

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 18 MAY 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Carden (Opposition Spokesperson), Cobb, Davey, Hamilton, Kennedy, K Norman, A Norman and West

Officers in attendance: Jeanette Walsh (Head of Development Control), Hilary Woodward (Senior Lawyer), Claire Burnett (Area Planning Manager (East)), Steve Walker (Senior Team Planner) and Jane Clarke (Senior Democratic Services Officer)

PART ONE

276. PROCEDURAL BUSINESS

279a Declarations of Substitute Members

279.1 Councillor West declared he was substituting for Councillor Steedman.

279.2 Councillor K Norman declared he was substituting for Councillor Mrs Theobald.

279.3 Councillor A Norman declared she was substituting for Councillor Simson.

279b Declarations of Interests

279.4 There were none.

279c Exclusion of the Press and Public

279.5 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.

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

277. MINUTES OF THE PREVIOUS MEETING

277.1 **RESOLVED** – That the Chairman is authorised to sign the minutes of the meeting held on 27 April 2011 as a correct record.

278. CHAIRMAN'S COMMUNICATIONS

278.1 There were none.

279. APPEAL DECISIONS

279.1 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.

280. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

281. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

282. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

282.1 The information regarding pre application presentations and requested was noted.

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

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

Application:	Requested by:
BH2011/00358, Northfield, University of Sussex	Head of Development Control

284. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST

(i) TREES

284.1 There were none.

(ii) MINOR APPLICATIONS**A. Application BH2011/00095, Land to the rear of 183 Ditchling Road, Brighton – Demolition of existing storage building and erection of 2no storey, 2no bedroom dwelling.**

- (1) The presentation for this application was taken together with Conservation Area consent BH2011/00096, land to the rear of 183 Ditchling Road, Brighton.
- (2) The Area Planning Manager (East), Ms Burnett, introduced the application and presented plans, photos and elevational drawings. She referred to the Late List information that contained amendments to recommended conditions 8 and 9, an additional recommended condition, and deletion of condition 7. A previous application had been granted in 2009 for a similar development. The principle of development on this site was acceptable and the application met lifetime homes standards, code level 3 for Sustainable Homes and was considered acceptable on highway safety grounds.

Questions/matters on which clarification was sought

- (3) Councillor Davey asked what the main differences were between the 2009 application and the current application. Ms Burnett replied that there was little difference in terms of design aspects, but the previous application had been for conversion and this application was for demolition.
- (4) Councillor West raised concern that the design was not that similar to the existing building and Ms Burnett added that a similar design had already been given permission in 2009.
- (5) Councillor Cobb asked how the rubbish and recycling bins would be collected. Ms Burnett confirmed that future occupants would need to bring their bins to the front of the site for collection.
- (6) Councillor Cobb was also concerned about the accessibility of the site for large vehicles, and asked if fire engines would be able to access the site. The Head of Development Control, Mrs Walsh, responded that this was outside of the remit of the Planning Committee to consider, as it was dealt with under a separate regime for building regulations.

Debate and decision making process

- (7) Councillor Kennedy noted that the application had been submitted with an engineer's report to say that the current building was in poor condition. She could therefore accept that the existing building needed to be demolished and was able to agree with the recommendation.
- (8) A vote was taken and on a vote of 8 for, 0 against and 1 abstention planning permission was granted subject to the conditions and informatives listed in the report.

284.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to grant planning permission subject to the conditions and informatives listed in the report, and amendments to conditions as follows:

1. Condition 6 to be carried out in accordance with Site Working Methodology – Revision B May 2011.
2. Condition 7 to be deleted.
3. Condition 8 and 9 to be amended to refer to “the proposed single building” and not “units 1, 2 and 3”.

B. Application BH2011/00096, Land to the rear of 183 Ditchling Road, Brighton – Demolition of existing storage building.

- (1) The presentation for this application was taken together with planning application BH2011/00095, land to the rear of 183 Ditchling Road, Brighton.
- (2) A vote was taken and on a vote of 8 for, 0 against and 1 abstention Conservation Area consent was granted subject to the conditions and informatives listed in the report.

284.3 **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 grant conservation area consent subject to the conditions and informatives listed in the report.

C. Application BH2011/00726, Field End, 4 Founthill Road, Brighton – Replacement of existing fence to west elevation and brickwork walls, piers and vehicular access to south elevation with new brickwork wall and entrance gates. Construction of new brickwork wall parallel to eastern elevation (part retrospective).

- (1) Ms Burnett introduced the application and presented plans, photos and elevational drawings. An additional representation had been received from the applicant with further images of the front wall elevations, but this did not change the officer’s recommendation. The application was part retrospective, and the completed works were being investigated by the Enforcement Team. An application had been refused last year for the existing works. The current application proposed a reduction in height of the wall and gate and replacement of the existing fence.

Founthill Road was characterised by low front walls and this application was characterised by a harsh visual barrier with no relief or openings. It was considered therefore that the reasons for the previous refusal had not been fully addressed by this application.

Questions/matters on which clarification was sought

- (2) Councillor Kennedy asked what wall was present before the retrospective works and Ms Burnett showed photos of the original wall, and explained it was lower, with a scalloped ridge-line.

- (3) Councillor A Norman asked what impact the application would have on highway safety. Ms Burnett replied that when an application was considered all aspects of highway safety, for motorists, pedestrians and other users were taken into account. There were no outstanding concerns with this application.

Public Speaking

- (4) Mr Barker, agent for the applicant, addressed the Committee and stated that the lowest part of the wall was 1.2 metres and the piers of the wall would match the pre-existing height. The lowest sections would only be 40 centimetres high and so there was no material change to what had originally been present. There was a diverse mix of boundary treatments in the area, and highway safety would be improved by the application as it reduced the number of exits onto the highway from 2 to 1. The side walls of the boundary were only just over 2 metres high, and this was normally permitted under permitted development rights. The application would not be overbearing or intrusive.
- (5) The Chairman asked how high the wall would be at the maximum level and Mr Barker replied it would be 2.4 metres at its highest point.
- (6) Councillor Kennedy was interested to know why the applicant wanted to make the wall higher. Mr Barker was unsure of the exact reasons but believed it had to do with increased security for the site.

Debate and decision making process

- (7) Councillor Kennedy felt that the application was too large in the context of the street scene and did not follow good design principles. She agreed with the recommendation to refuse.
- (8) A vote was taken and on a vote of 7 for, 1 against and 1 abstention planning permission was refused for the reason set out in the report.

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

1. The proposed development, by virtue of its size, height, siting and design would form an incongruous and unsympathetic feature which would be highly prominent and would appear out of keeping with the prevailing character and appearance of the street scene. It would detrimentally impact on the character and appearance of the property, and the visual amenities enjoyed by neighbouring properties. The approval of the proposal could set an undesirable precedent for development of similar structures in the Founthill Road street scene. The development is therefore contrary to policy QD14 of the Brighton and Hove Local Plan.

Informative: This decision is based on drawings nos 0902/013, 0902/111, 0902/112, 0902/114, 0902/Loc, and the letter from the agent DMH Stallard received on 11 March 2011.

D. Application BH2011/00606, 44 Crescent Drive South, Brighton – Installation of glass panelled safety rail to rear at first floor (retrospective).

- (1) Ms Burnett introduced the application and presented plans, photos and elevational drawings. She referred to the Late List update that clarified the letter from Councillor Simson supported the proposals. There had been letters of objection from the ward Councillors, 2 letters of objection from neighbours and 5 letters of support. Planning permission had been granted in 2005 for a number of changes to the building, and a condition had been added to ensure the flat roof was not used as an outside amenity space as there would be a strong element of overlooking and already a perception of overlooking created by the scheme. There would be considerable harm to neighbouring amenity and the application was out of character with the neighbourhood.

Public Speaking

- (2) Mrs Hardy addressed the Committee and stated she was an adjoining neighbour. The application was for a retrospective safety rail but the applicants were using the space as a balcony and she therefore felt the rail was not purely a safety measure. A previous application had been refused because it was accepted that the space would give rise to a strong element of overlooking. The application would prevent any privacy in Mrs Hardy's garden and the adjoining neighbours on the other side of the applicants house had told her that there would also be views into their bedrooms. A previous Committee decision had placed a condition on the space to prevent it from becoming a balcony, but there was evidence that it was being used as an amenity space and the condition was being breached.
- (3) Mrs Phillips, the applicant, addressed the Committee and stated that she did not believe a safety measure would create demonstrable harm or loss of amenity for her residents. The degree of overlooking from the space would be the same regardless of the rail. As registered foster carers, she and her husband were seeking to provide a safe environment for the children in their care, and they wanted this space to be a safe area in times of emergency should there be a fire break out. There had been four letters of support for the application.
- (4) Councillor K Norman asked whether the doors opened inside or outside and the area of the space. Mrs Phillips replied the doors opened inwardly and the area was about 1.2 metres squared.
- (5) The Chairman referred to the photos taken by the objector showing that the space was set out with a table and chairs, and asked why this was if the space was not supposed to be used as an amenity area. Mrs Phillips replied that when the railings had been first put in, she had dressed the area to make it look nice. Once she had realised this was a problem she removed the chairs and table immediately and they had not been used since.
- (6) Councillor K Norman asked if the foster children in their care used the outside roof space. Mrs Phillips said that the children did sleep on the first floor, but that they slept in the bedroom leading from the roof space.

- (7) Councillor A Norman asked if the roof space was an unofficial emergency exit and Mrs Phillips agreed that it was.

Debate and decision making process

- (8) The Senior Solicitor, Mrs Woodward stated that this was a retrospective application but should be considered in the same way as a prospective application. Councillor A Norman clarified that she was not suggesting it should be treated in any other way.
- (9) Mrs Walsh addressed the Committee and stated that the use of the flat roof as a fire escape was not the only means by which health and safety laws could be complied with at the premises.
- (10) A vote was taken and on a vote of 8 for, 0 against and 1 abstention planning permission was refused for the reasons set out in the report.

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

1. The development is out of character with the wider area by virtue of the resultant appearance of the balustrade combined with the flat roof area having a balcony/terrace appearance that is not found within the vicinity of the application site. The proposal is therefore considered to be contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.
2. The development results in a perception of overlooking and offers the opportunity for potential overlooking and as such results in harm to the amenity of the neighbouring occupiers. The proposal is contrary to policy QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives: This decision is based on drawings titled site location plan (unreferenced), block plan, proposed rear/south elevation, proposed 1st floor plan, existing/proposed ground floor plan, existing 1st floor plan, existing rear/south elevation, existing side/east elevation, proposed side/east elevation, proposed side/west elevation, proposed side/west elevation existing roof plan, proposed roof plan and proposed/existing front elevation received on 28.02.11.

E. Application BH2011/00620, 55-57 Church Road, Hove – Enclosure of front terrace with canopy, supporting structure and glazed screening (retrospective).

- (1) Mr Walker introduced the application and presented plans, photos and elevational drawings. He stated that the key issues were the character and appearance of the development in a conservation area and amenity concerns. The proposals would push the building line out of the established line and obscuring the details of the front of the shop. The scheme disrupted the vertical emphasis of the building and did not have the same temporary feel as an ordinary awning. The materials used were also not appropriate and similar proposals had recently been refused on appeal. Examples of other approved awnings in the area were retractable and traditional.

Regarding neighbouring amenity and loss of light, as the neighbouring properties were commercial rather than residential there was no adverse impact.

Questions/matters on which clarification was sought

- (2) Councillor Davey asked if a retractable awning had been granted permission in 2009 in the same area. Mr Walker replied an awning had been granted, but importantly was retractable and overhung the complete structure. This application had side panels, giving the structure a more permanent feel and completely enclosed.
- (3) Councillor K Norman asked if this application was considered an enclosure because it had three fixed sides and Mr Walker agreed.
- (4) Councillor Hamilton asked if smoking would be permitted under this structure. Councillor Kennedy was aware of smoking laws and stated that this would not be possible because the structure had three sides to it.
- (5) Mrs Walsh addressed the Committee and stated that as the design had a permanent feel this was the main consideration and concern for the Committee for an application in the conservation area.

Public Speaking

- (6) Mr Barling, agent to the applicant, addressed the Committee and stated that the structure was in fact temporary and only bolted into the ground for stability. It could be moved easily from its current position. There was substantial public support in the local area for the structure and it created a pleasant and safe atmosphere for the customers of the restaurant, and gave the area a sense of vibrancy and activity. Mr Barling noted that the colour blended in well with the buildings and was not garish, and in terms of design there were examples of other awnings that also cut across the window panes of the buildings they were fixed to.
- (7) Councillor Cobb asked whether the glass panels could be dropped down and the awning roof pulled back and Mr Barling confirmed this.
- (8) Councillor West asked if there were two glass doors in front and Mr Barling agreed, but said these were mostly open to the elements.

Debate and decision making process

- (9) Councillor Kennedy felt that the boundary wall of the premises now encroached on the pavement and was overbearing. The scheme was not appropriate in good design terms and she agreed with the Officer's recommendation.
- (10) Councillor Cobb disagreed and did not feel the awning impeded the pavement. She did not feel the awning was inappropriate in its setting.
- (11) Councillor Carden felt that the awning gave vibrancy to an area that was previously run down and supported the application.

- (12) Councillor K Norman agreed with the choice of colour for the awning and felt it blended in well with the buildings. He did not feel there was a problem with the application.
- (13) Councillor Davey felt the application was incongruous and looked like an extension to the original building. He supported the Officer's recommendation.
- (14) Mrs Walsh reminded Members to consider carefully issues in relation to preservation of the Conservation area, and to ensure consistency in awning applications in the area.
- (15) A vote was taken and on a vote of 3 for, 5 against and 1 abstention the recommendation to refuse planning permission was not agreed.
- (16) Councillor Cobb proposed an alternative recommendation to approve planning permission and Councillor A Norman seconded the recommendation.
- (17) A second recorded vote was taken and on a vote of 5 for, 3 against and 1 abstention planning permission was granted subject to conditions.

284.6 **RESOLVED** – That the Committee has taken into consideration and does not agree with the reasons for the recommendation set out in the report and resolves to grant planning permission for the reason that the proposed development is considered by reason of its siting, scale, materials, design and detailing to preserve the historic character and appearance of the building and wider terrace. As such the development is in accordance with the requirements of policies QD2, QD5, QD14 and HE6 of the Brighton and Hove Local Plan. The following condition shall be attached to the permission:

1. The adopted highway land on which this development is situated should be stopped up as publicly maintainable highway.

REASON: In the interests of public safety to protect the rights of the public and to comply with policy TR7 of the Brighton & Hove Local Plan.

Note: Councillors Hyde, Carden, Cobb, A Norman and K Norman voted for the proposal to approve planning permission. Councillors Davey, Kennedy and West voted against the proposal to approve planning permission. Councillor Hamilton abstained from voting.

F. Application BH2011/00442, The Brighton Centre, Kings Road, Brighton – Alterations to entrance lobby and entrance doors to ground floor front elevation including new glazing to underside of canopy and automatic doors and extension at third floor level onto existing balcony.

- (1) Mr Walker introduced the application and presented plans, photos and elevational drawings. He noted the application was adjacent to the Regency Square conservation area and would have a 23 metre long fixed glazed frontage. Objections had been received from the Conservation Advisory Group regarding a lack of integrity for the area, that the application did not respect the horizontal feel of the

building and concern about the loss of gathering space in front of the building. There were no objections from the Highways Department on this aspect however, and it was the Officer's opinion that this application represented an improvement to the current building.

Questions/matters on which clarification was sought

- (2) Councillor Carden asked if the bus lay-bys nearby would remain and Mr Walker confirmed this.
- (3) Councillor West was concerned about pedestrian safety as a lot of the outside gathering space would be taken up by this application. Mr Walker replied that there would still be 7 metres of gathering space, which was still considered very wide. The new door design would also facilitate more orderly queuing.
- (4) Councillor Cobb asked for details on the colours of the signage and Mr Walker replied that there were no further details for this.
- (5) Councillor Cobb asked if the public would queue inside the building and asked how the 3rd floor area would be used. Mr Walker explained that logistical models for queuing had been used to determine the best solution for this area and there would be lots more queuing inside the building. He accepted that queues would still continue down West Street. The 3rd floor area where the café was would include minor design changes to restaurant area, with a glazed outside area, which was currently used for filming. Councillor Cobb was concerned that if the area currently used for filming was glazed this would prevent film crews from using it. The Chairman reminded Members that this was not a valid planning consideration.

Debate and decision making process

- (5) Councillor Cobb felt that placing the signage further down the building was a great improvement to the overall look of the building and gave in more presence on the street scene.
- (6) Councillor K Norman referred to the works already carried out to improve the building and felt this application would be the finishing touch on a good refurbishment.
- (7) A vote was taken and on a unanimous vote planning permission was granted subject to the conditions and informatives listed in the report.

284.7 **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 grant planning permission subject to the conditions and informatives listed in the report.

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

285.1 **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.]

286. 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

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

Application:	Requested by:
BH2011/00358, Northfield, University of Sussex	Head of Development Control

Following conclusion of the agenda Councillor Kennedy gave formal thanks to the sitting Chairman, Councillor Lynda Hyde, for the work and effort she had put into chairing the Committee in the last four years. She had been a very fair and good Chairman to all Members. The Committee Members joined in this thanks.

The meeting concluded at 4.05pm

Signed

Chair

Dated this

day of

