

BRIGHTON & HOVE CITY COUNCIL

PLANNING APPLICATIONS SUB-COMMITTEE

2.00PM – 19 SEPTEMBER 2007

**COUNCIL CHAMBER
HOVE TOWN HALL**

MINUTES

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

Co-opted Members: Mr J Small, Conservation Advisory Group (CAG). Mr R Pennington, Disabled Access Advisory Group.

PART ONE

The Chair welcomed Roy Pennington who would be attending in an advisory capacity as the new representative of the Disabled Access Advisory Group.

62. PROCEDURAL BUSINESS

62A Declarations of Substitutes

62.1 Councillor Allen declared that he was attending as a substitute for Councillor McCaffery.

62B Declarations of Interest

62.2 Councillor Wells declared a personal and prejudicial interest in Application BH2007/03137, 54 Balsdean Road, as he knew the applicant. He intended to leave the meeting during consideration of the application and to take no part in the discussion or voting. The Chairman, Councillor Kemble, declared a personal and prejudicial interest in Application BH2007/02256, Bus Station, Pool Valley, as the company he worked for had an office in Pool Valley. He intended to leave the meeting during consideration of the application and to take no part in the discussion or voting. Councillors Steedman, Davey, Hamilton and K Norman drew attention to the fact that they had attended the Environment Committee on 19 September 2007 and had not taken part in the discussion or decision on the report on the Pool Valley Enhancement Scheme.

62C Exclusion of Press and Public

62.3 The Sub-Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100 1 of the Local Government Act 1972.

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

63A. MINUTES – 29 AUGUST 2007

63A.1 **RESOLVED** - That the minutes of the meeting held on 29 August 2007 be approved and signed by the Chair.

63B SUPPLEMENTARY PLANNING GUIDANCE DOCUMENTS

63B.1 The Head of Planning Strategy attended the meeting to update members on Supplementary Planning Guidance Documents and Planning Advice Notices. A paper listing forthcoming documents was circulated to Members. The Local Development Framework Core Strategy Document was being drafted and would be submitted to the Environment Committee in November. Members would be updated on this document in due course.

64a. PETITIONS

64.1 There were none.

64b. LETTERS FROM COUNCILLORS

64.2 There were none.

65. PUBLIC QUESTIONS

65.1 There were none.

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

66.1 **RESOLVED** – There were none.

67. PLANS LIST APPLICATIONS, 29 AUGUST 2007 (SEE MINUTE BOOK)**(i) TREES**

67.1 Councillor Steedman asked if there had been any advice sought from disability specialists on Application BH2007/03137, 54 Balsdean Road, Woodingdean. The Development Control Manager replied that she was

not aware of any consultation with disability specialists. The recommendation was based on the advice of the Arboricultural Section.

67.2 Councillor Hyde expressed concern about the disability aspect of this application and considered it important that people should be able to access their homes.

67.3 **RESOLVED** – (1) That the permission to fell the tree referred to below be approved subject to conditions, for the reasons set out in the report.

BH2007/02952, 31 Tongdean Lane.

(2) That Application BH2007/03137, 54 Balsdean Road, Woodingdean, be deferred for more information (see paragraph 67.1 above).

[Note: Councillor Wells declared a personal and prejudicial interest in Application BH2007/03137, 54 Balsdean Road, as he knew the applicant. He left the meeting during consideration of the application and took no part in the discussion or voting.]

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

67.4 **Application BH2007/02692, William Moon Lodge, The Linkway** – Demolition of existing building and redevelopment of the site to provide new nursing home (2 storeys) for the frail and elderly (100 bedrooms), together with ancillary day care centre. Provision of 16 car parking spaces to include 5 disabled spaces and one ambulance bay.

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

67.6 The Planning Officer presented the report. He drew attention to an error in the report, which should have referred to 15 car parking spaces. The additional representations list gave further details regarding the fire precaution systems. A revised site plan had been received and informative 1 was amended. The recommendation was now minded to grant the application subject to the completion of a Section 106 Agreement as set out in the report and gave authority for the application to be refused under delegated authority if the Section 106 Agreement was not completed and signed within the 13 week deadline (17 October 2007).

67.7 Councillor Barnett questioned whether there would be only 18 staff for 100 elderly residents. She agreed that it was a wonderful facility but could not support an application with so few parking spaces. The Traffic Manager confirmed that the Traffic Assessment had mentioned 18 staff. Councillor Steedman asked if the photovoltaic cells on the roof would meet any real need. The Planning Officer replied that they would provide lighting for the common parts of the building.

- 67.8 Councillor Kennedy asked if the foundations would be dug out and re-laid. The Development Control Manager replied that, on the site visit yesterday the applicant had confirmed that the existing foundations were to be re-used.
- 67.9 Councillor Hyde considered that the number of parking spaces was inadequate. She found it difficult to believe that only 18 employees would be on the site at any one time. However, the nursing home was a good use of the site and a wonderful facility. She would therefore support the application.
- 67.10 Councillor Davey considered 15 car parking spaces was adequate, as there were good public transport facilities nearby. He hoped that local people would be employed at the home. Councillor Davey expressed concern about the photovoltaic cells and suggested solar thermal cells would be more appropriate. Councillor Steedman concurred and suggested this should be an informative.
- 67.11 Councillor Wells welcomed the development and suggested that the public art be in the form of a fountain in the courtyard. Councillor Wells requested that condition 16 be removed. The Development Control Manager stressed that there were policies to support the condition and Councillor Wells withdrew his request.
- 67.12 Councillor Norman welcomed the much needed development. He made the point that there would be statutory requirements regarding the number of staff. The Senior Lawyer confirmed that the number of staff was not a planning consideration unless the information was flawed and impacted on a matter that was a planning consideration eg the findings of the transport assessment. The nursing home had to meet National Care Standards and this matter would be dealt with under other legislation.
- 67.13 **RESOLVED** – That the Sub-Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 8 of the report and resolves it is minded to grant planning permission subject to:
- (i) A Section 106 obligation to secure the following:
- Public art works to the value of £20,000, the details of which to be submitted and approved in writing by the Council prior to commencement of development and to provide, on completion of development, a breakdown of expenditure of the said public art works;
 - A contribution of £40,000 towards the Sustainable Transport Strategy prior to commencement of development; and
 - The ancillary day-care community facility indicated on the approved plans (drawing no. 2296/01 Rev F) shall be provided at the time of first occupation of the nursing home. The ancillary community facility hereby approved shall be retained solely for

such use (use class D1) and shall not be used for an alternative use.

(ii) Delegated authority to be given to officers to refuse the application if the Section 106 Agreement is not completed and signed within the 13 week deadline.

(iii) The Conditions and Informatives set out in the report as amended.

Application BH2007/01443, Thwaites Garage, 33 Mighell Street and 70A Carlton Hill – Demolition of garage and erection of a part 5, part 6 storey building comprising 13 flats and new office space.

67.14 This application has been withdrawn by the applicant

Application BH2007/02700, Adastral Hotel, 7-8 Westbourne Villas – Change of use from hotel (C1) to 3 no 2 bed self-contained flats and 15 holiday letting rooms including side and rear extensions and other alterations.

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

67.16 The report was presented by the Planning Officer.

67.17 Councillor Allen expressed the view that there could have been more compromise with this application. He referred to the Head of Tourism's comments that the nominal loss of bedroom units was acceptable in light of the hotel and guest expansion in the city. The Planning Officer replied that the "core area" of Brighton & Hove had been identified and planning applications needed to be considered fairly and consistently.

67.18 Mr Pennington made the point that there had been no reference to whether any dedicated disabled units were being provided.

67.19 Councillor Hyde asked whether obscure glazing would prevent overlooking on the balcony. The Planning Officer replied that this would require one panel that was 2 metres in height and another that would be three metres in height. This would not be appropriate.

67.20 The applicant, Mr Salanson spoke in support of the application. He read out a statement in which he stressed that none of the reasons for refusal raised anything that could not have been dealt with either by a request for further information/amendments or by imposition of condition. Mr Salanson refuted the lack of adequate marketing. He attached a suggested amendment based on a side extension on a property over the road. Mr Salanson offered to omit the roof terraces from the scheme. He believed that the inadequacy of refuse and recycling facilities and the allocation of parking spaces could have been resolved by imposition of conditions.

- 67.21 Mr Small stressed that the Sub-Committee had to consider the application in front of them. The side extension was totally out of scale.
- 67.22 Councillor Davey questioned the wisdom of the owner increasing the price of the hotel after 16 months on the market. The location of the hotel would affect its viability and its value.
- 67.23 Councillor Hyde was disturbed to hear that the applicant had expected discussions with the planning officer prior to the Sub-Committee. She suggested a deferral would be appropriate. The Development Control Officer replied that the recommendation was to refuse because significant information was missing. The amendments required by officers were substantial and would amount to a new application. The Senior Lawyer made the point that there would need to be consultation on substantial amendments. The Development Control Manager advised that there had been no pre-application discussions on this application.
- 67.24 **RESOLVED** – That the Sub-Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to **refuse** planning permission for the following reasons:
1. The applicant has provided one dated advertisement to demonstrate that the premises has been marketed. There is no evidence that the premises has been marketing for a sustained period at a competitive price. Therefore the applicant has failed to demonstrate that the existing hotel use is no longer viable. The proposal is therefore contrary to policy SR15 of the Brighton & Hove Local Plan.
 2. The proposed extensions and alterations fail to respect the character of the existing property and would detract from the original features and the symmetrical appearance of the building. In addition, the development fails to preserve historic character and appearance of the Sackville Gardens Conservation Area. The application is therefore contrary of policy QD1, QD14 and HE6 of the Brighton & Hove Local Plan.
 3. The proposed roof terraces, by virtue of their size and elevated position, would be detrimental to the residential amenity of neighbouring properties by reasons of significant overlooking and potential for noise and disturbance. The development is considered un-neighbourly and contrary to policy QD27 of the Brighton & Hove Local Plan.
 4. The proposed waste and recycling facilities are not considered appropriate to size of the premises and the applicant has failed to demonstrate that the facilities can be managed on site with out being detrimental to the residential amenity of neighbouring properties. The proposal is contrary to policy SU2 of the Brighton & Hove Local Plan.
 5. No information has been submitted regarding the allocation or management of the 2 car parking spaces on-site. In the absence of this information, the applicant has failed to demonstrate that transport accessibility and parking measures for the development have been

adequately addressed. The proposal is contrary to policy TR2 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing site plan, existing and proposed elevations, and existing and proposed floor plans, Design and Access statement, and marketing information received on the 12th July 2007.

(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 29 AUGUST 2007

Application BH2007/02311, 38 Lower Market Street – Erection of a four storey building to form two maisonettes.

- 67.25 The report was presented by the Planning Officer. The Planning Officer mentioned that the report had omitted to add the following additional condition and informative which had been reported on the Additional Representations List on 29 August 2007. The Additional Condition would state: No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development and to remain genuinely car-free at all times has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details. Reason: To ensure that the proposed development does not put undue pressure on existing on-street parking in the city and to comply with policies HO7 and SU15 of the Brighton & Hove Local Plan.
- 67.26 The informative would state: To address the requirements of condition 18, the applicant is requested to contact the Local Planning Authority with regards to completing a Unilateral Undertaking or Agreement under Section 106 of the Town and Country Planning Act 1990, to provide £12,000 to fund improved sustainable transport infrastructure in the vicinity and to fund the amendment of the relevant Traffic Regulation Order to prevent future occupiers of the development from being eligible for on-street residential parking permits.
- 67.27 Councillor Kennedy made the point that the Sub-Committee had asked for the application to come back with an improved elevational scheme. She asked why Members were being shown the same unsatisfactory scheme. The downpipe on the front elevation did not add "visual interest". The Planning Officer replied that the applicant wanted to see the elevational elements retained.

- 67.28 Councillor Older did not consider the contemporary design to be appropriate in a Victorian terrace. She believed that any scheme should be "in keeping" with the conservation area. Councillor Hyde concurred and made the point that there was little point having conservation areas if such schemes were allowed.
- 67.29 Councillor Norman believed the scheme would detract from, rather than enhance the area. He made the point that there were clear differences in every building in the street, which were part and parcel of the style of the terrace and its historic makeup. However, a very different modern building was a mistake.
- 67.30 Mr Small stressed that the scheme was not convincing. The Conservation Advisory Group was not happy with the elevational proportions.
- 67.31 **RESOLVED** - That planning permission be refused on the following grounds:

The development by reason of its design and appearance does not make a positive contribution to the conservation area and would therefore result in a building having an adverse impact on the character and appearance of the Brunswick Street Conservation Area.

The proposal is therefore contrary to policies QD1 and HE6 of the Brighton & Hove Local Plan 2005.

[Note 1: A vote was taken and on a vote of 8 to 2 with 2 abstentions, planning permission was refused as set out above.]

[Note 2: On a recorded vote Councillors Kemble (Chairman), Barnett, Davey, Hyde, Kennedy, K Norman, Older and Steedman voted that planning permission be refused. Councillors Carden and Hamilton voted that planning permission be granted. Councillors Allen and Wells abstained from voting. Therefore on a vote of 8 to 2 with 2 abstentions, planning permission was refused.]

(iv) OTHER APPLICATIONS

Application BH2007/02328, Land rear of 36 Preston Park Avenue - Construction of 2 two-storey, three bedroom linked houses to rear of existing building (Resubmission and revision of refused application BH2007/00044).

- 67.32 It was noted that this application had formed the subject of a site visit prior to the meeting.
- 67.33 The report was presented by the Planning Officer.
- 67.34 Councillor Hyde noted that the property had a vast garden. She asked why the houses were proposed to be built so close to the existing property. The Planning Officer replied that the site sloped upwards to the east. If the houses were built further up the garden, it would increase their height and

make them more prominent.

- 67.35 Councillor Steedman referred to the comments under the Transport Issues paragraph in the report. He asked why it was not considered appropriate for the Council to seek a financial contribution towards bus stop improvements. The Planning Officer replied that it was a fairly assessable site, close to bus stops.
- 67.36 Councillor Older expressed concern about a steep slope leading to the houses. The Planning Officer replied that there would be a path with an appropriate gradient.
- 67.37 Councillor Hyde was disappointed that there was no parking on the site. Councillor Davey made the point that this was another back garden development and would contribute to the general erosion of biodiversity in the City. He expressed concern about flooding and the loss of a soakaway.
- 67.38 Councillor Older asked if the site was classed as a green corridor. The Planning Officer confirmed that it had no designation as a green corridor in the local plan.
- 67.39 **RESOLVED** – That the Sub-Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the Conditions and Informatives set out in the report.

Application BH2007/02712, 18 Marine Gardens and adj garage - Change of use from workshop/storage to form 4 no. live/work units including demolition of existing single storey garage and erection of 3 storey building, elevation alterations to front and erection of 2 rear dormers (resubmission of BH2007/01390/FP).

- 67.40 The Additional Representations List informed Members that the applicants had confirmed that the development would meet a BREEAM rating of minimum “very good”. This would be controlled by condition. Condition 05.01A BREEAM would therefore be added to the list of conditions in the recommendation. The Planning Officer pointed out an error in the conditions. Condition 3 should have referred the Planning (Uses Classes) Order) 1987 as amended.
- 67.41 Councillor Wells and Hyde expressed concern about condition 2 which they felt should be removed. The Transport Planning Manager explained that there were far more parking permits than there were parking spaces in the Controlled Parking Zone Area.
- 67.42 **RESOLVED** – That the Sub-Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the

Conditions and Informatives set out in the report with the amendment to condition 3 (Condition 3 should have referred the Planning (Uses Classes) Order) 1987 as amended) and the following additional condition.

Condition 05.01A BREEAM.

Application BH2007/00003, 6 Queens Place - External alterations of building in order to implement existing approval for A3 restaurant use (BH2005/01461/FP).

- 67.43 Councillor Older expressed concern about the cycle storage in front of the building. She stressed that the bicycles would have to be carried up steps and would be close to the tables and chairs.
- 67.44 The Planning Officer suggested an extra condition stating that work should not commence until details of cycle storage were submitted and adding an informative recommending a financial contribution.
- 67.45 Councillor Wells suggested removing one car parking space in the middle of the road to accommodate 3 or 4 cycle racks. Councillor Davey suggested taking out a parking space on the Church Road end of Second Avenue. The Transport Planning Manager informed Members that a report would be submitted to the Environment Committee in November, which would recommend a trial for on street cycle facilities to replace some car parking spaces.
- 67.46 **RESOLVED** – That the Sub-Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the Conditions and Informatives set out in the report and an additional condition as follows:

Condition:

Notwithstanding the details indicated on drawing no. WD.01 submitted on 23 May 2007, full details of proposed scheme for cycle parking shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall ensure that access to the facility is kept free from obstructions at all times so as to maximise potential use. The scheme shall thereafter be implemented in accordance with the agreed details before the restaurant use commences.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car and to comply with policy TR14 of the Brighton & Hove Local Plan.

Application BH2007/00005, 6 Queens Place - Internal and external alterations of building in order to implement existing approval for A3 restaurant use (BH2005/01461/FP).

- 67.47 **RESOLVED** - That the Sub-Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant listed building consent subject to the Conditions and Informatives set out in the report.
- Application BH2007/02256, Bus Station, Pool Valley** - Construction of a single storey building to provide ticket purchase facilities, sheltered waiting area and toilets.
- 67.48 The Chairman, Councillor Kemble left the meeting during consideration of this application and took no part in the discussion or voting as he had declared a personal and prejudicial interest (see paragraph 62.2). Councillor Hyde chaired this application.
- 67.49 The Planning Officer presented the report. Members were informed that the Environment Committee had approved the Pool Valley Enhancement Scheme at the meeting held on 13 September 2007.
- 67.50 Councillor Steedman made the point that there was only one toilet for 48 seats plus waiting coaches. This seemed an inadequate provision for the public. Members concurred with this view. Councillors Hamilton and Wells made suggestions as to where additional facilities could be accommodated. The Development Control Manager informed Members that there was no planning guidance or policies on the number of toilets that should be provided for this type of development.
- 67.51 Councillor Norman stated that a previous design would have provided 2 toilets, a disabled toilet plus a staff toilet. The same facilities could have been accommodated in an elliptical building.
- 67.52 Councillor Older informed the Sub-Committee that she did not object to the design, but was surprised to see a round building. She had expected the building to appear more like the 1930's bus shelters.
- 67.53 Mr Pennington remarked that he thought the scheme was good but was surprised that the recommendation was to approve with only one toilet. He thought all toilets provided should be suitable for disabled people.
- 67.54 Councillor Kennedy supported the building on design credentials but suggested that a urinal was installed.
- 67.55 The Senior Lawyer advised Members that they could add an informative stating that they were disappointed in the number of toilets provided in the scheme.
- 67.56 The Transport Planning Manager reported that the hours of operation of the Bus Station were a point of negotiation. He thought the hours would be 8.00am to 8.00pm in the summer months and 8.00am to 5.00pm in the

winter months. The Sustainable Transport Division was asking for extended hours.

67.57 Councillor Allen considered that the toilet facilities were not adequate and officers should negotiate longer opening hours.

67.58 Councillor Older asked if there could be a condition about anti-graffiti coating. The Planning Officer explained this would be covered by Condition 6 but an additional condition could be added for clarity.

67.59 **RESOLVED** – That the Sub-Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the Conditions and Informatives set out in the report and a further condition and informative as follows:

Condition: Anti-graffiti coating to be used.

Informative: The Sub-Committee would like to have seen more toilet provision and would also like to see the bus station/ticket office open for longer hours.

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

67.60 Councillors K Norman and Hyde referred to BH2007/01685 – Dorothy Stringer High School and asked for further information. The delegated list stated that “No information has been submitted to justify the need for the extra car-parking and no information has been received to demonstrate how *the school is reducing the numbers of pupils travelling by car and encouraging alternative modes of transport.*” Councillor Norman could not understand why the application was refused if the car park was for staff use. The Development Control Manager agreed to clarify this matter at the next meeting.

67.61 **RESOLVED** - That details of the applications determined by the Director of Environment under delegated powers be noted.

[Note 1: All decisions recorded in this minute are subject to certain conditions and reasons recorded in the Planning Register maintained by the Director of Environment. The register complies with the legislative requirements. In all cases where approval has been given the reasoning set out in the report was agreed by the Members of the Sub Committee.]

[Note 2: A list of representations, received by the Council after the Plans List reports had been submitted for printing had been circulated to Members on the Friday preceding the meeting. (for copy see minute book). Where representations were received after that time they would be reported to

the Chairman and Vice-Chairman and it would be at their discretion whether these should (in exceptional cases), be reported to the Sub-Committee. This is in accordance with resolution 147.2 of the Sub-Committee meeting held on 23 February 2005.

68. SITE VISITS

68.1 There were none. Members were informed that the application for an extension at Varndean High School would be submitted to the meeting on 31 October 2007. Members agreed that they would like to have a site visit for this application on 30 October 2007.

69. APPEALS DECISIONS

69.1 The Sub-Committee noted letters from the Planning Inspectorate advising on the results of Planning Appeals, which had been lodged as set out in the agenda.

70. NEW APPEALS LODGED

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

71. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

The meeting concluded at 4.37pm

Signed

Chair

Dated this

day of

2007

