

BRIGHTON & HOVE CITY COUNCIL
PLANNING APPLICATIONS SUB-COMMITTEE

24 SEPTEMBER 2003

2.00 PM

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

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

PART 1

72A DECLARATION OF SUBSTITUTES

72A.1 <u>Councillor</u>	<u>attending as substitute for</u>
Councillor Allen	Councillor Tonks

72B DECLARATION OF MEMBERS' INTERESTS

72B.1 Councillor Mrs Theobald declared a personal interest in application BH2003/02394/FP, 55, Dyke Road Avenue, Hove as she lived opposite this property.

72B.2 Councillor Hamilton declared a personal interest in application BH2003/02554/FP on the agenda, stating that his brother in law was a director of Austin Rees, Chartered Surveyors who were acting for Varndean Park Estate Limited. He did not speak or vote on the item.

72C EXCLUSION OF PRESS AND PUBLIC

72C.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.

72C.2 **RESOLVED** – That the press and public be not excluded from the meeting during consideration of any item on the agenda.

73 MINUTES

73.1 **RESOLVED** – That the minutes of the meeting held on 3 September 2003 be approved and signed by the Chair as a correct record of the proceedings, subject to:

Minute 65.36 should read “*Four* members voted for the officer’s recommendation and eight voted against it.”

74 PETITIONS

74.1 No petitions were presented at the meeting.

75 UPDATE ON DECISIONS DELEGATED TO OFFICERS AT PREVIOUS MEETINGS

75.1 The Principal Planning Officer reported on the following:

75.2 The Watts Bank Student Accommodation was refused at the last meeting. Officers were currently in the process of arranging a meeting to discuss alternative options for the development with a view to preparing a resubmitted application.

75.3 Planning permission for Brighton Station was issued on the 9 September 2003 following the completion of its related S106 Obligation.

75.4 At the last meeting a question was raised in relation to applications BH2003/02478/FP & BH2003/02485/LB – 75 Holland Road. Officers were asked to provide information regarding the number of live-work units available across the city. The Principal Planning Officer reported that in the monitoring year:

1999-2000 - 11 units were granted planning permission.

2000-2001 - 1 unit was granted planning permission.

2001- 2002 - 15 units were granted planning permission.

2002-2003 - 19 units were granted planning permission.

75.5 Hove Rugby Club had now submitted an application to overcome the parking problems, which have been associated with the site (BH2003/03004/FP).

75.6 Members were informed that upon requests for a recorded vote, or in cases where a decision is contrary to the officers' recommendation, it was now intended that the names would be recorded. The Committee Administrator would read out a list of Sub-Committee members names in order for members to declare whether they were voting for, against or abstaining.

75.7 Members were asked to confirm their attendance at a training programme for councillors.

75.8 Planning Permissions had recently been refused for increased opening times and servicing times for Tescos at Warren Road, Woodingdean. The public enquiry was set for 23 March 2004. The Principal Planning Officer asked for a volunteer to present the council's case at the Inquiry.

75.9 **RESOLVED** (1) That Councillor Mrs Theobald present the council's case at the Public Inquiry.

76 SITE VISITS

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

APPLICATION	SITE	SUGGESTED BY
BH2003/01773/F	Garages to r/o 67,	Councillor Watkins
P/BH2003/01777	Brunswick Place	
/CA		
Implemented	Carlton Hill	The Chair

[Note: item 78 sets out a full list of future site visits]

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

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

Application BH2003/02449/FP - Village Way/Falmer Road

77.1 Janet Turner and Councillor Mrs Theobald expressed concern that there would be a build up of traffic at the right hand turn into Woodingdean. Councillor Wells stressed that two lanes of traffic would be entering a single lane road. Councillor Mrs Theobald was also concerned about the volume of park and ride traffic arriving from Warren Road. She stressed the need for careful landscaping.

77.2 Councillor Paskins expressed concern that the current application had not been considered at the same time as the Stadium development. She stressed that the proposal would ease traffic to the stadium as well as to the University of Brighton. She was concerned that more roads might need to be built to cope with the large volume of traffic.

77.3 The Principal Solicitor reported that the peak traffic to the University of Brighton would not be at the same time as football matches. Although the stadium would hold other events, there would be a condition capping the number of events that could take place. Music events would be limited to two a year.

77.4 Further comments were recorded in the additional representations list circulated before the meeting.

77.5 **RESOLVED** - That the council state at the Inquiry, resuming 14 October, that it recommends to the Secretary of State that he should be minded to grant planning permission subject to the grant of consent for the Stadium and to the conditions set out in the report.

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

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

77.7 Mr C D'Oyly John spoke as an objector to the application. Mr Loder spoke on behalf of the applicant.

77.8 Some Members expressed concern that building work was in progress during their site visit. Councillor Hyde said that there had been a blatant disrespect of planning procedures.

77.9 Councillor Hamilton noted that he was able to see D'Oyly Cottage from the windows of Shepherd's Cottage but did not feel that this was to such a degree that he could object to the proposal.

77.10 Councillor Mrs Theobald felt that the dormer windows were ugly and the chimney rather large. She was able to see into the garden of D'Oyly Cottage from Shepherd Cottage and suggested a condition was agreed ensuring that there was landscaping on both sides of the property.

77.11 Councillor Hyde felt that the vegetation did give substantial privacy to D'Oyly Cottage. However, once this was cut back there

could be a loss of privacy. On balance she could not support the recommendations.

77.12 Councillor Ken Norman noted at the site visit that he could see into the windows of D'Oyly Cottage, including the bathroom. He would vote against the proposal.

77.13 **RESOLVED** - That planning permission be granted by the council subject to the conditions set out in the report, and to an informative stating that existing vegetation next to Shephards Cottage along the site boundary with D'Oyly Cottage to the south west shall be retained.

Application BH2003/02584/FP & BH2003/02581/FP - 105 Marine Drive

77.14 Further objections were set out in the additional representations list circulated before the meeting.

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

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

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

77.17 Councillor Pennington asked for an explanation of the Traffic Manager's comment, relating to deliveries. He was concerned that there were not enough turning bays for deliveries. The Planning Officer informed him that it would be preferable if deliveries were made within the site. He did not anticipate large deliveries, as the units were small.

77.18 Councillors Paskins and Ken Norman emphasised the need for a higher commitment to sustainability.

77.19 **RESOLVED** - That the application be deferred in order for a traffic officer to be present at the meeting, and for officers to obtain more details on sustainability, following discussions with the developers.

Application BH2003/02202/FP - North Street Quadrant

77.20 Councillor Forrester expressed concern that the proposed building would be out of character with the city centre. She was also concerned with the proposed fenestration. Councillor Mrs Theobald felt that the proposal was a disappointment and was concerned with the proposed blue and purple colour scheme.

77.21 Councillor Paskins expressed the view that there was a need for well designed modern buildings in the City. She felt the developers

should be asked to provide a better designed scheme. Councillor Watkins felt the design was bland.

77.22 Mr Small informed the Sub-Committee that he felt that the application should be refused as the design was not good enough, and was near the restored Clock Tower. He stressed that both Conservation and Design and the CAAG had considered the scheme to be poor design.

77.23 **RESOLVED** - That the application be refused on the grounds that it was inappropriate and poor design, and had an adverse impact on the adjoining conservation area and the grade 11 listed Clock Tower.

[**Note:** The following councillors voted against the officers' recommendations – Councillors Allen, Hyde, K Norman, Older, Paskins, Mrs Theobald, Watkins and Wells. The following councillors voted for the officer's recommendation – Councillors Carden, Forrester, Hamilton and Pennington.]

Application BH2003/021271/FP - 116a Lansdowne Place

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

77.25 Mr T Garard spoke as an objector to the application. Mr Lisik spoke on his behalf as applicant.

77.26 Councillor Mrs Theobald expressed the view that the building was too tall and had a harmful impact on neighbouring properties.

77.27 The Senior Lawyer reported that the concerns expressed by Mr Garard about rights of way was a civil matter.

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

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

77.29 This application was the subject of a site visit before the meeting. Further letters of objection were reported on the additional representations list circulated before the meeting.

77.30 Mr C Bennett spoke as an objector to the application.

77.31 Members requested a deferral of the application in order for further investigations. There was concern that information had been circulated to Sub-Committee members from an objector stating that a major glass manufacturer had suggested that heat reducing solar films

could produce glass breakage. The Sub-Committee needed clarity about the type of film to be used and whether there would be a warranty against breakage.

77.32 **RESOLVED** - That the application be deferred in order to enable officers to investigate the concerns raised about possible glass breakage and for clarity about the type of film to be used.

Application BH2003/02334/OA - Wellington Road/North Street

77.33 The additional representations list set out a suggested planning condition and informative relating to highway works as a way to negate the need for a Section 106 Obligation.

77.34 Members raised queries relating to the number of new jobs that would be provided by the development and the need for sustainability issues to be fully considered. Members were informed that the Economic Development Officer considered that, realistically, 284 jobs were likely to be generated by the development. The Principal Planning Officer confirmed that there would be adequate consideration of all aspects of policy SU2 when a detailed planning application was received.

77.35 **RESOLVED** - That the council be minded to grant planning permission subject to the conditions set out in the report and the further condition and informative relating to highway works set out in the additional representations list.

Application BH2003/00751/FP - MBM Technology Factory, Victoria Road

77.36 The Principal Planning Officer reported that Councillor John had written to support the application on economic grounds.

77.37 Further letters of objection and a proposed amended condition were reported in the additional representations list.

77.38 Some members raised concerns about the height of the B1 building. Councillor Mrs Theobald thought it should be two storey rather than three. Councillor Paskins was concerned that there was no mention of sustainability in the report. She felt that this should be a standard comment in reports in future.

77.39 Councillor Wells was concerned that the spray booth was close to the school but was assured that his concerns were addressed by conditions 7, 8 and 9.

77.40 Councillor Hamilton informed officers that he hoped the hours of operation would be enforced. He was generally in favour of the

proposal but thought it was regrettable that the tallest buildings would be placed near to residential properties.

77.41 **RESOLVED** - That the council be minded to grant planning permission subject to the conditions set out in the report as amended by the additional representation list. (note: a decision on whether planning permission should be subject to a Section 106 agreement or a further condition is delegated to officers).

(ii) DECISIONS ON MINOR APPLICATIONS LIST DATED 24 SEPTEMBER 2003

77.42 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 24 SEPTEMBER 2003

Application BH2003/00602/FP – 74 St James Street

77.43 The additional representations list reported that condition 2 in the report should have the first sentence deleted effectively prohibiting the use of the terrace at any time.

77.44 Councillor Paskins raised concerns about a soil pipe that had been placed over a cornice. This matter was noted by officers.

77.45 Councillor Forrester reported that residents had raised concerns that the number of outlets in St James's Street selling alcohol had reached saturation point and had led to anti-social behaviour. She was not sure that a cocktail bar was an acceptable use in this area.

77.46 The Planning Officer reported that the numbers using the bar would be up to a maximum of 2 persons per square metre. If used for vertical drinking this would be around 150 people. Several members requested a condition specifying that the premises should be a café bar with tables and chairs.

77.47 Janet Turner expressed concern that no suitable toilet for disabled persons was indicated in the application. She felt that this was discrimination. The Chair asked the Planning Officer to investigate this concern.

77.48 **RESOLVED** – That the application be deferred for further information relating to the request for a condition specifying that the premises should be a café bar with tables and chairs.

Application BH2003/02539/FP – Mackie Avenue Bowls Club, Mackie Avenue

77.49 The additional representations list changed the recommendation from minded to grant, to “grant planning permission”, following the receipt of amended drawings.

77.50 **RESOLVED** – That planning permission be granted.

Application BH2003/02147/FP - Brighton & Hove High School, The Temple, Montpelier Road

77.51 Councillor Pennington spoke in his role as local ward councillor.

77.52 The Planning Officer reported that there would be an informative regarding the shrouding of lights.

77.53 **RESOLVED** - That the application be granted subject to the condition and informative set out in the report and to a second informative stating “You are advised that the lights to the undercroft should be modified at the earliest opportunity to eliminate glare being experienced by nearby neighbours.”

Application BH2003/02576/FP – 62 Dyke Road Avenue

77.54 The additional representation list reported that an amended drawing had been received and that officers now recommended refusal.

77.55 **RESOLVED** – That the application be refused on the grounds that the proposed garage extension would significantly impact upon the root zone of a Beech tree which is protected by Tree Protection Order (No. 22A) 1985 (identified as T17). The proposal would thereby be contrary to Policy QD16 of the Brighton and Hove Local Plan Second Deposit Draft.

Application BH2003/02554/FP - Land at Walnut Close

77.56 Mr E Youdan spoke as an objector to the application. Mr I Wilson spoke as the applicant.

77.57 A further comment from the Arboricultural Officer was set out in the additional representations list.

77.58 **RESOLVED** - That the application be granted subject to the conditions set out in the report with the exception of condition 3 which is amended to read "the protection of trees on the site and the cornish elm tree to the west of the site the subject of Tree Preservation Order No. 3 1973 to be retained. A second informative is added to read "this planning permission relates to the use of the building as a garden store only. Any material change of use of the building, including use for the maintenance or repair of machinery, would require further planning permission."

Application BH2003/01773/FP/BH200301777/CA - Garages to r/o67 Brunswick Place, (fronting Farm Road)

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

(iv) OTHER APPLICATIONS

BH2003/023360/FP – 81 St. Georges Road

77.60 The additional representation list gave details of a petition signed by residents of Eastern Terrace.

77.61 **RESOLVED** – That Planning permission be granted subject to the conditions set out in the report.

Application BH2003/02496/FP – 76 Preston Drove

77.62 Councillor Paskins expressed the view that the 5 mews houses at the southern end of the site could have been designed to a higher standard. She was concerned that there was no mention of energy, efficiency or sustainability in the proposals.

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

Application BH2003/02166/FP – 36 Preston Road

77.64 The additional representations list reported an objection to the proposal.

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

Application BH2003/02684/FP – Highcroft Villas Medical Practice, 50, Highcroft Villas

77.66 The additional representation list reported an additional letter from Private Sector Housing.

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

Application BH2003/00859/FP – Land r/o 67 Cranmer Road

77.68 A further letter of objection was reported in the additional representations list.

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

(v) TREES

77.70 **RESOLVED** - (1) That permission to fell the tree which is the subject of the following application be granted as set out in the report.
BH2003/02473/TPO/F, Eaton Hall, Eaton Gardens

(2) That the decisions on tree works delegated to the Director, Environment, as set out in the Plans List dated 24 September 2003, be noted.

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

77.71 **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.]

78 SITE VISITS

78.1 The following list contains site visits as agreed during consideration of items 76 and 77 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.

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

APPLICATION	SITE	SUGGESTED BY
BH2003/01773/F	Garages to r/o 67,	Councillor Watkins
PBH2003/01777/CA	Brunswick Place	
Implemented	Carlton Hill	The Chair

79 PROGRESS ON CURRENT APPEALS

79.1 The Principal Planning Officer circulated a sheet giving details of forthcoming planning inquiries or appeal hearings.

80 APPEAL DECISIONS

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

81 APPEALS LODGED

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

The meeting concluded at 6.05 pm.

Signed

(Chair)

Dated this

day of

2003