of its proximity to the conservation area and in the context of Rottingdean village.

5.16 **RESOLVED** - That planning permission be refused by the council for the following reasons:

1. The building proposed for this prominent site, by reason of its design and materials, would be out of character with surrounding development and detract from the setting of the Rottingdean conservation area. The

development would therefore be contrary to policies HE6 (development within or affecting the setting of a conservation area) and QD2 (design - key principles for neighbourhoods) in the Brighton & Hove Local Plan Second Deposit Draft and ENV.3 in the Brighton Local Plan

2. The proposed development, relying on on-street deliveries and existing parking facilities in the vicinity would result in unacceptable congestion in West Street. This is relatively narrow, lacks footways and serves as a bus terminus. The proposal is therefore contrary to policies TR.9 in the Brighton Local Plan and TR1 (development and the demand for travel) in the Brighton & Hove Local Plan Second Deposit Draft

3. The proposed development, by reason of the requested trading and delivery hours, would cause additional noise and disturbance harmful to the enjoyment of local residents. The development would therefore be contrary to policies ENV.45 in the Brighton Local Plan and SU10 (noise nuisance) in the Brighton & Hove Local Plan Second Deposit Draft.

[Note: Councillors Forester, Hyde, K Norman, Older, Paskins, Mrs Theobald, Tonks, Watkins and Wells voted to overturn the officer's recommendation.]

Application BH2003/00385/FP - Coniston Court (1-35) Holland Road

5.17 The Planning Officer displayed a photograph showing the building in the context of Holland Road and advised that the proposed new storey would be as high as the present lift shaft. However, the top floor would be set back from the front of the building.

5.18 Mr Anderson spoke as an objector to the scheme. Mr Lewis spoke on behalf of the applicant. Councillors Meegan and Giebeler divided the time available for ward councillors to address the sub-committee between them. They both opposed the application. Councillor Giebeler stated that to permit this development would set a precedent for the entire city and that government guidance was to provide affordable housing, not luxury penthouses. Councillor Meegan considered that the proposal would not match the existing building. He circulated a photo showing the building from a different viewpoint from that provided by the Planning Officer and stated that the appearance would be visible from the street. He stated that there would be an adverse effect on the amenity of the present occupants. The occupants of the present top storey would particularly suffer because the lift would not serve the penthouses and everyone would alight at their floor.

5.19 A majority of members expressed sympathy for the existing residents and feared that granting this application would set a precedent. Councillor Older stated that while officers advised the

committee to consider each application on its merits, approving this development would make it difficult to refuse similar applications. Councillor Wells considered that Councillor Meegan's photo showed that there would be an adverse effect on the streetscene. Councillor Mrs Theobald stated that the development would make it the tallest building in the street. She stated that the council must take the 259 signature petition into account. Councillor K Norman stated that he opposed the application, but if consent was granted materials must match the existing.

5.20 The Development Control Manager informed members that many of the concerns, which had been expressed, were not planning considerations. She confirmed that the structural condition of the building could not be taken into account; this was a matter to be considered in relation to the Building Regulations. She also emphasised that planning applications must be considered on their individual merits.

5.21 Members voted to overturn the officer's recommendation to grant planning permission. The Development Control Manager asked members to give reasons. Councillor Mrs Theobald, supported by Councillor Hyde, stated that the main reason was the overdevelopment of the existing building and also that the design was inappropriate and that there would be substantial damage to the amenity of the neighbours.

5.22 **RESOLVED** - That planning permission be refused by the council for the following reasons:

1. The proposed development would constitute an overdevelopment of the site, which would create noise, disturbance & loss of amenity to existing residents. The development would therefore be contrary to policies BE1 of the Hove Borough Local Plan & QD3 & QD27 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

2. The utilitarian design of the additional storey would be out of character with and detract from the visual amenity of the surrounding, mainly residential, area. The development would therefore be contrary to policies BE1 & BE18 of the Hove Borough Local Plan & QD1, QD2 & QD14 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

[Note: Councillors Hyde, K Norman, Older, Mrs Theobald, Tonks, Watkins and Wells voted to overturn the officer's recommendation.]

Application BH2003/00965/RM - Gas Works Site, Church Road

5.23 The Planning Officer explained that the amendments would include a larger footprint, the building would be closer to the rear of

Connaught Road, the cage marshalling area would be roofed, the elevations had changed, especially at the front of the store where they would be clear glazed without racking, there would be a café at mezzanine level and flint panels on the boundary walls. The Planning Officer also stated that the overall height of the development had increased slightly. He added that, in his view, the development now related better to the main thoroughfare.

5.24 Councillor Older objected to a computer-generated photograph showing the relation of the development to St Andrew's Church, because she considered it to be inaccurate. The Planning Officer responded to questions from Councillor Older about the boundary wall and confirmed that the Conservation Team had been involved in this aspect of the scheme.

5.25 The Planning Officer confirmed that the lift would be large enough to accommodate wheelchairs and shopping trolleys and that there would be an area to store trolleys by the café. Mrs Turner of the Disabled Access Advisory Group requested that notices be installed advising the public that wheelchair users had priority in the lift and the Planning Officer agreed to inform the applicant of this request. The Planning Officer also confirmed that he had discussed the changes with English Heritage, who had expressed the hope that there would not be further applications for additional development on the site.

5.26 **RESOLVED** - That the reserved matters be approved by the council subject to the conditions set out in the report.

(ii) DECISIONS ON MINOR APPLICATIONS LIST DATED 21 MAY 2003

Save as reported in parts (iii) and (iv) below, the recommendations of the Director of Environment were agreed.

(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 21 MAY 2003

Application BH2003/00633/FP - 5-8 Dukes Court

5.27 The Development Control Manager drew attention to the information contained in the list of Additional Representations and requested deferral for further consideration of the issues raised by Environmental Health. She stated that the Fire Brigade did not object in principle.

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

Application BH2002/02956/FP & BH2002/02957/LB - 128 Kings Road

5.29 The Planning Officer showed photographs of the existing building and drawings of the proposed elevations. He stated that the height could be justified as the building would provide a stepped appearance between the buildings at either side.

5.30 Councillor Wells stated that the proposal would be acceptable given the design of the buildings next door and to prevent the site remaining derelict for many years. Councillor Mrs Theobald agreed, but stated that she preferred the design of the original building and she could not accept the blue door or the numerals shown on the drawing. She requested that there should be car parking at the rear.

5.31 A majority of members expressed concern at the loss of the listed building and considered that the developer should be asked to retain the original façade. Councillor Forester stated that the proposal was unsuitable because it did not match the vertical rhythm of other original buildings on the seafront. Mr Small, representing the Conservation Areas Advisory Group, stated that this was a very important terrace and that the Conservation Team had endeavoured to persuade the owner to rebuild to match the existing. Mr Small regretted that English Heritage no longer supported this view and feared that they might have been misled by the financial report provided by the applicant. The Development Control Manager informed members that the Conservation Team and English Heritage accepted the applicant's argument contained in the financial statement. She added that the design was better than that of the 1960's building to the west and that the Architects Panel had approved of it.

5.32 A vote on the officer's recommendation to grant listed building consent for demolition was taken and a majority supported it. A vote on the officer's recommendation to grant planning permission was then taken and a majority of members voted to overturn it. The Development Control Manager asked members to give reasons for refusing planning permission. Councillor Hyde stated that the proposal was out of keeping with the streetscene and Councillor Forester that it did not continue the rhythm of the terrace of which it was a part or respect the storey height.

5.33 **RESOLVED** - (1) That listed building consent be granted by the council subject to the conditions set out in the report.

(2) That planning permission be refused by the council for the following reason:

1. The proposed new building, by reason of failing to continue the rhythm or adopting the scale of the storey heights of the terrace of which it

forms a part, would fail to preserve or enhance the character or appearance of the Regency Square Conservation Area, contrary to policies ENV.3 and ENV.22 of the Brighton Borough Local Plan and QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

[Note: Councillors Forester, Hamilton, Hyde, K Norman, Older, Tonks and Watkins voted to overturn the officer's recommendation to grant planning permission. Councillor Paskins declared a prejudicial interest in the application and remained outside the room during the debate and voting on it.]

Application BH2003/00630/FP & BH2003/00852/CA - 20-26 York Place

5.34 Councillor Mrs Theobald requested a site visit as this appeared to be a major development. The Development Control Manager stated that the premises were currently in a very unsavoury state, but that it might be possible to view the site from adjacent buildings. Mrs Turner, representing the Disabled Access Advisory Group, requested that consideration be given to providing a flat fitted for a wheelchair user.

5.35 **RESOLVED** - That the application be deferred pending a site visit.

Application BH2003/00826/FP - 58 Palmeira Avenue

5.36 The Development Control Manager stated that the applicant was prepared to revise the design and she therefore recommended deferral.

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

(iv) OTHER APPLICATIONS

Application BH2003/01038/FP - 7 Crescent Place

5.38 Councillor Paskins enquired whether the height of the parapet would be acceptable. The Planning Officer replied that the parapet line varied along Crescent Place and that the street was too narrow to see the whole line of parapets simultaneously.

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

Application BH2003/00988/FP - 22 Dyke Road

5.40 The Planning Officer informed the sub-committee that in his view there would be no adverse effect on the neighbours or the conservation area and that condition 3 would protect the amenity of the neighbours. However, Mr McPhie addressed the sub-committee as an objector to the scheme and stated that he spoke for flats 22c, 22d and 22e, who all opposed the scheme.

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

Application BH2003/00257/FP - 131 The Ridgway

5.42 Councillor Hyde stated that she opposed this application.

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

Application BH2003/01162/FP - 10 Highview Road, Patcham

5.44 Councillor Mrs Theobald stated that she would abstain from voting on this application.

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

Application BH2003/00863/FP - 8 Duke Street

5.46 Councillor Mrs Theobald stated that the applicant should be required to provide a litter bin outside the premises. However, it was noted that there was already a bin in the street.

5.47 Councillor Older referred to points raised in a letter from the trader at 7 Duke Street. The Planning Officer advised that this was a retrospective application to regularise the current use of the premises following complaints to the council. Details of the air conditioning units and extractor fans were set out in the report. He confirmed that the applicant had not misled the council about the use of machinery on the premises.

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

(v) TREES

5.49 It was agreed that the Arboriculturist should be asked to ring Mrs Turner, of the Disabled Access Advisory Group, with further information

about the felling of an elm (application BH2003/01253/TCA/F, Vicarage, Wilbury Road).

5.50 **RESOLVED** - (1) That permission to fell the trees which are the subject of the following applications be granted as set out in the reports.
BH2003/01255/TPO/F, 10 Tongdean Lane
BH2003/01081/TPO/F, 5 Barrowfield Drive

(2) That the decisions on tree works delegated to the Director of Environment, as set out in the Plans List dated 21 May 2003, be noted.

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

5.51 Mrs Turner, representing the Disabled Access Advisory Group, referred to the application to install a cash machine in Whitehawk Road and stated that it was important that applications by banks to install cash machines should provide knee room for wheelchair users. The Development Control Manager advised the sub-committee that Mrs Turner had submitted a drawing of a suitable design and that all planning officers should by now have received a copy. Unfortunately the application had been determined before the drawing had been circulated. She undertook to approach the applicant with this request and to report back to the sub-committee and East Brighton ward councillors.

5.52 **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.]

6 SITE VISITS

6.1 Only one site visit was identified in respect of a current planning application. It was therefore agreed that site visits should take place in respect of one or more implemented decisions and the new residential developments at the former French Convalescent Home, Dorset

Gardens Methodist Church and St James's Street were suggested. Mrs Turner also suggested visiting the flat adapted for wheelchair users in the new block next to the Dorset Gardens Methodist Church.

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

WARD	APPLICATION	SITE	SUGGESTED BY
St Peters & N Laine	BH2003/00630/F P	20-26 York Place	Cllr Mrs Theobald

7 PROGRESS ON CURRENT APPEALS

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

8 APPEAL DECISIONS

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

9 APPEALS LODGED

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

The meeting concluded at 5.30 pm.

Signed _____ (Chair)

Dated this _____ day of _____ 2003