

# PLANNING COMMITTEE

**Agenda Item 83**  
Brighton & Hove City Council

## BRIGHTON & HOVE CITY COUNCIL

### PLANNING COMMITTEE

2.00pm 12 AUGUST 2009

### GREAT HALL, HOVE TOWN HALL

#### MINUTES

**Present:** Councillors Hyde (Chairman), Wells (Deputy Chairman), Carden (Opposition Spokesperson), Caulfield, Mrs Cobb, Davey, Hamilton, Kennedy, McCaffery, Smart, Steedman and C Theobald

**Co-opted Members** Mr J Small (CAG Representative)

**Officers in attendance:** Jeanette Walsh (Development Control Manager), Steve Walker (Area Planning Manager (West)), Kathryn Boggiano (Senior Planning Officer), Sue Dubberley (Major Projects Officer), Michael Lowe (Planning Enforcement Manager), Di Morgan (Assistant Arboriculturist), Steve Reeves (Principal Transport Planning Officer), Pete Tolson (Principal Transport Planning Officer), Hilary Woodward (Senior Lawyer) and Penny Jennings (Senior Democratic Services Officer)

#### PART ONE

#### **65. PROCEDURAL BUSINESS**

#### **65A Declaration of Substitutes**

65.1 There were none.

#### **65B Declarations of Interest**

65.2 Councillor Steedman explained that he had requested information of officers regarding premises in Richmond Parade, Brighton, situated close to the former Saunders Glass Works, Application BH2009/00834. He had not expressed an opinion in respect of the application, remained of a neutral mind and would therefore remain present during the discussion and voting thereon.

65.3 Councillor Hyde (Chairman) referred to Application BH2009/01384, 57 Falmer Road. She explained that she lived in the general vicinity of the application site but it did not border her own dwelling and she had no direct interest in the application and remained

of a neutral mind. She would therefore remain in the Chair during consideration of the application and during the debate and voting thereon.

#### **65C Exclusion of Press and Public**

65.4 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 the 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).

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

#### **66. MINUTES OF THE PREVIOUS MEETING**

66.1 **RESOLVED** - That the Chairman be authorised to sign the minutes of the meeting held on 22 July 2009 as a correct record.

#### **67. CHAIRMAN'S COMMUNICATIONS**

##### **Web casting**

67.1 The Chairman explained that afternoon's meeting of the Planning Committee was being web cast. Members were reminded to speak directly into the microphones and to switch them off when they had finished speaking in order to ensure that they could be heard clearly.

##### **Royal Alexandra Hospital Site**

67.2 The Planning Enforcement Manager, Mr Lowe advised Members that officers had visited the site with the landowners who during the visit had served an Eviction Notice on squatters who were currently occupying two of the buildings on the site. If the squatters did not vacate the site in accordance with the terms of the notice, the landowners estimated that it would take 4-8 weeks to seek court approval to instruct bailiffs to remove them.

67.3 A plan was displayed showing those areas of the site where the landowners had agreed to improve existing security arrangements. This would include door and window guarding, and increased security to the perimeter fence. The Planning Enforcement Manager explained that officers were investigating the option of exercising powers under the Listed Building and Conservation Areas Act carry out security works to the site if the landowners failed to carry out their commitment.

67.4 Councillor Smart asked whether, if the Council carried out works to make the site secure, reimbursement could be sought from the landowner. The Planning Enforcement Manager stated that the powers provided under the above Act were rarely used; if they were to be invoked clarification would be sought regarding the mechanisms by which the Council could seek redress.

- 67.5 Councillor Wells enquired whether measures would be put into place in order to expedite action in the event that the squatters did not vacate the site in accordance with the terms of the Eviction Notice. It was confirmed they would.
- 67.6 Mr Small CAG stated that it appeared that the squatters had gained entry onto the site at several points, he hoped that all of these would be properly secured once they had left in order to prevent the possibility of further incursions taking place in the future.
- 67.7 **RESOLVED** - That the position be noted.

**68. PETITIONS**

- 68.1 A petition was presented by Councillor Allen on behalf of residents of Exeter Street in relation to works being carried out at 18 Exeter Street.
- “We the undersigned object to the use and potential harm relating to the change of use of 18 Exeter Street.

We object on the following grounds:

No.18 Exeter Street is a church-owned house which has always been an upstairs self contained residential flat and a downstairs area used occasionally for church committee meetings and the like. With no consultation or concern for residents St Luke’s Prestonville is currently changing the whole house into a drop in centre, despite the fact they have an existing centre attached to the church itself at the end of Stanford Road (approximately 200 yards away and not adjoining private houses).

The Centre will lead to an increase in the number of people coming into Exeter Street from outside the area. Considering the large number of children and elderly people living in this quiet residential street, we are especially concerned at those coming for advice with potential drug and alcohol related problems.

Traffic volume will increase, as will demand for parking spaces. We have three disabled people living within 50 yards of 18 Exeter Street. A Member of the (church) committee has already indicated that they would need to have use of the two disabled spaces near no.18 which would cause these three disabled residents additional distress.

Most importantly of all, the character of our quiet residential family street will be changed for the worse.

St Luke’s has a large and seriously under used church at the bottom of Stanford Road with as explained above - an existing Drop in Advice Centre operating away from residential homes. We object to this change of use and potential harm to residents (with no prior opportunity to object).” (52 signatures).

- 68.2 The Development Control Manager confirmed that the Council’s Planning Enforcement Manager had been notified regarding this matter. Planning approval had not been

sought for these works and investigations were being carried out to ascertain whether planning permission was required.

68.3 **RESOLVED** - That the contents of the petition be received and noted.

**69. PUBLIC QUESTIONS**

67.1 There were none.

**70. DEPUTATIONS**

70.1 There were none.

**71. WRITTEN QUESTIONS FROM COUNCILLORS**

71.1 There were none.

**72. LETTERS FROM COUNCILLORS**

72.1 There were none.

**73. NOTICES OF MOTION REFERRED FROM COUNCIL**

73.1 There were none.

**74. BRIGHTON MARINA PUBLIC INQUIRY: ADDITIONAL MATTERS**

74.1 The Major Projects Officer, Mrs Dubberley gave an oral update in respect of the Public Inquiry lodged by Explore Living in relation to Application BH2007/03454, Land at Brighton Marina including the inner harbour and adjacent sites.

74.2 Key dates in relation to the Public Inquiry were outlined and it was noted that the Inquiry itself was set to run from 3 November - 9 December 2009. A Planning Consultant had been engaged and the Council's reasons for refusal were currently being considered. A report would be brought to the next scheduled meeting of the Committee to enable Members to clarify and amplify those reasons.

74.3 **RESOLVED** - That the position be noted.

**75. APPEAL DECISIONS**

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

**76. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

76.1 The Committee noted the list of planning appeals which had been lodged as set out in the agenda.

**77. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

77.1 The Committee noted the list of planning appeals set out in the agenda relating to Informal Hearings and Public Inquiries.

**78. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

78.1 **RESOLVED** - That the following site visits be undertaken by the Committee prior to determining of the application:

Application	Site visit requested by
BH2009/01249, The Hyde, Rowan Avenue	Development Control Manager
BH2008/00792, Former Nurses' Accommodation, Brighton General Hospital	Development Control Manager
BH2009/00696, 39 Salisbury Road	Councillor Kennedy
BH2009/0161, 130 Cowper Street	Councillor Cobb
*BH2005/06784, George Williams House, Highlands Road, Portslade  *Implemented scheme	Mr. Small, CAG.

**79. TO CONSIDER AND DERERMINE PLANNING APPLICATIONS ON THE PLANS LIST: 12 AUGUST 2009**

**(i) TREES**

(1) A vote was taken and on a vote of 11 to 1 consent to fell the tree referred to below was refused.

79.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 of the report and resolves to refuse consent to the following:

Application BH2009/01615, North Lodge, Highcroft Villas

**Note:** Councillor McCaffery voted that approval to fell the trees be granted.

(1) A vote was taken and Members voted unanimously that permission to fell the trees referred to below be granted.

- 79.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 of the report and resolves to grant consent to the felling of the trees covered by the following application subject to the conditions set out in the report:

Application BH2009/01695, Hamilton Lodge School for the deaf, Walpole Road, Brighton

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

- A. **Application BH2009/00834, Saunders Glass, Sussex Place, Brighton** – Demolition of existing former glassworks and erection of a 7 storey student halls of residence providing 196 units and ancillary cycle parking.

- (1) The Senior Planning Officer, Ms Boggiano gave a presentation detailing the constituent elements of the proposed scheme by reference to floor plans and elevational drawings. The application failed to comply with local plan policies TR1, TR14 and TR18. The proposal sought to cram too much onto the site, the standard of accommodation which would be provided was considered to be poor, the units being very small with limited aspect and having no dedicated outside amenity space. The form of development proposed would have a detrimental impact on the neighbouring street scene and neighbouring conservation area and refusal was therefore recommended.
- (2) Mr Bareham spoke on behalf of the applicant in support of their application stating that the development would respond to an identified need, a letter of support had been submitted by Brighton University highlighting the severe problems it had in finding suitable accommodation for its students. It was not considered that the height and configuration of the development would be detrimental to neighbouring amenity and the dimensions of the rooms and their layout was comparable or larger than that provided by similar models of student accommodation throughout the United Kingdom.

**Questions/Matters on Which Clarification was Sought**

- (3) Councillor Steedman enquired whether/where a setting down/picking up point would be provided and whether it was considered any additional traffic would compound existing parking/traffic problems.
- (4) Councillor C Theobald sought details of the materials to be used, location of bathrooms and confirmation as to whether it was proposed that lift(s) would be installed. It was confirmed that they would.
- (5) Councillor Kennedy referred to access/equalities implications and enquired whether any of the units would be wheelchair accessible. It was explained that the absence of wheelchair accessible units did not constitute a reason for refusal.
- (6) Councillor Davey enquired whether there were guidelines regarding the size of student accommodation. It was explained that there were not, however, the proposed units were considered to be very small.

- (7) Mr Small, CAG sought clarification of the difference in terms of size and dimension between the studio units and those with shared facilities.
- (8) Councillor McCaffery sought confirmation whether any further information had been received regarding the potential risk to groundwater posed by the development. No further information had been received.

### **Debate and Decision Making Process**

- (9) Councillor Caulfield referred to the identified need for such housing, borne out by support being expressed by the University and by the Council's own research. Provision of such accommodation helped to free up affordable family accommodation within the City.
- (10) Councillor Steedman stated expressed supported for recommendation to refuse stating that if permission were to be granted the applicant should be required to provide dropped kerbs and a setting down/picking up point adjacent to the site entrance.
- (11) Councillor Kennedy concurred stating that she also considered that the lack of wheelchair accessible units was disappointing.
- (12) Councillor C Theobald considered that whilst supporting the freeing up of family homes, this proposal was too high, too dense and sought to cram too much onto the site. The result would be a large ugly building which would overshadow its neighbours. It was also vital to provide a suitable dropping off point close to any accommodation provided.
- (13) Councillor McCaffery expressed concern regarding the small size of some of the proposed units. Additional cycle parking facilities would be welcome given the site's location.
- (14) Councillor Davey whilst supporting the need to provide student accommodation considered that a number of matters remained to be addressed and that as it stood he was unable to support this application. Councillor Smart concurred stating the impact of this scheme on the Valley Gardens Conservation Area would be too great.
- (15) A vote was taken and on a vote of 9 to 1 with 2 abstentions the Committee agreed that it was minded to refuse planning permission.

79.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in this report and resolves that it is minded to refuse planning permission subject to the expiry of the publicity period and receipt of no further representations which raise no new material planning considerations, which have not already been considered within the report for the reasons and subject to the informatives also set out in the report.

**Note:** Councillor Caulfield voted that the application be granted. Councillors Mrs Cobb and Wells abstained.

**(iii) MINOR APPLICATIONS**

**B. Application BH2008/01052, 169-174 Western Road, Brighton –** Retrospective application for part second/third floor extension to incorporate storage and staff facilities.

(1) The Development Control Manager recommended that consideration of the application be deferred. New very late information had been received which needed to be considered and consulted upon.

79.4 **RESOLVED** - That consideration of the above application be deferred pending consideration/consultation on late information received.

**C. Application BH2009/01193, All Saints Church Hall, Church Hill, Patcham –** Proposed ground floor north extension and first floor extension incorporating 7 roof lights and creation of access from path adjacent to church.

(1) A vote was taken and on a vote of 11 with 1 abstention minded to grant planning approval was given.

79.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves it is minded to grant planning permission subject to the expiry of the publicity period and the receipt of no further representations which raise no new material planning consideration, which have not already been considered within the report and subject to the conditions and informatives set out in the report.

**Note:** Councillor Mrs Cobb abstained from voting in respect of the above application.

**D. Application BH2009/01384, Former Gospel Hall, 57 Falmer Road, Rottingdean –** Demolition of existing vacant church hall (D1) and construction of 6 two storey town houses (C3) with provision of 12 cycle spaces and one car parking space.

(1) The Senior Planning Officer, Ms Boggiano gave a presentation detailing the proposal. Elevational drawings and photographs showing views across the site from the south were shown. The scheme was considered to be of an acceptable design and to adequately protect the amenity of adjoining occupiers whilst providing a good standard of accommodation for future occupiers. It was not considered that the development would result in hazard to the highway network and would achieve an acceptable standard of sustainability and nature conservation enhancement.

(2) Mrs Wright spoke as objector to the scheme explaining that the existing Victorian drainage system was inadequate to support the existing dwelling houses, in consequence the system became blocked and sewage and effluent deposited itself onto her back garden at periodic intervals. The system would be unable to cope with extra demand unless it was extensively upgraded.

(3) Mr Carpenter spoke on behalf of the applicant in support of their application. He explained that the proposed development was modest and that the applicant had spent a considerable amount of time in discussions with Southern Water in order to ensure



the development would not exacerbate any existing drainage problems. Measures to address surface water run off were different from those relating to waste and the measures proposed would improve the existing situation. He suggested that if permission were to be granted that the word "foul" be added before the word "surface" in relation to Condition 17.

- (4) In response to questions by Councillors Smart and Wells in relation to drainage/waste being deposited in the objector's garden, the Development Control Manager confirmed that this was not a matter which could be addressed by Planning Conditions.

#### **Questions/Matters on which Clarification was Sought**

- (5) Councillor Caulfield queried that only one parking space was proposed given that the area was hilly and it's out of city location. Reference was made to the traffic surveys carried out and the fact that the level of on-street parking available was considered to be adequate.
- (6) Councillor Caulfield also referred to the issues set out regarding waste/drainage stating these appeared to be similar to those raised in relation to Application BH2009/00834, Saunders Glassworks (referred to above), yet a different conclusion appeared to have been reached. The Development Control Manager explained that the issues were different. Objections had been made by the Environment Agency on the basis that insufficient information had been provided to demonstrate that the risk of pollution to controlled waters was acceptable.

#### **Debate and Decision Making Process**

- (7) Councillor C Theobald stated that she was concerned that the traffic surveys carried out did not take account of busy highway activity during the day associated with the nearby doctor's surgery and Longhill Secondary school. Also, the area was not well served by public transport. Councillor Hyde, the Chairman concurred in that view.
- (8) Councillor Wells expressed concern regarding the sewerage/drainage issues which Southern Water should in his view be seeking to resolve.
- (9) Councillor Steedman stated that he considered the scheme to be excellent and represented a good use of the site. He was in agreement that Southern Water needed to be pressed by local residents to resolve issues relating to the antiquated Victorian drainage system.
- (10) Councillor Davey expressed support for the scheme which in his view fitted into its surroundings well and sought to utilise the availability of cycle lanes nearby. It was important to move away from the assumption to all residents of new developments would be car owners.
- (11) A vote was taken and on a vote of 7 to 1 with 4 abstentions planning permission was granted.

- 79.6 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves that

it is minded to grant planning permission subject to a Section 106 Obligation and to the Conditions and Informatives in the terms set out in the report, to the addition of the word “foul” before the word “surface” in relation to Condition 17 and amendments to Condition 19 and, the additional Condition set out below:

**Condition 19 to read:**

“No development shall commence until a nature conservation and protection enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. This shall include measures to protect slow-worms on the site from injury and the erection of 6 bat and bird boxes should be required as a minimum (constructed in Schwegler woodcrete, or lbstock bat bricks, or equivalent). The development shall be carried out in strict accordance with the approved details.

**Reason:** To ensure the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.”

**Additional Condition to read as follows:**

“No development shall commence until details of the access gate to the rear alleyway to the north of the site had been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

**Reason:** To ensure the development is built to a good standard of design in accordance with QD1 of the Brighton & Hove Local Plan.

**Note:** Councillor Hyde the Chairman voted that the application be refused. Councillors Caulfield, Mrs Cobb, C Theobald and Wells abstained.

**E. Application BH2009/00696, 39 Salisbury Road, Hove** – Demolition of existing building and erection of four storey private residential building containing nine mixed size units and community area on the ground floor.

(1) Members considered that it would be beneficial to carry out a site visit prior to determining the application.

79.7 **RESOLVED** - That consideration of the above application be deferred pending a site visit.

**F. Application BH2009/00579, Land R/o 1 Orchard Avenue, Hove** – use of site as car park (retrospective).

(1) A vote was taken and Members voted unanimously to refuse planning permission and to authorise enforcement action.

79.8 **RESOLVED: A** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to refuse planning permission for the reasons set out in the report.

**B:** - Authorises enforcement action to seek the removal of the car park and reinstatement of the land to its former use and condition.

**G. Application BH2009/00838, 40 Tongdean Avenue, Hove** - Erection of 3 storey residential dwelling on land between 36 & 40 Tongdean Avenue.

- (1) The Area Planning Manager (West), Mr Walker gave a presentation detailing the planning history of the site and the extant (but yet to be executed) permissions granted in relation to neighbouring plots. He also referred to the recent permission granted to erect a pair of semi detached houses on the plot of no 42; these would read as one dwelling house, would be surrounded by ample amenity space and could be easily accommodated within a more spacious plot.
- (2) If granted this development would be located on a smaller plot than many of the surrounding properties which would significantly harm the character of the conservation area would appear crammed in and would be detrimental to the appearance of the street scene. The dwelling would cause significant problems for neighbours as a result of its height and positioning and its very close proximity to neighbouring boundaries. The application was therefore recommended for refusal.
- (3) Mrs Ransome spoke on behalf of neighbouring objectors referring to the close proximity of the proposed dwelling to her boundary and its proposed configuration within the plot which would result in overlooking and loss of amenity as it would tower over neighbouring properties.

**Questions Matters on Which Clarification was Sought**

- (4) Councillor Steedman whilst agreeing with the Officer's recommendation that the application be refused on design grounds queried whether it ran contrary to the principle of development given that permission had been given to build a pair of semi-detached houses on Plot 42 the previous September. The Area Planning Manager referred to the complexities of the neighbouring plot sizes in terms of their size and configuration; this site was significantly smaller and narrower than its neighbours.
- (5) Councillor Mrs Cobb requested to see visuals and Plans, enquiring whether a plot 38 had ever existed.
- (6) Councillor C Theobald enquired regarding the height and number of bedrooms proposed and whether the existing Beech would be retained. It was confirmed that the 4 bedrooms were proposed including a study located in the roof space and that the existing on site trees would be retained.

**Debate and Decision Making Process**

- (7) Councillor Steedman reiterated that whilst agreeing with the recommendation to refuse he was not necessarily averse to the principle of development of the site per se. He was of the view that greater densities should be sought to protect the area outside the urban fringe.
- (8) Councillor Hamilton stated that he supported refusal of the application in this instance.
- (9) A vote was taken and Members voted unanimously that planning permission be refused.

79.9 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to refuse planning permission for the reasons and informatives set out in the report.

**80. 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**

80.1 **RESOLVED** - That the following site visits be undertaken by the Committee prior to determining the application:

Application	Site visit requested by
BH2009/01249, The Hyde, Rowan Avenue	Development Control Manager
BH2008/00792, Former Nurses' Accommodation, Brighton General Hospital	Development Control Manager
BH2009/00696, 39 Salisbury Road	Councillor Kennedy
BH2009/01561, 130 Cowper Street	Councillor Cobb
*BH2005/06784, George Williams House, Highland Road, Portslade *Implemented scheme	Mr. J Small (CAG)

**79. TO CONSIDER AND NOTE THE CONTENT OF THE REPORT DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY**

81.1 **RESOLVED** - That those details of applications determined by the Director of Environment 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 Director of Environment. 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 (for copy see minute book). 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 these should in exceptional cases be reported to the

Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2005.

The meeting concluded at 4.35pm

Signed

Chairman

Dated this

day of

