

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 11 JANUARY 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors MacCafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Cobb, Davey, Farrow, Hamilton, Hawtree, Summers, Wells, Pidgeon and Randall

Co-opted Members: Mr Duncan Cameron, CAG

Officers in attendance: Jeanette Walsh, Head of Development Control; Nicola Hurley, Area Planning Manager (West); Jason Hawkes, Planning Officer; Andy Renaut, Head of Transport Strategy and Projects; Geoff Bennett, Senior Planner (Conservation); Francesca Iliffe, Sustainability Officer; Hilary Woodward, Senior Lawyer and Ross Keatley, Democratic Services Officer.

PART ONE

113. PROCEDURAL BUSINESS

113a Declarations of substitutes

113.1 Councillor Randall was present in substitution for Councillor Kennedy, and Councillor Pigeon was present in substitution for Councillor Carol Theobald.

113b Declarations of interests

113.2 Councillor Carden declared a personal but non prejudicial interest in application BH2011/02824 as he had, in the past, been a governor of the school.

113.3 Councillor Hamilton declared a personal but non prejudicial interest in application BH2011/02824 as he was the Chairman of the Mile Oak Football Club; who used the sports centre on the site.

113c Exclusion of the press and public

113.4 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

113.5 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

114. MINUTES OF THE PREVIOUS MEETING

114.1 At item 110A, application BH2011/02417, Councillor Hawtree requested that the minutes reference his comments in relation to 'boil in the bag architecture'.

114.2 **RESOLVED** – That, with the above amendment, the Chairman be authorised to sign the minutes of the meeting held on 12 December 2011 as a correct record.

115. CHAIR'S COMMUNICATIONS

115.1 The Chair noted that Mr Duncan Cameron was representing the Conservation Advisory Group at Committee on this occasion as the Chair was unavailable.

115.2 The timetable for the special meeting of the Planning Committee, to be held on 27 January 2011, was highlighted, and the following dates were noted: Monday 23 January members briefing; Wednesday 25 January site visit; and Friday 27 January special meeting.

116. APPEAL DECISIONS

116.1 Councillor Hyde explained she had been approached by a local resident who requested the Council legally challenge appeal APP/Q1445/A/11/2160370, Land to the rear of the 33 Sackville Road, Hove. The Senior Lawyer, Hilary Woodward, explained she had reviewed the decision, and considered there to be no grounds for a legal challenge; she would be writing to the member of the public concerned to this effect.

116.2 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

117. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

117.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

118. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

118.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

119. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

119.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

120. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

120.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2011/103093 Maycroft and Parkside, London Road 2-8 Carden Avenue Brighton	Head of Development Control
BH2011/03227 11B (Former Ice Rink) and 11 Queens Square Brighton	Head of Development Control

121. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST : 11 JANUARY 2012

(i) MAJOR APPLICATIONS

A. Application BH2011/02824, Portslade Aldridge Community Academy, Chalky Road, Portslade - Demolition of parts of existing school buildings and remodelling and refurbishment of remainder. Construction of new three storey extension to north elevation with associated landscaping, revised vehicle and pedestrian access on Chalky Road and altered car parking arrangements.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer, Jason Hawkes, drew Members attention to the late list and gave a presentation detailing the scheme as set out in the report by reference to plans, photographs and elevated drawings showing the scheme in the context of the existing buildings. At page 20 of the report it was clarified that there should be 155 parking spaces associated with the school and 47 with the sports centre. The Heads of Terms on page 3 were clarified; the highways contribution, as part of the Section 106 agreement, would be used for bus waiting facilities and cycling provision. The employment strategy had been amended to read “at least 20% local labour”, rather than up to 20%, and Condition 25 should be amended to provide that the Framework Travel Plan would now need to be submitted within three months of occupation. An additional condition had also been added that details of the plant enclosure be submitted.
- (3) The site included a sports centre, and was mainly in a residential area where most of the buildings were two storey dwellings. The scheme would demolish some areas of the existing site, and provide a new extension to the front which would largely be used for a new sixth form; increasing the capacity of the school by 650 pupils. The proposed extension would be a three storey building set at a low level to keep it comparative in

height. The scheme included revised parking arrangements, and proposed an additional pedestrian access point, but retained all three of the existing vehicular access points. The sports centre would have 47 dedicated spaces, but be able to make use of the school allocated spaces during the evenings. The scheme included suitable cycling parking and proposed no change to the current playing fields.

- (4) Mr Hawkes outlined the key issues taken into consideration as set out in the report.
- (5) Officers recommended that the Committee be minded to grant the application subject to the Section 106 agreement and conditions and informatives.

Questions, Debate and Decision Making Process

- (6) Councillor Hamilton sought clarification on the interim parking arrangements while work was ongoing, and the arrangements for the library. It was explained that a minimum of 85 parking spaces would be available at any one time during construction, and the library would be relocated within the existing school buildings.
- (7) Councillor Hawtree enquired regarding the catering arrangements at the site, and it was explained that they formed part of the proposed scheme.
- (8) Councillor Carden asked where, during construction, the 85 parking spaces would be. Officers explained that they did not currently have this information, but the provision of parking spaces would be managed during the construction. The Head of Development Control, Jeanette Walsh, suggested the Committee could be minded to amend condition 24 to secure the west car park prior to the commencement of the construction of the buildings on site.
- (9) Councillor Cobb had specific queries in relation to motorcycle parking and the safety of balconies. In response the proposed sites for motorcycling parking were highlighted, and Officers explained no specific safety concerns had been identified. A further query was raised by Councillor Hamilton, in relation to the balconies, and it was clarified that they were not enclosed.
- (10) Councillor Hyde asked a question concerning the additional number of students it was envisaged would attend the school, after the completion of works, and the potential impact this would have. In response the Head of Transport Strategy and Projects, Andy Renaut, explained that the rise in numbers would be gradual and staggered over several years; and by drawing equivalences, across the city, it was envisaged this would not affect highway safety and capacity in the area.
- (11) Councillor Cobb asked a question regarding the highways scheme outside of the school, and it was confirmed that any scheme would be subject to consultation, to establish the principles, before implementation.
- (12) Councillor Summers queried the number of pre-commencement conditions, and asked why the scheme did not propose the use of renewable technology. The Head of Development Control explained that the conditions were reasonable and necessary, and the Sustainability Officer, Francesca Iliffe, highlighted that the scheme was acceptable as it met the 60% standard set in SPD08, and the Council had no specific

renewable targets. The Senior Lawyer noted that if the Committee were minded it could add an informative in relation to use of renewable technology.

- (13) Councillor Randall asked a question in relation to training opportunities as part of the 20% local labour requirement, and it was confirmed that such opportunities would be available. In response to a further query from Councillor Hawtree it was noted that 20% was the agreed target in the guidance, and this had recently been revisited.
- (14) Councillor Davey asked for the number of cycling spaces available on the site, and it was explained the scheme proposed 67 for the school, 28 for the sports centre, 10 for staff and 16 for visitors.
- (15) Councillor Carden reiterated his concerns in relation to the provision of parking on the site during construction, and highlighted that the site was also used in the evenings, as it offered adult learning classes, which created further need for adequate parking.
- (16) Councillor Hamilton also highlighted concerns in relation to the provision of parking during construction, and expressed his support for an amended condition requesting completion of the west car park before the commencement of the construction of the buildings on site.
- (17) Councillor Hawtree noted that, although not offensive, the proposed building was not distinctive, but clearly fit for purpose.
- (18) Councillor Cobb suggested the vehicular access be reversed, from what was proposed in the report, to better accommodate the flow of traffic. Officers confirmed that a more in-depth study would be necessary before any such decision could be taken; however, this could be made as a formal request to the highway authority from the Planning Committee.
- (19) A vote was taken and the 12 members present voted unanimously that planning permission be granted.

- 121.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to the completion of a section 106 agreement and subject to the conditions, with an amended condition 24 and an additional condition as set out below, and informatives set out in the report.

The 155 car parking spaces in the proposed western car park, as shown on drawing PL/91.103/P5, shall be provided in accordance with the approved plans prior to the construction of any extension to the school. The 155 spaces shall be retained as such throughout the construction of the rest of the approved works and made available for parking for the use for the Academy, library and Sports Centre users.

Reason: To ensure the provision of adequate parking for the users of the Academy, library and Sports Centre, to ensure the safety of persons and vehicles entering and leaving site and to comply with policies TR1, TR7 & TR19 of the Brighton & Hove Local Plan.

'No development shall commence until full details of the proposed plant enclosure adjacent the Sports Centre, including elevation drawings, have been submitted to and approved in writing by the Local Planning Authority. The enclosure shall be constructed in accordance with the agreed details and thereafter retained as such. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.'

(ii) **MINOR APPLICATIONS**

B. Application BH2011/03093, Land rear of 25 Dyke Road Avenue, Hove – Erection of new two storey four bedroom detached dwelling house with basement.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (West), Nicola Hurley, gave a presentation detailing the scheme as set out in the report by reference to photographs, plans and drawings. It was highlighted that the ground would be excavated to facilitate a lower ground floor; however, the footprint of the building would be comparable with surrounding properties in Chalfont Drive. A number of non-protected trees had been removed at the site; however, there was no objection to this from the Council, and Officers were also recommending an additional condition to secure planting on the boundaries to mitigate over-looking. The application was recommended for approval.

Public Speakers

- (3) Mrs Hewitt spoke in objection to the application. She stated a number of other objections had been submitted by residents in the area, and a similar application had been withdrawn in 2010. The main concerns from Officers, in relation to the previous application, had been the size of the proposals and the potential loss of privacy. Mrs Hewitt stated the same concerns existed with the proposed development, and it would harm the visual affect of the area, as well as being intrusive and directly visible by neighbours.
- (4) Councillor Brown spoke in her capacity as a Local Ward Councillor setting out her objections to the scheme. She stated an objection to infilling in an area with many large detached houses, and felt this changed the character of the area. The letters of support were not from people directly affected by the development. The proposed development would create a loss of privacy, and cause visual harm to the area.
- (5) Ms Julie Cattell, the agent for the applicant, spoke in support of the application. She stated it had taken over three years for the application to gain a recommendation to grant from the Council. The proposed development responded appropriately to the surrounding area; however, the objections were not unexpected. It was also stated that all aspects of the scheme concerning trees had been agreed with the Council.

Questions, Debate and Decision Making Process

- (6) Councillor Summers asked Mrs Hewitt if the additional planting on the borders of the site would help to alleviate her objections. In response Mrs Hewitt explained that she, and her husband, had already undertaken planting of their own on their property, but she felt it would take years for planting to reach maturity and properly mitigate the effects of overlooking.
- (7) Councillor Randall asked how high the line of the building would be in relation to existing trees shown in the photographs provided, and Mrs Hewitt explained that she could not say for certain and a scale model of the proposal would give neighbours greater clarity.
- (8) Councillor Summers asked if overlooking of the garden was the main basis for Mrs Hewitt's objection. Mrs Hewitt confirmed this, and explained that the rooms at the back of her property had a 'strong relation' to the garden, and, as such, would also be overlooked.
- (9) Councillor Hawtree requested more information on Councillor Brown's comments in relation to the character of the Hove Park area. It was explained that the proposed flat roof and white concrete design would be in contrast to the brick buildings with pitched roofs that would neighbour it.
- (10) Councillor Davey asked how high the above ground portion of the design would be. The architect, Mr Alan Phillips, confirmed it was 6.7m, and went on to explain that measures had been taken in the design to ensure the aspect from the windows on the first floor did not overlook the neighbouring properties.
- (11) In response to a query from Councillor Hyde it was confirmed the type of glass proposed would be recycled. Councillor Hyde also asked if unprotected trees had been removed from the site, and it was explained that this had been the case; however, the applicant would be willing to adhere to any additional conditions in relation to trees, and a 4-1 ratio of replanting would be used for all trees removed.
- (12) Councillor Davey enquired how far the proposed development would be from the nearest existing property, and it was confirmed this distance was 31.5m. Officers also explained a daylight impact study had not been undertaken, as it had not been considered necessary.
- (13) An inaccuracy, in relation to protected trees, in the comments made by the Arborist was highlighted. Officers confirmed there was one protected tree at the rear of the site and one at the side; not five as stated in the report. A copy of the TPO was provided to confirm this, and a recent photograph showed the rear tree had not been felled.
- (14) Councillor Hawtree noted his support of the application, and highlighted that this was in an area that was changing in nature.
- (15) Councillor Davey felt it was a high quality, well thought out design, and stated that a condition requesting the planting of mature trees would help alleviate problems with overlooking for the neighbours.

- (16) Councillor Randall noted his support for the application, and referenced that this type of development was low density in a city with high density.
- (17) Councillor Cobb expressed her concerns in relation to the development overlooking surrounding properties, and the failure of the proposed design to be in keeping with the area.
- (18) Councillor Hyde expressed similar concerns to Councillor Cobb, and referenced the character of the area.
- (19) Before the vote was taken the Head of Development Control suggested the Committee could be minded to add an informative in relation to the planting of mature trees.
- (20) Twelve of the members of the Committee were present and on a vote of 9 to 2, with 1 abstention, planning permission was granted on the grounds set out below.
- 121.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives set out in the report, with an additional Condition and Informative set out below.

Condition:-

19. The new dwelling hereby permitted shall not be occupied until trees have been planted along the rear (south-western) boundary of the application site, which adjoins the back gardens of Nos. 15, 16, 17 and 18 Woodlands, in accordance with details to include species, heights at the time of planting, planting density and specimen age, which shall first be submitted to and approved in writing by the Local Planning Authority.
Reason: In order to provide planted screening and safeguard the amenity of adjoining residents, in the interests of visual amenity and in order to comply with policies QD1, QD15 and QD27 of the Brighton and Hove Local Plan.

An informative will be agreed in consultation with the Arborist.

- C. Application BH2011/02485, 52 Preston Road, Brighton** – conversion of single dwelling property into 4no self contained flats, erection of single storey rear extension and construction of new frontage at ground floor.

- (1) The Head of Development Control highlighted there was an error in the transport section of the report and recommended the application be deferred.

- 121.3 **RESOLVED** – That the application be deferred to allow the error in the transport section of the report to be rectified.

- D. Application BH2011/03016, 68 Western Road, Brighton** – Demolition of existing rear three storey section of the property and erection of four storey building of 3no residential units fronting and with access via Stone Street. Refurbishment and

extension of existing retail unit and refurbishment of the existing flats above to create a 2 bedroom maisonette.

- (1) The Area Planning Manager (West), Nicola Hurley, gave a presentation detailing the scheme as set out in the report by reference to photographs, plans and drawings showing how the scheme would look against the existing buildings. An application at the same site had been refused by the Committee in 2011 due to concerns over the size of the proposed units on the lower ground floor and second floor. The revised scheme had addressed this by increasing the size of the lower floor unit and reducing the number of units by redesigning the first and second floors as a maisonette. The existing building was in a poor state of repair and did not contribute to the appearance of the area. The applications for planning permission and conservation area consent were recommended for approval.

Questions, Debate and Decision Making Process

- (2) Councillor Hyde asked if the protected wall at the rear of the Western Road property would be retained, and it was confirmed that this would be the case.
- (3) Councillor Randall asked if any of the current buildings above the retail unit were occupied, and it was confirmed they were all empty.
- (4) Councillor Wells explained he welcomed the scheme, and was pleased to see empty units above retail premises being bought back into use. Councillor Hyde noted she agreed with Councillor Wells.
- (5) Mr Cameron from the Conservation Advisory Group (CAG) noted the Groups objection to the scheme. He explained that the proposed design was inappropriate for Stone Street and would dilute the character of the area; he suggested a more sympathetic redevelopment would be preferable. The Senior Planning Officer (Conservation), Geoff Bennett, explained that the building was in too poor state of repair to achieve the detailing. He went on to highlight that the proposal picked up on some of the design aspects in the street in a modern approach.
- (6) Councillor Hawtree noted that he welcomed the redevelopment.
- (7) The Chair highlighted that Members' suggested conditions in relation to the frontage of the Stone Street property would require a whole new application.
- (8) A vote was taken and the 12 members present voted unanimously that planning permission be granted.

- 121.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance in section 7 of this report and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report.

E. Application BH2011/03017, 68 Western Road, Brighton (Conservation Area Conset) – Demolition of three storey section of property facing Stone Street.

(1) A vote was taken and the 12 members present voted unanimously that planning permission be granted.

121.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and the policies and guidance in section 7 of the report and resolves to **GRANT** conservation area consent subject to the conditions and informatives set out in the report.

122. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST

122.1 RESOLVED – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2011/103093 Maycroft and Parkside, London Road 2-8 Carden Avenue Brighton	Head of Development Control
BH2011/03227 11B (Former Ice Rink) and 11 Queens Square Brighton	Head of Development Control

123. TO CONSIDER AND NOTE THE CONTENT OF THE REPORTS DETAILING DECISIONS DETERMINED BY THE LOCAL PLANNING AUTHORITY INCLUDING DELEGATED DECISIONS

123.1 **RESOLVED** – That those details of applications determined by the Strategic Director of Place under delegated powers be noted.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Strategic Director of Place. The register complies with legislative requirements.]

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

The meeting concluded at 4.28pm

Signed

Chair

Dated this

day of