

BRIGHTON & HOVE CITY COUNCIL
PLANNING APPLICATIONS SUB-COMMITTEE

11 JUNE 2003

2.00 PM

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Carden (Chair), Pennington (Deputy Chair), Forester, Giebeler, Hamilton, Paskins, Pidgeon, Smith, Mrs Theobald (Opposition Spokesperson), Tonks, Watkins and Wells.

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

PART 1

10A DECLARATION OF SUBSTITUTES

10A.1 <u>Councillor</u>	<u>attending as substitute for</u>
Councillor Pidgeon	Councillor K Norman
Councillor Smith	Councillor Hyde
Councillor Giebeler	Councillor Older.

10A.2 Mrs S Montford attended to represent the Conservation Areas Advisory Group as a substitute for Mr J Small.

10B DECLARATION OF MEMBERS' INTERESTS

10B.1 Councillor Paskins declared a prejudicial interest in application BH2003/1321/FP & BH2003/01322/LB, 10-11 Old Steine, stating that she had previously objected to the removal of a wall at this site. She left the room while the application was considered and took no part in the debate or voting on it.

10B.2 Councillor Hamilton declared a personal interest in Item 14, Planning Application for consultation from Adur District Council, but stated that the interest did not preclude him from speaking and voting on the item.

10B.3 Councillor Forester declared a prejudicial interest in application BH2002/02912/FP, 18 West Drive, as she had written and spoken on the matter prior to becoming a ward councillor. She left the room while the application was considered and took no part in the debate or voting on it.

10B.4 Councillor Giebeler declared a prejudicial interest in application BH2003/01278/RM, 19 The Droveaway. She left the room while the application was considered and took no part in the debate or voting on it.

10B.5 Councillor Wells declared a prejudicial interest in applications BH2003/00649 and 00650/FP, 10 - 18 Warren Road, stating that he had previously written a letter of objection. He left the room while the application was considered and took no part in the debate or voting on it.

10B.6 Councillor Carden declared an interest in Item 14, Planning Application for consultation from Adur District Council, stating that he was a Trustee of Shoreham Port Authority. He stated that that the interest did not preclude him from chairing the meeting for the item.

10C EXCLUSION OF PRESS AND PUBLIC

10C.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.

10C.2 **RESOLVED** – That the press and public be not excluded from the meeting during consideration of any item on the agenda.

11 MINUTES

11.1 **RESOLVED** – That the minutes of the meeting held on 21 May 2003 be approved and signed by the Chair as a correct record of the proceedings.

12 PETITIONS

12.1 A petition objecting to application BH2003/01520/FP, 111 Western Road, containing 10 signatures, was circulated to members of the sub-committee at the request of the local ward councillor, Councillor Elgood.

He regretted that he was unable to attend the meeting to present the petition in person.

12.2 **RESOLVED** - That the petition be noted.

13 UPDATE ON DECISIONS DELEGATED TO OFFICERS AT PREVIOUS MEETINGS

13.1 The Development Control Manager informed members that Tesco had contacted her office requesting a meeting regarding application BH2002/01890/FP, 5-8 West Street. This application had been refused at the last meeting. She would report back on the outcome to the next meeting.

13.2 The Development Control Manager stated that a meeting had taken place between Tesco, planning officers and Mrs J Turner of the Disabled Access Advisory Group to discuss the internal details of the proposed store on the Gas Works Site, Church Road, Hove (minute 5.25, 21 May 2003 refers).

13.3 The Development Control Manager advised that the sub-committee had made site visits to see the implemented schemes at the Dorset Gardens Methodist Church site and at 41-45 St James's Street. Members had considered that both schemes enhanced the areas in which they were situated. However, there was concern that no lift had been installed at 41-45 St James's Street as the development was four storeys high and there also appeared to be noise & disturbance, and possibly a safety issue, from reports about unauthorised people sleeping on a low roof at the back of the building.

13.4 Members noted that the Environment Committee was due to consider a report concerning the establishment of a Design Panel on 12 June. This would involve the merging of the Conservation Areas Advisory Group and the Architects Panel. The Development Control Manager undertook to report back to the next meeting with the outcome. Councillor Mrs Theobald expressed concern at the proposed merger and praised the CAAG for the expert advice they had given the sub-committee over the years.

14 PLANNING APPLICATION FOR CONSULTATION FROM ADUR DISTRICT COUNCIL

14.1 The sub-committee considered a report of the Director of Environment, outlining the proposals contained in a planning application to use the former Brighton B Power Station site as a Peat Terminal and Processing Plant. Letters officers had submitted on behalf of Brighton & Hove council on 15 April and 21 May, to comply with Adur Council's

deadline for comments, were appended to the report. The Principal Planning Officer advised that Shoreham Port Authority had submitted its own concerns to Adur Council but these did not fully match Brighton & Hove's concerns. In the officer's view, Adur Council had not given proper consideration to local residents' concerns and had not responded to the request for further information from Brighton & Hove Council. She stated that the key issues were the impact that 100 extra HGV movements a day would have on the roads of Brighton & Hove and that Shoreham Harbour should be the subject of a full transport assessment. The Principal Planning Policy Officer added that the council's legal officers doubted the legality of one of the conditions. Adur District would be unable to enforce it, as it related to vehicles using Trafalgar Road and Church Road, which were located in Brighton & Hove. The condition reads as follows:

"Prior to the development hereby permitted being carried on a notice shall be displayed on and maintained at the exit of the plant notifying HGV drivers of the preferred lorry routing scheme details of which shall have previously been submitted to and approved in writing by the local planning authority.

Reason: To limit the effects of HGV traffic on residential areas in accordance with policy AT3 of the Adur District Local Plan and T13 of the approved West Sussex County Structure Plan."

14.2 Copies of a letter of objection, which Councillor John had sent to Adur Council, were circulated. Councillor Hamilton declared a personal interest, in that he had also submitted a letter of objection.

14.3 Members expressed concern at the development of the port in a piecemeal fashion without a transport strategy. They objected to the condition requiring lorries to use roads through Brighton & Hove and feared that, because it would be impossible to monitor which route lorries took, they might use smaller roads. Councillor Watkins feared that the lorries might be too heavy for the roads involved. Members also expressed considerable disquiet in learning that the condition might not meet the Government's tests for planning conditions and might be unenforceable. Councillor Hamilton stated that there was a clear need for an environmentally acceptable route to the harbour. Some members stated that the use of peat was not sustainable, but they were informed that this was not a planning consideration.

14.4 The Development Control Manager stated that Adur had already issued the decision notice. She asked members to decide what action they wished to take and recommended that the council's lawyers should be asked to investigate the matter. Councillor Hamilton stated that it was important to take prompt action in this instance to prevent Adur from making similar decisions in the future.

14.5 Councillor Forester enquired whether the weight of lorries using the peat Terminal could be restricted but the Development Control Manager advised that it would be difficult to differentiate between these and other lorries using the harbour. Councillor Wells believed that lorries were subject to weight restrictions between Saltdean and Newhaven. Councillor Smith suggested a survey of the number of lorries leaving the harbour and the Principal Planning Officer stated that it might be possible to extract this information from the A259 Corridor Study results. She added that Adur District Council was co-operating in a study into the cumulative impact of port development.

14.6 It was agreed that there should be a report on the progress made by officers to the next meeting. The Development Control Manager warned members that because of the short timescale for challenging a planning decision, it might be necessary for officers to take action in consultation with the Chair of the sub-committee.

14.7 **RESOLVED** - (1) That the sub-committee do endorse the view of officers that this council continues to object to the proposal on the basis that the applicants have submitted insufficient supporting evidence in relation to traffic generation issues and the associated environmental impact.

(2) That the letter dispatched by officers on 21 May setting out the details of the above reason for objection be endorsed as set out as an appendix to the report.

(3) That, in response to the decision of Adur's Planning Applications Committee to proceed with a decision to approve the planning application, a letter be sent to the Chief Planner detailing the implications of this decision and the concerns of Brighton & Hove City Council in relation to environmental impacts.

(4) That the City Solicitor considers, and if appropriate challenges, the legality of the proposed traffic assignment condition.

15 PLANS LIST OF APPLICATIONS, 11 JUNE 2003 (SEE MINUTE BOOK)

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

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

15.1 This application was the subject of a site visit before the meeting. The Planning Officer stated that this was a very prominent location and care had been taken to ensure that the views from, and of, St Peter's

Church would not be adversely affected by the proposal. He drew attention to the Additional Representations list, which referred to the impact on 27 York Place and set out an amendment to condition 2 and an additional condition 12.

15.2 Cllrs Tonks and Wells supported the scheme on the grounds that it would improve an unsightly area.

15.3 Councillor Mrs Theobald expressed concern about the density of the development and the fact that refuse collection might hold up traffic on the A23. She emphasised that the units would need adequate security, as York Place currently attracted crime and drug users. There should be attractive shop fronts given the location. The Planning Officer advised that condition 2 referred to the shop fronts.

15.4 Councillor Paskins regretted the reduction from 40% affordable housing to 30%. The Planning Officer drew attention to the Housing Strategy Team comments in the report.

15.5 Mrs Montford, representing the Conservation Areas Advisory Group, stated that the Group welcomed the scheme but considered the drawings too small to be certain that it would be of a high standard. The Planning Officer drew attention to condition 2.

15.6 The Planning Officer responded to members' questions. He advised that the fire brigade would comment on the development at the stage when the Building Regulations were being considered. He gave further details about the density of development. He confirmed that refuse would be collected from, and deliveries would be made to, the development in York Place. There was some concern about this and it was agreed that officers should investigate the possibility of using a side entrance. Councillor Forester foresaw problems during construction, particularly if cranes were used on the A23, and suggested a condition relating to hours. The Development Control Manager stated that this was not a planning matter, however, she would pass on this concern to the developer and to the traffic engineer.

15.7 Mrs Turner, representing the Disabled Access Advisory Group, requested the opportunity to discuss the layout and fittings of the wheelchair-friendly flats with the developer. She suggested that there should be at least one disabled car parking space.

15.8 **RESOLVED** - (1) That the council be minded to grant planning permission subject to a Section 106 Obligation to provide affordable housing and financial contributions to local open space, public art and car-free housing; and subject to the conditions set out in the report and to the amended conditions in the Additional Representations list.

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

(ii) DECISIONS ON MINOR APPLICATIONS LIST DATED 11 JUNE 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 11 JUNE 2003

Application BH2003/01182/FP - 8 Southdown Place

15.9 Mr G Cook spoke as an objector to the application. Mrs M Clarke spoke on behalf of the applicant.

15.10 Councillor Allen spoke on behalf of the objectors. He stated that he had visited Nos 83 and 85 Edburton Avenue and he supported their concerns about loss of light, overlooking and loss of trees. He suggested that the applicant should obtain a surveyor's report on the effect of the proposal on a 100-year-old wall. He recommended that the sub-committee make a site visit to one or more houses in Edburton Avenue. Councillor Mrs Theobald formally proposed a site visit. Councillor Watkins seconded this.

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

Application BH2003/01237/FP - 36 Sydney Street

15.12 The Planning Officer stated that earlier planning permission had been granted for an extension and the present application was for A3 usage of the rear extension.

15.13 Ms S Thomas spoke as an objector to the application.

15.14 Councillor Mrs Theobald recommended that the premises should be soundproofed throughout and that the siting of tables and chairs should be restricted to the rear extension. Councillor Paskins stated that local residents were already affected by noise and that the A3 use seemed to predominate on the premises with tables outside on Sydney Street.

15.15 **RESOLVED** - That temporary planning permission be granted by the council for a one year period from the date of the completed extension

and subject to the conditions set out in the report with condition 4 amended to read:

The premises shall not be open except between the hours of 09.00 and 21.00 on any day.

Application BH2003/00875/FP - Land at rear of 29 & 31 Goldstone Villas

15.16 The Chair stated that there had been many objections to this application and he recommended a site visit before any debate on it. The sub-committee agreed. The public speakers, who had registered to speak on this application, were consulted and agreed that they would not speak at the present meeting.

15.17 **RESOLVED** - That the application be deferred for a site visit and that the public speakers be re-invited to the next meeting.

Application BH2003/01321/FP & BH2003/01322/LB - 10-11 Old Steine

15.18 The Planning Officer advised that in paragraph 5 of the report, the word "alleged" should be deleted, as the objectors at 2 & 4 St James's Place had not used the word. He added that the issue of access was a civil matter. He stated that the wooden gate was acceptable on planning grounds.

15.19 Mr H Virk spoke as an objector to the application. Mr D Nathan spoke as the applicant. A letter from Councillor Burgess was circulated to all members.

15.20 Councillor Mrs Theobald suggested a site visit in view of the objection from the Kingscliffe Society and Councillor Watkins seconded this.

15.21 The Lawyer reminded members that they should only consider the applications on their planning and listed building merits; the wall that had previously existed was not the subject of this application. She emphasised that the land ownership and rights of way issues were a private matter and could not be taken into account by members in reaching their decision.

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

Application BH2003/0649/FP & BH2003/00650/FP - 10-18 Warren Road

15.23 The Planning Officer drew attention to the Additional Representations list, which set out a revised recommendation in respect of application BH2003/00650/FP. This was now recommended for approval subject to the hours recommended by the Environmental

Health Officer, namely until 20.30 hours Monday to Saturday and 09.30 to 16.00 hours on Sundays and Bank Holidays.

15.24 Mr M Dodds spoke on behalf of the applicant. Councillor Simson spoke in her role as local ward councillor on behalf of local residents. She stated that the development already affected the lives of local residents. A previous application to open 24 hours a day had been refused, as had a similar application, BH2002/01890/FP, 5-8 West Street, Rottingdean. The present application would only allow 7 hours peace and quiet a day. There was a lack of facilities for young people in Woodingdean and she feared that they would loiter at the store during opening hours. She stated that, as the store had not yet started trading, the effect on neighbours of the hours set out in the original planning permission was unknown.

15.25 Councillor Watkins stated that he could not support the applications, the hours already set were sufficient. Councillor Smith agreed with him, stating that the application was particularly inappropriate in view of the fact that the store had not yet opened.

15.26 Members refused both applications on the grounds set out in the resolution below.

15.27 **RESOLVED** - That planning permission be refused by the council in respect of applications BH2003/0649/FP and BH2003/0650/FP for the following reason:

The proposed changes to times will result in undue noise and disturbance to nearby residential properties at unsociable hours. This would be contrary to policies ENV.1 and ENV.45 in the Brighton Borough Plan and policy QD.27 in the Brighton & Hove Local Plan Second Deposit Draft.

[Note: As the resolutions made by the sub-committee are contrary to the officer's recommendations, the voting is recorded in accordance with the council's Protocol for Members regarding Planning Applications.

Members voted on the recommendation set out in the report regarding application BH2003/00649/FP as follows: Councillor Carden for the recommendation, Councillors Giebeler, Hamilton, Paskins, Pidgeon, Smith, Mrs Theobald, Tonks and Watkins against the recommendation, Councillors Forester and Pennington abstained from voting. Councillor Wells had declared an interest and remained outside the room during debate and voting.

Members voted on the revised recommendation as set out on the Additional Representations list regarding application BH2003/00650/FP as follows: Councillors Carden, Forester, Hamilton and Pennington for the recommendation, Councillors Giebeler, Paskins, Pidgeon, Smith, Mrs

Theobald, Tonks and Watkins against the recommendation. Councillor Wells had declared an interest and remained outside the room during debate and voting.]

(iv) OTHER APPLICATIONS

Application BH2003/01279/FP - 8 Surrenden Park

15.28 Councillor Paskins enquired whether the council could impose an additional reason for refusal on the grounds of visual intrusion. However, the Planning Officer showed photos of the locality and stated that this would be inappropriate in the case of rear gardens backing directly on to the street.

15.29 Councillor Wells stated that he did not support the officer's recommendation, as a fence would be tidier than the present arrangement.

15.30 The Traffic Engineer explained the government guidelines and stated that, to make the application acceptable and improve pedestrian safety, there would need to be a splay where the fence met the driveway.

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

Application BH2003/01278/RM - Pavilion & Avenue Lawn Tennis Club, 19 The Droeway

15.32 The Planning Officer displayed a photograph of an "airdome" and passed samples of materials round. It was noted that the dome top would be white and the sides green.

15.33 Mr R Tarta spoke as an objector to the application. Mr Hawkins spoke on behalf of the applicant.

15.34 Four members expressed their concern about the colours, stating that a more suitable shade of green would be preferable to blend in with the surroundings. The white colour would cause light pollution and it was likely that the dome would need to be lit even during daylight. Members noted Mr Hawkins' advice that the colour could not be altered. They also noted that this was a reserved matters application and that the principle of installing a covered structure had already been approved.

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

Application BH2003/00999/FP - 12 Maresfield Road

15.36 The Planning Officer undertook to send Councillor Wells further information about this application.

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

Application BH2003/01264/FP - 56 The Ridgway

15.38 Mr T Groves spoke as an objector to the application. Mr R Fogarty spoke on behalf of the applicant.

15.39 Councillor Wells stated he was satisfied there would be no unacceptable overlooking and enquired whether the obscure glazing to the bedroom was necessary.

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

Application BH2003/01031/FP - Saltdean Reservoir, Longridge Avenue

15.41 The Planning Officer stated that the application was intended to meet the needs of the emergency services. The proposal was not entirely to the satisfaction of planning officers but the temporary permission would allow two years to find a permanent solution.

15.42 Councillor Smith stated that the existing mast was unacceptable, but that it would be better to extend its use to incorporate the additional equipment rather than constructing an additional pole. He also opposed the application on the grounds that two years was too long and there were alternative sites.

15.43 Councillor Watkins hoped that in two years time there need only be one mast incorporating all the two existing equipment and the Planning Officer confirmed that he shared this hope.

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

[Note: Councillors Giebeler, Pidgeon, Smith Mrs Theobald and Wells voted against the above resolution.]

(v) TREES

15.45 **RESOLVED** - (1) That the decisions on tree works delegated to the Director of Environment, as set out in the Plans List dated 11 June 2003, be noted.

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

15.46 It was agreed that the Planning Officer should be asked to ring Mrs J Turner of the Disabled Access Advisory Group to give her further information regarding application BH2003/00951/LB, 43-44 Marine Parade. She wished to know what facilities for people in wheelchairs were provided, apart from the chair lift.

15.47 **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.]

16 SITE VISITS

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

WARD	APPLICATION	SITE	SUGGESTED BY
Preston Park	BH2003/01237/F P	8 Southdown Place	Councillor Mrs Theobald
Vallance	BH2003/00875/F P	R/o 29&31 Goldstone Villas	Councillor Carden
Stanford	BH2003/01057/O A	Land rear of 77 Dyke Road Avenue	Councillor Mrs Theobald
Queens Park	BH2003/01321/F P	10 Old Steine	Councillor Mrs Theobald
Queens Park	BH2003/01151/F P & 01152/LB	3 Old Steine	Development Control Manager

17 PROGRESS ON CURRENT APPEALS

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

18 APPEAL DECISIONS

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

19 APPEALS LODGED

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

The meeting concluded at 5.10 pm.

Signed

(Chair)

Dated this

day of

2003