

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 9 MARCH 2016

THE RONUK HALL, PORTSLADE TOWN HALL

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Bennett, Hamilton, Littman, Miller, Morris and Wares

Officers in attendance: Jeanette Walsh (Planning & Building Control Applications); Nicola Hurley (Planning Manager – Applications); Steve Shaw (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Manager).

PART ONE

149 PROCEDURAL BUSINESS

(a) Declarations of substitutes

149.1 There were no declarations of substitutes.

(b) Declarations of interests

149.2 There were no declarations of interest.

(c) Exclusion of the press and public

149.3 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.

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

(d) Use of mobile phones and tablets

149.5 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 ‘airplane mode’.

150 MINUTES OF THE PREVIOUS MEETING

- 150.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 27 January 2016 as a correct record.
- 150.2 In relation to the minutes of the meeting held on 17 February 2016 Councillor Wares referenced minute 137.4 and asked that additional wording be included to reflect that he had undertaken this site visit after discussing it with Officers beforehand.
- 150.3 **RESOLVED** – That, with the above addition, the Chair be authorised to sign the minutes of the meeting held on 17 February 2016 as a correct record.

151 CHAIR'S COMMUNICATIONS

- 151.1 The Chair highlighted that the meeting was webcast live and capable of repeated viewing.

152 PUBLIC QUESTIONS

- 152.1 There were none.

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

- 153.1 There were no further requests for site visits in relation to matters listed on the agenda.

154 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2015/04606 - Rayford House, School Road, Hove - Full Planning Permission -
Erection of side extension and creation of additional floor to create 9no. residential units with associated parking and re-cladding.

- 1) The Planning Manager (Applications) gave a presentation by reference to plans, photographs and elevational drawings. The application site was located in a predominately residential area consisting of terrace and semi-detached properties. Of particular relevance to the application was a consent for an additional floor of office accommodation granted permission the previous year following the agreement of the s106 from a minded to grant decision in 2002. This application sought permission for an additional roof level and an extension to create none flats. The car parking spaces on the site would be reconfigured with a total of 67 – which would be a reduction of 4 from the current total.
- 2) The proposed materials were clarified and there would be a green wall on the eastern elevation. A single letter of objection had been received, and there was one letter of support from one of the local Ward Councillors – Councillor Nemeth. The application was recommended for refusal in relation to the design; the extension would relate poorly to the existing building, would be overly dominant and overbearing and not fit in with the surrounding area. It was considered that there was no overall cohesion to the scheme – with the new elements having a vertical emphasis and different fenestration

style. The second reason for refusal related to the failure of the applicant to agree to meet the travel impact on site through a s106 agreement; however, since the publication of the agenda they had agreed to this and the second reason for refusal was withdrawn. The application was recommended for refusal for the reason set out in the report.

Public Speaker(s) and Questions

- 3) Mr Lap Chan spoke in support of the scheme in his capacity as the agent. He stated that there was no objection from immediate neighbours and highlighted the need for housing in the city; furthermore efficient use of sites was a pressing issue for the Council. The NPPF gave a presumption in favour of approval of sustainable development and the location was considered highly sustainable. Similar buildings and developments close by were highlighted – namely the Gala Bingo building and the Maynard's Sweet Factory. He noted that the Case Officer had placed weight on an appeal decision at a nearby site, but he was of the view this argument did not apply to this site. The application would seek to add to the regeneration of the area and provide much needed residential accommodation.
- 4) In response to Councillor Hamilton the speaker confirmed that all of the office space was currently in use; aside from one vacant floor.

Questions for Officers

- 5) In response to Councillor Mac Cafferty it was explained that there was no loss of any of the existing commercial space on the site. It was also clarified that, whilst a tall building study had been submitted, the scheme was still not acceptable for the design, scale and detail reasons.
- 6) In response to Councillor Miller visuals were shown highlighting the difference between the existing and proposed finish of the building.
- 7) In response to Councillor C. Theobald it was clarified that matters in relation to materials, sound proofing and amenity screening would all be secured through condition were the application recommended for approval. Following a further query from Councillor Barradell it was confirmed this would be the same with the render finish.
- 8) In response to Councillor Wares an elevational of the 2002 application permission was shown to the Committee.
- 9) In response to Councillor Morris it was confirmed that the application sought to add additional design features to the façade of the existing building.
- 10) In response to Councillor Barradell it was confirmed that no pre-application advice had been sought by the applicant.
- 11) It was clarified for Councillor Gilbey that the whole frontage would not be visible from the view up School Road.

Debate and Decision Making Process

- 12) Councillor Miller stated that the design was acceptable and for this reason he would not support the Officer recommendation.
- 13) Councillor Littman stated that the existing building was not particularly attractive and the scheme was an attempt to characterise the building and break up the outline. He noted the need for housing in the city and felt the scheme was not harmful to the area; for these reasons he would not support the Officer recommendation.
- 14) Councillor Barradell noted that the area was generally not of any design merit, but she felt the scheme was 'too busy' and would not enhance the area. She also expressed concern that the design on this site could set a precedent for other regeneration schemes in the vicinity, and with this in mind it was important this scheme achieve the right standard. However, she noted that she was aware of the pressing need for housing in the city.
- 15) Councillor Hamilton highlighted the amount of vacant office space in Portslade as well as the need for housing in the city; for these reasons he would not support the Officer recommendation.
- 16) Councillor C. Theobald noted that the existing building was unattractive, and the scheme sought to improve what was currently on the site; she felt the addition was interesting though she had reservations about the timber cladding. She stated she would not support the Officer recommendation.
- 17) Councillor Wares stated that the proposal was an improvement on both the existing building and the 2002 application permission; he noted the lack of strong objection from local residents and stated that for these reasons he would not support the Officer recommendation.
- 18) Councillor Gilbey stated that the scheme was an improvement on the existing building and for this reason she would not support the Officer recommendation.
- 19) Councillor Morris stated his view that the vertical and horizontal elements of the design did not complement each other, but he felt this could be easily resolved.
- 20) Councillor Mac Cafferty stated that he agreed with the views put forward by Councillor Barradell, and he would support the Officer recommendation on the grounds that a more coherent scheme could come forward. He stated that if the Committee were minded to grant permission then appropriate conditions should be put in place to protect resident amenity.
- 21) Councillor Cattell stated that she agreed with the principle of the development, but felt a more simple design could be achieved on the site.
- 22) A vote was taken of the eleven Members present and the Officer recommendation that planning permission be refused was **not carried** on a vote of 4 in support and 7 against. Reasons were proposed for a new recommendation, that the scheme be minded to grant subject to a s106 agreement and the delegation of the conditions and

informatives to the Planning & Building Control Applications Manager in consultation with the Chair, Deputy Chair and Group Spokespersons, by Councillor Littman and these were seconded by Councillor C. Theobald. A recorded was then taken and Councillors: Gilbey, C. Theobald, Bennett, Hamilton, Littman, Miller and Wares voted that minded to grant permission be granted and Councillor: Cattell, Mac Cafferty, Barradell and Morris voted that permission not be granted.

- 154.1 **RESOLVED** – That the Committee has taken has taken into account the Officer recommendation but resolves, for the reason set out below, to be **MINDED TO GRANT** permission subject to a s106 agreement, conditions, including the materials condition, and informatives to be agreed by the Planning & Building Control Applications Manager in consultation with the Chair, Deputy Chair and Group Spokespersons:

Reason

- i) The proposed development is considered acceptable in view of the need for housing and in terms of its form, scale and design.

Informative

- i) The agreement of materials to be agreed with the Chair, Deputy Chair and Group Spokespersons.

- B BH2015/03126 - 208A Dyke Road, Brighton - Full Planning Permission - Conversion of existing maisonette to 2no flats (C3) incorporating removal of garage at rear and rear conservatory and enlargement of rear balcony area.**

- 1) It was noted that this site had formed the subject of a site visit prior to the meeting.
- 2) The Planning Manager (Applications) introduced the application and gave a presentation by reference to plans and photographs. The application site related to a three-storey terrace property, and the application affected the upper floors of the maisonette on the first and second floors. The scheme had been amended following the site visit to reduce the size of the rear terrace area and the conservatory and this was highlighted on the plans presented to the Committee and proposed as an amendment to condition 2 in the report to reflect this. The application was recommended for approval for the reasons set out in the report.

Questions for Officers, Debate and Decision Making Process

- 3) In response to Councillor Cattell and Morris it was confirmed that Officers were not proposing screening above the bin store as they did not consider this necessary, but the Committee could attached a condition to this effect if they were minded to.
- 4) It was confirmed for Councillor Gilbey that there was only space to park one car on the site.
- 5) In response to Councillor Barradell the distance to the neighbouring property was confirmed.

- 6) It was confirmed for Councillor Barradell that screening above the bin could be added to the height of 2 metres without needing planning permission.
- 7) Councillor C. Theobald stated that the site would be improved with the removal of the garage; she would support the Officer recommendation, but felt a condition in relation to screening should be added.
- 8) Councillor C. Theobald proposed a condition in relation to screening to protect neighbour amenity and this was seconded by Councillor Morris. This was **carried**.
- 9) A vote was taken on the Officer recommendation that permission be granted, together with the amended and additional conditions, and this was **carried** on a vote 10 in support with 1 abstention.

154.2 **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, and the amended condition 2 and additional condition set out below:

Amended Condition 2

- i. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site location and block plans	1422/1	-	25 August 2015
Existing and proposed ground floor plans	1422/2	B	9 March 2016
Existing and proposed first floor plans	1422/3	C	9 March 2016
Existing and proposed second floor plans	1422/4	B	9 March 2016
Existing and proposed rear elevation	1422/5	B	9 March 2016
Existing and proposed side elevation and section	1422/6	C	9 March 2016
Existing and proposed sections	1422/7	C	9 March 2016

Additional Condition

- i. Prior to first occupation of the development hereby permitted a plan detailing the boundary treatment height, materials and type shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.

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

155.1 There were no further requests for site in relation to matters listed on the agenda.

156 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

157.1 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.]

158 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

159 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

160 APPEAL DECISIONS

160.1 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.

The meeting concluded at 3.03pm

Signed

Chair

Dated this

day of