

**BRIGHTON & HOVE CITY COUNCIL**  
**PLANNING APPLICATIONS SUB-COMMITTEE**

**3 SEPTEMBER 2003**

**2.00 PM**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

Present: Councillors Carden (Chair), Forester, Hamilton, Hyde, K Norman, Older, Paskins, Pennington (Deputy Chair), Smith, Mrs Theobald, Tonks, Watkins.

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

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**PART 1**

**60A DECLARATION OF SUBSTITUTES**

60A.1 <u>Councillor</u>	<u>attending as substitute for</u>
Councillor Smith	Councillor Wells

**60B DECLARATION OF MEMBERS' INTERESTS**

60B.1 Councillor Forester declared a prejudicial interest in application BH2003/01817/FP, Watts Bank, University of Brighton. She stated that the University of Brighton was her employer. She left the room while this application was under consideration and took no part in the debate or voting on it.

60B.2 Councillor Mrs Theobald declared a personal interest in item 63 on the agenda, stating that she was a member of Dragons Health and Leisure Club.

**60C EXCLUSION OF PRESS AND PUBLIC**

60C.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.

60C.2 **RESOLVED** – That the press and public be excluded from the meeting if any member wished to discuss item 70 on the agenda.

## **61 MINUTES**

61.1 **RESOLVED** – That the minutes of the meeting held on 13 August 2003 be approved and signed by the Chair as a correct record of the proceedings, subject to:

- . The deletion of the paragraph in parenthesis following paragraph 53.20.
- . The deletion of the third sentence in paragraph 53.7.
- . The substitution of the word 'approval' for 'refusal' in paragraph 49.3.

## **62 PETITIONS**

62.1 No petitions were presented at the meeting.

## **63 UPDATE ON DECISIONS DELEGATED TO OFFICERS AT PREVIOUS MEETINGS**

63.1 The Development Control Manager informed the sub-committee that application BH2003/02154/FP, land at Redhill Close, had been withdrawn by the applicant.

63.2 The Development Control Manager advised members that it was likely that a report concerning the ODPM review of Development Control performance would be considered by the Environment Committee in the near future.

63.3 The Development Control Manager stated that it was expected that Hove Rugby Club would shortly submit an application proposing alternative arrangements for car parking (see minute 30, 2 July 2003).

63.4 At the previous meeting the sub-committee had deferred a request to hold three special events at Dragons Health and Leisure Club (see minute 50). The Development Control Manager stated that she had advised the club manager of the council's concerns at the holding of an unauthorised event on July 5. The club manager had explained that the unauthorised event had taken place for two hours over a Saturday lunchtime and she had apologised for not seeking permission and for any upset caused to local residents. The Development Control Manager asked the sub-committee to reconsider the request to hold three future events and stated that she recommended approval be given. Ward

councillors had been consulted. Councillor Kemble had expressed his concern about possible disturbance to residents late at night when people left the club to take taxis home.

63.5 Councillor Smith proposed that future requests to hold events at Dragons Club should be determined by the Director of Environment and not be brought before the sub-committee and this was agreed.

63.6 **RESOLVED** (1) That permission be granted to Dragons Club to hold a Caribbean Evening on 19 September 2003, a Halloween Party on 31 October 2003 and a Christmas Party on 5 December 2003 as requested in the e-mail dated 28 July 2003 from the Club Manager to the Development Control Manager.

(2) That delegated powers be granted to the Director of Environment to determine future requests from Dragons Club to hold events.

**64 SITE VISITS**

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

<b>APPLICATION</b>	<b>SITE</b>	<b>SUGGESTED BY</b>
BH2003/02092/F P Implemented	Corporation Yard to rear of Castle Street Albion Hill Flats	Councillor Paskins Mr J Small
Implemented	French Convalescent Home	Mrs J Turner

[Note: item 66 sets out a full list of future site visits]

**65 PLANS LIST OF APPLICATIONS, 3 SEPTEMBER 2003 (SEE MINUTE BOOK)**

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

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

65.1 This application was the subject of a site visit before the meeting. Members had found the site in poor condition and welcomed the prospect of refurbishment. It was noted that works to the basement were not included in this application.

65.2 Mr Small, representing the Conservation Areas Advisory Group, considered that the building was not worthy of listed building status and requested that the council take the necessary action to de-list it. The

Development Control Manager was also asked to request the Highways Team to amend the address of this property to reflect its actual location, as it is not situated on Brunswick Square.

65.3 **RESOLVED** - (1) That planning permission be granted by the council subject to the conditions set out in the report.

(2) That the council be minded to grant listed building consent subject to GOSE approval and to the conditions set out in the report.

#### **Application BH2003/01517/FP - Holy Cross Church, Tamworth Road**

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

65.5 Councillor Hyde told members that she had requested a site visit because of the likely loss of light to the neighbours' property and that the visit had shown that her concerns were justified. Several members agreed with Councillor Hyde and considered that the neighbours had already been adversely affected by previous extensions to the church. Councillor Hamilton had noted on the site visit that the application seemed to raise a security issue in that a flat roof would be next to a bedroom window.

65.6 However, Councillor Forester expressed support for the proposal, particularly as it would provide a disabled toilet, stating that the arrangement would give more privacy to the neighbour than the present situation. A majority of members voted to overturn the officers' recommendation.

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

The proposed development would, by reason of its size and location adjacent to a party boundary result in an overmassing effect and increased sense of enclosure to windows of the neighbouring property. This would be detrimental to the living conditions of the occupier of the property, contrary to policies BE1 of the Hove Borough Local Plan and policies QD14 and QD27 of the Brighton & Hove Local Plan, which seek to protect amenity.

#### Informative

It is suggested that there is potential within the existing building to reconfigure the accommodation to meet the applicants' requirements for disabled toilet provision, whilst making the desired improvements to the existing kitchen.

[Note: Two members voted in favour of the officer's recommendation to grant planning permission. Nine members voted against it and one member abstained from voting.]

**Application BH2003/01817/FP - Watts Bank adjacent to Watts Building, University of Brighton, Lewes Road**

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

65.9 Mr Mallinder spoke for the applicants. He requested the sub-committee to overturn the officers' recommendation to refuse planning permission. Councillor Tonks also supported the application, stating that: there was an urgent need for student accommodation, the proposal would alleviate traffic congestion problems elsewhere if students lived on site, the buildings would be satisfactory, the site was currently untidy and overgrown, the proposed pond would give ecological benefit, and there was already a precedent for building on this area. Mrs Turner, representing the Disabled Access Advisory Group, emphasised that, if approved, there would be a need to ensure that the disabled accommodation was entirely suitable for wheelchair users.

65.10 Councillor Mrs Theobald expressed the view that this area of nature conservation should not be built on. She also disliked the design of the four blocks and considered that additional car parking should be provided. Councillor Hamilton stated that, although there was a need for such accommodation, he considered four blocks to be excessive on this site.

65.11 A majority of members supported the officers' recommendation to refuse planning permission. The Development Control Manager stated that, because there was a clear need to provide more student accommodation, officers would endeavour to meet with the applicants to examine how this need could be met whilst still complying with planning policy.

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

**Application BH2003/02036/FP - 28 Marine Drive, Rottingdean**

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

65.14 Mr P Woodhams of Parker Dann addressed the sub-committee. He stated that he represented the following objectors: the Whitecliffs Action Group, Rottingdean Parish Council and the Rottingdean Preservation Society. He suggested that an additional reason for refusing planning permission should be that the proposal was contrary to policies

S1 and TR. Mr A Phillips addressed the sub-committee on behalf of the applicant. Councillor Mears spoke as local ward councillor in support of her letter which was attached to the officer's report. She stated that there were serious traffic implications and implications for cliff deterioration; and that the proposal would detract from the nature of Rottingdean village.

65.15 Councillors Smith, Hyde and Mrs Theobald all expressed concerns about the traffic implications and supported the inclusion of the additional reason for refusal suggested by Mr Woodhams. Councillor Smith feared that the proposal might make the cliffs unstable and a large amount of underpinning would detract from their appearance. He also stated that the proposal would be an overdevelopment and out of keeping with Rottingdean. Councillor Hyde considered that, although the design was acceptable, the development would be too high. Councillor Mrs Theobald stated that the existing building was attractive.

65.16 Two members expressed the view that this would be an excellent design in the right location, however, this was the wrong site for the building. Several members expressed the view that the comments of the Architects Panel did not help with decision making in this case.

65.17 The Development Control Manager advised members on the policies quoted by Mr Woodhams and confirmed that they would form a fourth reason for refusal.

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

The increased use of the existing substandard access to the site would give rise to additional conditions of danger to vehicles and pedestrians using the busy A259 road at a point close to its junction with Rottingdean High Street. The development would therefore be contrary to policy S1 of the East Sussex and Brighton and Hove Structure Plan and policy TR (safe development) of the Brighton and Hove Local Plan Second Deposit Draft.

#### **Application BH2003/01805/FP & BH2003/02357/CA - 24 St James's Street**

65.19 This application was the subject of a site visit before the meeting. The Planning Officer advised that he recommended planning permission should be granted subject to the conditions in the report and to additional conditions resulting from the receipt of further representations.

65.20 Mr D Hewitt spoke as an objector to the scheme and Mr A Phillips for the applicant.

65.21 Members had various concerns about the relationship of the proposal to the neighbouring buildings and the surrounding streetscene and the Planning Officer and Mr Phillips, the architect, made detailed responses to members' questions. Councillor Forester drew attention to a recess currently subject to fly-tipping and Mr Phillips undertook to provide a barrier and a street light to improve this aspect under the Section 106 Obligation. The Planning Officer stated that officers would consider the colour scheme for the balconies when the detailed drawings were received. Several members considered that there should be a condition requiring detailed plans.

65.22 **RESOLVED** - (1) That the council be minded to grant planning permission subject to a Section 106 obligation to secure £11,000 for off-site highway works and additional Sheffield cycle stands on the footpath surrounding the site, to secure a new street light in Dorset Gardens and to secure an amendment to the existing Traffic Regulation Order to exclude occupants of the proposed units from receiving parking permits for the surrounding controlled parking zone and to the conditions set out in the report amended as set out in (2) below.

(2) That officers be authorised to amend the conditions set out in the report to reflect additional requirements determined by the Planning Officer following the receipt of late representations and that condition 11 be expanded to secure the detailed drawings desired by the sub-committee.

(3) That delegated powers be granted to the Director of Environment to determine the details of the design in consultation with the Chair, Deputy Chair and Opposition Spokesperson.

(4) That conservation area consent be granted by the council subject to the conditions set out in the report.

#### **Application BH2003/01936/FP - 17 Hillbrow Road**

65.23 The sub-committee noted that the applicant had withdrawn this application.

#### **Application BH2003/02061/FP - Surrenden Lodge, Surrenden Road**

65.24 This application was the subject of a site visit before the meeting. The Planning Officer referred to a document circulated to members by Surrenden Lodge Residents Association and stated that the fact that the

residents were trying to purchase the freehold was not a material planning consideration.

65.25 Mr M Hirst addressed the sub-committee as an objector and Mr S Bareham spoke on behalf of the applicants. Councillor A Norman attended the meeting and spoke in support of the objectors. Her letter of objection was attached to the officer's report. She stated that, when Surrenden Lodge had been built, it had been set into the ground so that the height matched the rooflines in the Preston Park Conservation Area and only the church was higher. Councillor Norman stated that residents of the flats would suffer loss of amenity and disturbance. Residents of Harrington Road and Harrington Villas would suffer loss of light. Use of the roof terraces would give rise to noise disturbance. The sub-committee should request an engineer's report on the ability of the structure to support an additional storey. Councillor Norman concluded by saying that the proposal would be over-development, too high, out of character with the conservation area and contrary to local planning policy.

65.26 Having heard the speakers, the Lawyer informed members that the on-going legal proceedings and the effect on valuations should not be taken into account when making a decision on planning grounds. Concerns about the structural integrity of the building were subject to Building Regulations and were not a planning consideration.

65.27 Councillor K Norman pointed out that the Conservation and Design Officer had not visited the neighbouring dwellings before commenting on the application. Councillor Norman objected to the application on the grounds of height, scale, massing and effect on the conservation area. Councillor Mrs Theobald referred to the previous refusal and stated that the proposal would make the building too high. There would be no affordable housing and no significant overall gain in housing. Councillor Hyde stated that the proposal was contrary to policies ENV3 and ENV5. Councillor Paskins noted that the CAAG recommended refusal, the proposal would harm the setting of the church for the small gain of only four flats. Councillor Forester stated that if this were a completely new application for a 6-storey block on the site, the sub-committee would refuse it on the grounds that it did not enhance the conservation area. She considered that there were issues relating to design and materials.

65.28 Some members were concerned for residents who had deliberately bought top floor flats. Councillor Pennington suggested that, if approved, existing occupants should be offered the opportunity to buy the new flats. Councillor Hamilton stated that none of the reasons suggested for refusal seemed sustainable. Before the site visit he had been concerned that Surrenden Lodge might be close to other

properties but he was now satisfied that it was a reasonable distance away.

65.29 The Development Control Manager repeated the advice given by the Lawyer. She also advised that the existing lift shaft would be replaced by a hydraulic lift with no roof projection. Members had been shown a photomontage which showed no demonstrable harm. The Development Control Manager emphasised that members would need to provide strong planning grounds if they decided to refuse planning permission. After a majority had voted to overturn the officers' recommendation, Councillor K Norman suggested the reasons for refusal should be: overdevelopment, excessive height, scale and massing, the effect on the skyline, and that the proposal detracted from the conservation area. Councillor Hyde added as additional reasons for refusal: effect on privacy and contrary to policies ENV3, ENV% and ENV6.

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

1. The proposal would be out of keeping with the height of existing residential developments in the locality and as such would constitute an overdevelopment of site contrary to policies ENV.3 and ENV.22 of the Brighton Borough Local Plan and policies QD1, QD2, QD3, QD14 and HE6 of the Brighton and Hove Local Plan Second Deposit Draft.
2. The proposed development would, by way of its scale, massing, effect on the skyline and effect on privacy, have a detrimental impact on the amenities of neighbouring occupiers contrary to policies ENV.1, ENV.5 and ENV.6 of the Brighton Borough Local Plan and policies QD14 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
3. The proposed addition to the existing building would further detract from the character and appearance of the Preston Park Conservation Area, contrary to policy ENV.22 of the Brighton Borough Local Plan and policy HE6 of the Brighton and Hove Local Plan Second Deposit Draft.

[Note: five members voted for the officers' recommendation and seven voted against it.]

## **(ii) DECISIONS ON MINOR APPLICATIONS LIST DATED 3 SEPTEMBER 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 3 SEPTEMBER 2003**

**Application BH2003/02127/FP - 116a Lansdowne Place**

65.31 Mr T Garard spoke as an objector to the scheme and Mr Lisik as the applicant. Members were shown photographs of the site but Councillor Hyde considered a site visit necessary and this was agreed.

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

**Application BH2003/02343/FP - Corner of Connaught Road/Church Road**

65.33 Members were shown photomontages of the proposal and a sample of Kilkenny limestone.

65.34 Councillor Older stated that the proposal did not enhance the conservation area and suggested that the Percent for Art component of the scheme should be contained within 1a Connaught Road or a community scheme. The Planning Officer advised members that they should not consider the merits of the artwork. It required a sub-committee decision because it was to be sited on the highway. Mrs Turner, representing the Disabled Access Advisory Group, stated that it was unsafe for blind and partially sighted people. Councillor Mrs Theobald stated that the narrowing of Connaught Road would make it difficult for cars to pass. This could hinder traffic on Church Road. She also feared the work would attract graffiti. The Planning Officer replied that there had been a series of meetings attended by Highways, Conservation and Percent for Art officers to ensure that the proposal was suitable in highway safety terms and that the effect on the conservation area was fully considered. The material used would be sustainable and able to withstand vandalism.

65.35 A majority of members voted against the officer's recommendation to grant planning permission and stated that their principal reason for doing so was the effect on the conservation area.

65.36 **RESOLVED** - That planning permission be refused by the council for the following reason:

The site lies within the Old Hove Conservation Area. Policies BE8 of the Hove Borough Local Plan and HE6 of the Brighton & Hove Local Plan Second Deposit Draft seek to ensure that all new developments preserve and enhance the character and appearance of the Conservation Area in which they are located. The Local Planning Authority considers that proposed development would, by reason of its siting and appearance, detract from the appearance and character of this part of the Conservation Area, contrary to the above policies.

[Note: three members voted for the officers' recommendation and eight voted against it.]

**Application BH2003/02094/FP - Hove Town Hall, Norton Road**

65.37 The Planning Officer stated that the intention was to reduce temperatures in the building in summer. Air conditioning would be a less sustainable alternative. He circulated a swatchbook. However the samples were considered too small and it was agreed to see a whole window coated with a sample.

65.38 Members expressed concern that there were several different types of glass in the windows and asked whether the solar film would make this more apparent. They also considered that there might be a problem if the windows were made more reflective as a result. Two members suggested the reinstatement of the plants above the main entrance.

65.39 Mrs J Turner requested that a partially sighted user of the building who was a member of DAAG should be consulted.

65.40 **RESOLVED** - That the application be deferred and that members view a window coated with a sample prior to the next meeting.

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

65.41 The Planning Officer drew members' attention to the site plan and stated that the building shown as Hill Cottage was in fact D'Oyly Cottage.

65.42 Councillor Hamilton requested that if the hedge belonged to the applicant there should be a condition that it must remain at its current height.

65.43 Mr C D'Oyly John, an objector, and Mr P Loder, the applicant, addressed the sub-committee. Councillor Hyde noted that the application was partly retrospective and asked Mr Loder to explain. He stated that he had not appreciated that he had to wait for a decision notice but had stopped work as soon as this was pointed out to him.

65.44 Councillor Older suggested a site visit.

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

**(iv) OTHER APPLICATIONS**

**Application BH2003/02060/FP - Dubarry House, Newtown Road**

65.46 Mr S Bareham addressed the sub-committee on behalf of the applicant. Members decided to uphold the officer's recommendation to refuse planning permission.

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

**Application BH2003/02478/FP & BH2003/02485/LB - 75 Holland Road**

65.48 Councillor Paskins was pleased to note the proposal to reuse the building but enquired whether the council was satisfied with the uses to which the live/work units already constructed across the city were put. She also asked why the report had come to committee when the last date for representations was 4 September. The Planning Officer replied that the "minded to grant" recommendation covered the possibility of significant issues being raised by additional representations and that condition 2 ensured that the units remained in business as well as residential use. He confirmed that there was a trend toward working from home.

65.49 Councillor Pennington enquired about the possible inclusion of affordable housing and was advised that the Housing Strategy team considered that this was not a requirement on this site.

65.50 Councillor Watkins was concerned about aspects relating to refuse storage.

65.51 Mrs Turner, representing the Disabled Access Advisory Group, requested the opportunity to meet the architect to ensure that the units dedicated to disabled users were satisfactory. Councillor Mrs Theobald stated that there should be a parking bay for each disabled unit.

65.52 **RESOLVED** - (1) That the council be minded to grant planning permission subject to the completion of a Section 106 Obligation to secure an amendment to the existing Traffic Regulation Order to exclude surrounding occupants of the proposed units from receiving parking permits for the controlled parking zone and to secure the provision of two on-street loading bays, no additional material objections being received prior and to the conditions set out in the report.

(2) That the council be minded to grant listed building consent subject to no additional material objections being received prior and to the conditions set out in the report.

**BH2003/02019/LB - Brighton Station forecourt exit to Queens Road**

65.53 Councillor Pennington stated that the public conveniences were in an unacceptable state and the council should approve no future work at the station unless there was a condition to secure their refurbishment.

65.54 **RESOLVED** - That the council be minded to grant planning permission subject to authorisation from the Secretary of State and to the conditions set out in the report.

#### **(v) TREES**

65.55 **RESOLVED** - (1) That permission to fell the trees which are the subject of the following applications be granted as set out in the report. BH2003/02406/TPO/F, 91 The Brow, Woodingdean

(2) That the decisions on tree works delegated to the Director, Environment, as set out in the Plans List dated 3 September 2003, be noted.

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

65.56 Regarding application BH2003/00177/FP, the Planning Officer was asked to ascertain why the glass had been removed from the ground floor of Palmeira House, Western Road, and to let Councillor Older know.

65.57 **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.]

#### **66 SITE VISITS**

66.1 The following list contains site visits as agreed during consideration of items 64 and 65 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.

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

<b>APPLICATION</b>	<b>SITE</b>	<b>SUGGESTED BY</b>
BH2003/02092/F P	Corporation Yard to rear of Castle Street	Councillor Paskins
BH2003/02127/F P	116a Lansdowne Place	Councillor Hyde
BH2003/01946/F P	Shepherds Cottage, Bazehill Road	Councillor Older
Implemented	Carlton Hill Flats	Mr J Small
Implemented	French Convalescent Home	Mrs J Turner

## **67 PROGRESS ON CURRENT APPEALS**

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

## **68 APPEAL DECISIONS**

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

## **69 APPEALS LODGED**

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

## **PART 2**

### **70 PART 2 MINUTES - EXEMPT CATEGORY 13**

70.1 **RESOLVED** – That the minutes of the meeting held on 13 August 2003 be approved and signed by the Chair as a correct record of the proceedings.

### **71 EXEMPT ITEMS**

71.1 **RESOLVED** – That the information contained in the minute relating to item 70 need not be exempt from disclosure to press and public.

The meeting concluded at 6.25 pm.

Signed

(Chair)

Dated this

day of

2003