

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 13 MAY 2015

MAIN HALL, PORTSLADE TOWN HALL

MINUTES

Present: Councillors Mac Cafferty (Chair), Deane, Gilbey, Hamilton, Hyde (Opposition Spokesperson) Littman, A Norman Phillips, Robins, Simson, Wealls and West

Co-opted Members: Mr J Gowans, CAG

Officers in attendance: Jeanette Walsh (Planning and Building Control Applications Manager); Nicola Hurley (Planning Manager, Applications); Liz Arnold (Principal Planning Officer); Steven Shaw (Principal Planning Transport Manager); Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

PART ONE

184 PROCEDURAL BUSINESS

184a Declarations of substitutes

184.1 Councillor Simson was present in substitution for Councillor C Theobald. Councillor Mac Cafferty the Chair stated that a number of other Councillors were present, following the departure of outgoing councillors pending appointment of the Committee for the 2015 – 16 Municipal Year. All of the Councillors present had been trained to sit on the Planning Committee in accordance with the provisions in the Council's constitution.

184b Declarations of interests

184.2 Following the Officer presentation and public speaking in respect of Application BH2015/00439, 68 Davigdor Road Hove Councillor Phillips explained that she had realised that she had entered Ms Engleman's mother's flat a number of years ago when a Ward Councillor for Goldsmid Ward. She confirmed, however that she had not expressed any opinion in respect of the application, had not made any pre-determination in respect of it and remained of a neutral mind.

184c Exclusion of the press and public

184.3 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.

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

184d Use of mobile phones and tablets

184.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to ‘aeroplane mode’.

185 MINUTES OF THE PREVIOUS MEETING

185.1 The Chair referred to the minute in respect of application, B, BH2015/00575, 13, 14, 15, 16-17, 18, 19, 20, 20-24, 21, 22 and Pugets Cottage, North Street, Brighton stating that he wished page 10 of the minutes to be reordered to reflect the fact that other Members of the Committee had spoken before he spoke in his capacity as Chair.

185.2 Councillor Simson referred to discussion by members of the need to ensure that details concerning the building to be demolished were suitably recorded and archived. The Chair stated that he had agreed the wording of the S 106 conditions and informatives to be added to the permission earlier on that day and could confirm that safeguards in respect of this matter had been included.

185.3 Councillor C Theobald was unable to attend the meeting but had requested that the following be added:

Application A, BH2015/00320, Land South Side of Victoria Road, Portslade, reference to the fact that she was pleased that “Riverdale” was doing well and that the proposed scheme would tidy up an untidy site; and

Application B, BH2015/00575, 13, 14, 15, 16-17, 18, 19, 20, 20-24, 21, 22 and Pugets Cottage, North Street, Brighton, that she had said that “Timpson’s looked odd in the street scene, that it would be good to see Pugets Cottage renovated, she thought it was an exciting scheme for the city.

185.1 **RESOLVED** – That subject to the amendments set out above, the Chair be authorised to sign the minutes of the meeting held on 22 April 2015 as a correct record.

186 CHAIR’S COMMUNICATIONS

186.1 There were none.

187 PUBLIC QUESTIONS

187.1 Prior notification of a public question had been received from Ms C Lynch. The Chair invited Ms Lynch to put her question:

“The letting agents show no respect in the Article 4 wards by advertising tenancies in January, nine months before they start and then leaving LET signs up for the rest of the year. This is illegal.

It is the council's job to enforce the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. This is not being done.

Which department is responsible for this enforcement? How do local residents contact them? What action can be taken to sort this problem out under the existing legislation?”

187.2 The Chair, Councillor Mac Cafferty responded in the following terms:

“To Let” and “For Sale” boards can be displayed under the Advertisements Regulations (2007). This “deemed consent” is subject to certain criteria regarding the size and position of the boards. Most displays meet these display regulations.

One of the key rules for boards is that once the property has been “let or sold” the board shall be removed within 14 days. However, if the property is then available “to-let” for the next tenancy a board is permitted to be displayed until the next tenancy is signed.

This practice arises more commonly in areas with a heavy concentration of HMOs and student let properties where tenancies are regularly refreshed. The council is currently investigating ways to address this loophole within the legislation.

The work of the Planning Enforcement Team is mainly re-active, this means that we will respond to requests from residents to investigate.

We have an online form on our website which can be used to make a request for an investigation.

In the last calendar year 15 potential breaches of the advertisement regulations have been reported to the team for action. Nearly all complaints have been resolved with the removal of the advertisement in question.

The Enforcement Team have attended a number of LAT (Local Action Team) meetings with local residents to advise on its work.

The Team is due to refresh its Planning Enforcement Plan for the coming 12 months, this will include assessing and prioritising the reactive and proactive work of the team.”

187.3 The Chair then invited Ms Lynch to put a supplementary question should she have one.

187.4 Ms Lynch then put the following supplementary question:

“Back in 2009 the Student Housing Strategy identified the proliferation of To Let boards in studentified areas as having such a negative impact on the streetscape. Action 10 explores some of the options for dealing with this. Nothing has been done to reduce the proliferation of To Let boards in the Article 4 wards. Temporary advertisements are regulated by planning and yet no enforcement is taking place.

Explain which points of the SHS Action 10 have been actioned, by who and the outcomes. If no action was taken, please explain why and who decided no action was necessary?”

187.5 The Chair, Councillor Mac Cafferty responded in the following terms:

“It is noted that a number of significant actions from the Student Housing Strategy have been agreed and implemented through EDC Committee. Examples include extended licensing of HMOs, the Article 4 Direction to control change of use from a small house to a small HMO; and closer working with both Universities.

The Enforcement Team continues to deal with requests to investigate on a case by case basis and when they are drawn to our attention.

No decision has been made about whether or not to go forward with a Regulation 7 Direction.

This would need to be assessed, and agreed by the Economic Development and Culture Committee.”

187.6 Ms Lynch sought clarification regarding those aspects which fell within the remit of the Planning Committee and those which fell within the remit of the Economic Development and Culture Committee. The Chair stated that Ms Lynch would receive a copy of her questions and the responses given. The Legal adviser to the Committee explained that if re-drafted her queries in relation to Article 4 Direction and Regulation 7 Directions could be put to the Economic Development and Culture Committee as that would be the most appropriate place for those to be answered.

187.7 **RESOLVED** – That the position be noted.

188 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

188.1 There were none.

189 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2014/02100 Old Ship Hotel,31-38 Kings Road, Brighton -Full Planning
 Demolition of existing 3 storey garage and staff accommodation block fronting Black Lion Street and construction of new 6 storey building to provide 8no one bed and 10no two bed flats on the 1st-5th floors and associated cycle and car parking on the ground floor with revised vehicular access together with other associated works including solar panels on the roof.

- (1) The Principal Planning Officer, Major Applications, Liz Arnold gave a presentation by reference to, photographs showing the existing structure, views from King's Road and Black Lion Street site plans, elevational drawings and drawings showing the proposed floor plans and proposed block plans. In addition clarification was given in respect of the wording to the s106 Heads of Term. Additional wording needed to be added to the final bullet point add (55% social rent and 45% intermediate affordable)
- (2) It was explained that the main considerations in determining the application related to demolition of the existing building, the principle of the development, the design of the proposed building and its impacts on the surrounding area including the surrounding Conservation Area and the setting of the Listed Assembly Room located within the vicinity of the site, the standard of accommodation to be provided, the impact of the development on neighbouring amenity, and transport, ecology and sustainability issues.
- (3) It was considered that the proposed development would make an efficient and effective use of the site. The height, design and bulk of the proposed extension would not compromise the quality of the local environment, including that of the surrounding Conservation Area. The standard of accommodation proposed was considered acceptable and adequate private amenity space provided. Subject to compliance with the proposed conditions, the scheme would comply with the requirements for sustainability, cycle storage, waste management and refuse and recycling storage. In addition it was considered that the new residential development would not have a significant adverse impact upon the amenities of neighbouring properties. The proposal accorded with policies of the Brighton and Hove Local Plan and the Brighton & Hove Submission City Plan Part One, approval was therefore recommended.

Questions for Officers

- (4) Councillor Simson enquired whether the level of parking proposed in association with the proposed scheme was considered adequate, noting also that some of the existing hotel parking would be lost and that although two of the proposed units would be fully accessible that only one disabled parking space was to be provided within the scheme. Councillor Simson also referred to the constituent elements of the proposed s106 obligation. Whilst not objecting to how it was proposed this would be spent, she thought that contributions had to be made towards provision in the immediate vicinity of the site.
- (5) Councillor A Norman also sought clarification regarding the provision of disabled parking bearing in mind that although it was possible that there were other spaces available in the vicinity a resident with limited mobility would need close access between their vehicle and their place of residence.
- (6) Councillor West referred to the level of parking proposed to be provided on site, also to the number of cycle parking spaces, asking whether it would be possible to increase/reduce certain elements, in order for instance to enable another disabled parking space to be provided. Councillor West also enquired regarding arrangements for storage of refuse and re-cycling and to ensure adequate recording of any archaeological deposits exposed as a result of the building works. It was explained that all of these matters would be covered by proposed conditions set out in the report.

- (7) Councillor Wealls referred to the ground floor access proposed to the on-site car parking seeking confirmation that the “stacking” system referred to was considered to be adequate and it was confirmed that it was.
- (8) The Principal Transport Planning Officer, Steven Shaw explained that the Old Ship Hotel had indicated that there was sufficient parking for guests using the hotel. The level of parking to be provided was considered sufficient based on an assessment of parking usage in the vicinity. Proposed on-site parking accorded with the Council’s own standards for parking provision based on the data provided.
- (9) Councillor Robins enquired regarding the arrangements to be put into place in relation to delivery of materials and removal of building waste during the construction process.
- (10) Mr Gowans, CAG, sought confirmation regarding whether it was proposed to retain the existing signage currently above the garages, it was confirmed that it was not.
- (11) Councillor Mac Cafferty, the Chair referred to the fact that there were a number of proposed pre-commencement conditions in respect of proposed scheme. The standard of some of the public realm art/improvements which had been provided in relation to some schemes had been poor and he hoped that something suitable and appropriate could be provided here, noting that local ward councillors would be consulted in relation to this element of the scheme.

Debate and Decision Making Process

- (12) Councillor Hyde, welcomed the scheme which she considered would provide a mix of much needed housing and would improve the appearance of that part of the street scene. She also welcomed the fact that the development would not be “car free” and that parking would be provided for residents within the scheme.
- (13) Councillor Simson concurred stating that besides improving the appearance of the site, the proposed form of development would also provide adequate levels of parking in a part of the city where it could prove both difficult and expensive to find parking. Councillor Simson was also pleased to note that there was a balance between the level of vehicle and cycle parking on site.
- (14) A vote was taken and members voted unanimously that minded to grant planning permission be granted.
- 189.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11 and additional wording to the final bullet to make reference to (55% social rent and 45% intermediate affordable) housing.

B BH2015/00439 68 Davigdor Road, Hove - Full Planning

Conversion of first floor flat and loft to create 3no flats including rear dormers and balcony, side dormer and front rooflights, removal of chimney stacks and additional rear window and doors at first floor level.

- (1) The Planning Manager, Applications, Nicola Hurley, gave a presentation by reference to site plans and elevational drawings. Reference was made to the previous refused application.
- (2) It was explained that the main considerations in regard to this application were the principle of conversion, the standard of accommodation to be provided, the impact on neighbouring residential amenity, traffic issues and sustainability issues. Accurate plans in relation to the scheme had now been submitted which enabled a full assessment of the application to be made.
- (3) It was considered that the proposed development would cause no loss of light or privacy to adjacent occupiers, would not harm the appearance of the building, would not result in the loss of a small unit of self-contained accommodation, and would retain a residential unit suitable for family occupation. The proposal was considered to be in accordance with development plan policies and approval was therefore recommended.

Public Speakers and Questions

- (4) Ms Engleman spoke on behalf of her mother a neighbouring objector setting out her objections to the proposed scheme. Ms Engleman explained that due to the close proximity of the entrance doorway of the development to her mother's bedroom it would result in additional noise, overlooking and loss of privacy for a vulnerable elderly lady. Once occupied, the proposed scheme would result in additional noise by virtue of the additional number of occupants. The additional noise generated during the course of the building works would be intolerable and unneighbourly. Councillor Buckley had written letters of objection in respect of the scheme in the past, having not stood for re-election it had been too early in the new administration to gain the support of any of the newly elected ward councillors.
- (5) Having heard the submission on behalf of the objector Councillor Hyde indicated that she was of the view that it might be appropriate to carry out a site visit prior to determining the application. The Chair considered that it would be appropriate for Committee Members to hear both of the public speakers before deciding whether to carry out a site visit.
- (6) Mr Mc Nulty spoke on behalf of the applicants in support of their application. He explained that both the proposed development and the neighbouring property occupied by Ms Engleman's mother had been built as flats although they read as dwelling houses within the street scene. The existing development was in a poor state of repair internally and did not meet modern building control requirements/standards. The works to be carried out in accordance with the proposals would result in improved soundproofing between this building and the neighbouring property such that there would be a reduction in the current levels of noise penetration through the party wall. Works would be carried out in a neighbourly manner, during normal working hours neither commencing very early in the morning, nor continuing into the evening.

Questions of Officers

- (7) Councillor Simson sought clarification regarding the location of the proposed entrance to the new flats in relation to the entrance to the neighbouring property as did Councillors Deane and Hyde.
- (8) Councillor Phillips explained that having heard the officer's presentation and Ms Engleman speaking subsequently on her mother's behalf that she had entered Mrs Engleman's mother's flat when a Ward Councillor for Goldsmid Ward. She confirmed, however that she had not expressed any opinion in respect of the application, had made no pre-determination of it and remained of a neutral mind.
- (9) Councillor Hyde also sought confirmation of the staircase between the development site and the neighbouring property as did Councillor Wealls. It was confirmed that this ran directly against the party wall separating the two dwellings.
- (10) Councillor Robins sought further confirmation regarding configuration of the proposed flats located at first floor level. Councillor Gilbey referred to the earlier refusal seeking confirmation as to how this had been overcome. The Planning Manager Applications explained that estate agent particular evidence, including photographic evidence not provided previously, had confirmed that the flat had been built as a four bedroom unit. This meant that the proposals were therefore acceptable under adopted planning policy, in that the original floor area whilst less than 115sqm it had originally been built with more than three bedrooms and at least one of the units to be provided would be suitable for family accommodation having a minimum of two bedrooms.
- (11) Councillor Deane asked for confirmation of the area in square metres. The officer confirmed the measurement of the room. Councillor Phillips stated that she had understood that this information was to be provided in respect of all applications as Councillor Randall had made a previous request for this information to be annotated. The Planning and Building Control Applications Manager stated that she would investigate the practicality of doing so and would report back further thereon.
- (12) Councillor A Norman stated that she was in agreement with Councillor Hyde that it would be beneficial to carry out a site visit prior to determining the application.
- (13) A vote was taken and Members voted by 9 to 1 with 2 abstentions to carry out a site visit in respect of the above application.

189.2 **RESOLVED** – That the application be deferred to allow a site visit to take place.

Note: It was noted that as the decision to carry out a site visit had been taken after each of the public speakers had made their submissions, that there would be no further public speaking in respect of this application.

C BH2015/00688 4 Barrowfield Close, Hove - Removal or variation of condition

Application for variation of condition 2 of application BH2014/03227 (Erection of 1no four bedroom detached dwelling (C3) to allow for the provision of an additional bedroom and the insertion of 4no rooflights.

- (1) The Planning Manager, Applications, Nicola Hurley, gave a presentation by reference to photographs of the application site showing the existing house and proposed amended scheme including floor plans, elevational drawings and plans showing the location of the proposed rooflights.
- (2) It was explained that the application related to a plot of land which currently provided a garden area for an existing detached dwelling, which was located on the south-eastern side of Barrowfield Close, at the eastern end of the cul-de-sac, and was accessed from Tongdean Avenue. The plot related to no. 4 Barrowfield Close and was is of a greater width than the plots relating to the other properties within the Close. The existing dwelling was situated towards the north-eastern side of the double plot resulting in a strip of garden area to the south-western side of the dwelling in addition to a large rear garden.
- (3) The principle of the construction of a new detached dwelling had been established within the approval of the previous application BH2014/03227. The main considerations in determining the application related to the impacts of the proposed amendments on the visual amenities of the approved new dwelling, the Barrowfield Close streetscene and the wider area, including the setting of the nearby Tongdean Conservation Area and the impacts upon the amenities of neighbouring properties.
- (4) It was considered that the proposed amendments to the approved scheme application BH2014/03227 would not be of detriment to the visual amenities of the approved scheme, the Barrowfield Close streetscene or the wider area, including the setting of the nearby Tongdean Conservation Area. Furthermore it was not considered that the proposed amendments would have a significant adverse impact upon the amenities of the neighbouring properties. The proposal accorded with policies of the Brighton and Hove Local Plan and approval was therefore recommended.

Questions of Officers

- (5) Councillor Simson enquired regarding the rationale for the application being brought to the Committee for determination and it was explained that the application was required because permitted development rights had previously been removed and that neighbour representations had been received.
- (6) A vote was taken and members voted unanimously that planning permission be granted.

189.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

D BH2015/00529 11 Radinden Drive, Hove - Householder planning consent

Remodelling of dwelling incorporating two storey front and rear extensions, roof alterations, enlargement of existing garage including additional floor and associated works.

- (1) The Planning Manager, Applications, Nicola Hurley gave a presentation by reference to site plans, floor plans elevational drawings and photographs showing the previously refused scheme and the amended scheme for which permission was now sought.
- (2) It was explained that the main considerations in the determining this application related to the impact of the proposal upon the visual amenities of the parent property, the street scene and the wider area. The previous scheme had been refused as it had been considered that that proposed roof form and materials were of an incongruous appearance and would be at odds with Radinden Drive and the surrounding area. The revised scheme sought permission for remodelling of the existing dwelling incorporating two storey front and rear extensions, roof alterations and enlargement of the existing garage including an additional floor and associated works. During the course of the application the size of the first floor roof terrace area had been further reduced in size with the inclusion of privacy screening.
- (3) It was considered that the previous reasons for refusal had been overcome and that the proposed development was of an appropriate height, scale, bulk and design and would make a positive contribution to the visual amenity of its surroundings. The development would not cause significant harm to neighbouring amenity by way of loss of light, privacy or outlook, or increased overshadowing, noise or disturbance and approval was therefore recommended.

Questions of Officers

- (4) Councillor Hyde enquired regarding the materials to be used on the elevations and cladding materials used on some developments in the past that had worn/weathered badly. Councillor Hyde also requested that an informative be added to any permission granted seeking approval of materials to be used to be agreed in consultation with the Chair, Deputy Chair and Opposition Spokesperson. The Chair and other Committee Members confirmed they were in agreement that this should be done.
- (5) Councillor Simson sought clarification regarding the number of different materials to be used for detailing on the building. It was explained that whilst the previous application had sought to use too many diverse textures, finishes and materials this had been rationalised in the revised scheme and was now considered to be appropriate and to have overcome the previous reasons for refusal.

Debate and Decision Making Process

- (6) Councillor West stated that he considered that it was wasteful of materials and otherwise to remodel the existing building which was structurally sound and to replace it with another building of a totally different appearance; effectively to demolish a building for no other reason than to replace it with a dwelling house of a different style. That was a concept which he found very challenging.

- (7) Councillors Simson and Robins stated that whilst they had some sympathy with that view it was not a planning consideration.
- (8) A vote was taken and on a vote of 10 to 1 with 1 abstention planning permission was granted.

189.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11. An additional Condition (7) and informative as set out below to be added:

Condition 7:

No development shall take place above ground floor slab level of any part of the development hereby permitted shall take place above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) samples of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

An additional informative as follows:

The applicant is advised that the details required by condition 7 are to be delegated for agreement to the Planning and Building control Applications Manager in consultation with the Chair, Deputy Chair and the Opposition Spokesperson

Note: Councillor Littman voted that the above application be refused. Councillor West abstained.

190 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

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

Application:	Requested by:
BH2015/00439, 68 Davigdor Road, Hove	Councillor Hyde

191 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)

- 192.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. 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.]

192 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

193 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

194 APPEAL DECISIONS

- 195.1 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.

195 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

The meeting concluded at 4.05pm

Signed

Chair

Dated this

day of