

### BRIGHTON & HOVE CITY COUNCIL

#### PLANNING COMMITTEE

2.00pm 18 JULY 2012

#### COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

**Present:** Councillors Hawtree (Chair), Summers (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cobb, Davey, Gilbey, Hamilton, Jones, Mac Cafferty, C Theobald and Wells

**Officers in attendance:** Jeanette Walsh, Head of Development Control; Nicola Hurley, Area Planning Manager (West); Aidan Thatcher, Senior Planning Officer; Anthony Foster, Senior Planning Officer, Pete Tolson, Principal Transport Planning Officer; Steven Shaw, Principal Transport Planning Officer; Gerard McCormack, Enforcement & Investigation Planning Manager; Liz Hobden, Local Development Team Manager; Hilary Woodward, Senior Lawyer and Ross Keatley, Democratic Services Officer.

#### PART ONE

#### 24. PROCEDURAL BUSINESS

##### 24a Declarations of substitutes

24.1 There were none.

##### 24b Declarations of interests

24.2 There were none.

##### 24c Exclusion of the press and public

24.3 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.

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

**25. MINUTES OF THE PREVIOUS MEETING**

25.1 At item 17A paragraph Councillor Summers asked that the first sentence be removed to read. 'Councillor Summer seconded the proposal put forward by Councillor Davey.'

25.2 **RESOLVED** – That, with the above changes, the Chair be authorised to sign the minutes of the meeting held on 27 June 2012 as a correct record.

**26. CHAIR'S COMMUNICATIONS**

26.1 There were none.

**27. PUBLIC INVOLVEMENT**

27.1 There were no petitions, written questions or deputations from Members of the Public.

**28. ISSUES RAISED BY COUNCILLORS**

28.1 There were no petitions, written questions, letters or notices of motion from Members.

**29. PLANNING ENFORCEMENT YEARLY REPORT APRIL 2011 - MARCH 2012**

29.1 The Committee considered a report of the Head of Planning & Public Protection in relation to the planning enforcement yearly annual report April 2011 – March 2012. The report contained information on the progress and outcomes of enforcement investigations carried out over the period.

29.2 Councillors Mac Cafferty, Carol Theobald and Jones commended the work of the team, and highlighted the important contribution their efforts made in the city. Councillor Hyde echoed these comments and noted that when she had previously been Chair of the Committee she had been involved in the setting up of a better compliance system, and was pleased to see the positive impact of this work.

29.3 Councillor Wells noted the impact of this work in his local ward, and asked how empty Council owned building were managed; in response it was explained that this work was undertaken through the Corporate Property Team.

29.4 In relation to further queries from the Committee it was explained that Officers worked closely with the Building Control and Environmental Health Teams to share information and promote faster and more efficient solutions.

29.5 **RESOLVED** – That the Committee note the contents of the report.

**30. IMPLICATIONS OF THE NATIONAL PLANNING POLICY FRAMEWORK FOR DECISION MAKING IN PLANNING**

30.1 The Committee considered a report of the Head of Planning and Public Protection in relation to the implications of the National Planning Policy Framework (NPPF) for Decision Making in Planning. The report identified the implications of the NPPF on the policies in the Brighton & Hove Local Plan, East Sussex and Brighton & Hove Waste

Local Plan and the East Sussex and Brighton & Hove Minerals Local Plan in determining planning applications.

30.2 Councillor Hyde asked queries in relation to heritage and design, and it was explained that the urban design framework would start to highlight character areas.

30.3 **RESOLVED** – That Committee notes the implications of the National Planning Policy Framework on the Brighton & Hove Local Plan, Waste Local Plan, Minerals Local Plan and for the emerging City Plan Part 1.

### 31. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

31.1 There were none.

### 32. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

#### Major Applications

#### A. BH2012/01438 - Asda 1 Crowhurst Road

(1) Application to extend time limit for implementation of previous approval BH2009/00508 for extension to existing store to provide 1,676 square metres of additional gross floorspace.

(2) The Senior Planning Officer, Aidan Thatcher, gave a presentation detailing the proposed scheme by reference to photographs, plans and elevational drawings. The application related to the existing store and car park and was seeking to extend the time limit of the previous approval. The principle of the application was deemed acceptable, but there were some new material planning considerations in relation to the publication of the National Planning Policy Framework, the publication of the 2011 Brighton & Hove Retail Study and alterations to the retail environment across the city; however, these considerations did not alter the recommendation to grant the application.

#### Question for Officers, Debate and Decision Making Process

(3) Councillor Carol Theobald asked if there would be any loss of car parking spaces on the site, and it was clarified that the car park would be reconfigured to ensure there was no loss of spaces; the reconfiguration would also allow for the provision of more disabled and parent/child spaces than were currently provided.

(4) A vote was taken and planning permission was granted on a vote of 11 in favour with 1 abstention.

32.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolved to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

**B. BH2012/01252 - GB Liners Blackman Street**

- (1) Application to extend time limit for implementation of previous approval BH2009/00087 for demolition of existing warehousing/storage and distribution (B8) building at rear of site facing Blackman Street. Redevelopment of site for offices (B1) on ground and three upper floors, together with underground car parking.
- (2) The Senior Planning Officer, Anthony Foster, introduced the item and gave a presentation by reference to photographs, plans and elevational drawings. The application site was currently a large warehouse used in connection with the business, the development proposed was for an extension to the time limit. The principle of design, use, amenity and impact were all acceptable and it was considered that the NPPF did not alter the acceptability of the scheme; therefore, the application was recommended to be minded to grant for the reasons set out in the report.

**Questions for Officer, Debate and Decision Making Process**

- (3) In response to a query from Councillor Davey it was confirmed that the Section 106 agreement would still contain funding for the highways works at the junction of Trafalgar Street and Blackman Street.
- (4) Following queries in relation to public art the Head of Development Control, Jeanette Walsh, confirmed that it would undertaken through the normal commissioning process. It was agreed that Officers could attend a future meeting of the Committee to discuss the process with the Committee.
- (5) Councillor Davey noted that there was strong resident support for the highways work included in the Section 106 agreement.
- (6) A vote was taken and planning permission was granted on a vote of 11 to 1.

32.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolved to be **MINDED TO GRANT** planning permission subject to the completion of the Section 106 agreement and the Conditions and Informatives set out in the report.

**C. BH2012/00485 - Land situated between Lewes Court and Northfield University of Sussex, Falmer**

- (1) Construction of one 4 storey and one 3 storey halls of residence blocks to provide additional 148 bedrooms of accommodation. (Revised plans and revised Environmental Statement). (Development is partly within the South Downs National Park)
- (2) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (3) The Senior Planning Officer, Anthony Foster, introduced the application and gave a presentation by reference the photographs, plans and elevational drawings. The site

was located on the north of the university campus, and was for two additional 4 storey blocks of student accommodation comprising 148 units. The scheme had been amended from the originally proposal that sought 3 blocks, and this had been achieved by reconfiguring one of the blocks with the loss of only 2 units. Officers were satisfied with highways impact due to the effective management of vehicles on site; the application also included a condition for monitoring of the provision of disabled spaces. The application was accompanied by a landscape masterplan; the development would also have cedar roofs and a series of other on-site ecological improvements. The recommendation was that the Committee be minded to grant the application for the reasons set out in the report.

### **Questions for Officers, Debate and Decision Making Process**

- (4) Councillor Hyde asked queries in relation to provision of the cycling parking on site, and it was explained that some of the facilities currently installed were considered too large and difficult to use; the condition would request a different type be installed.
- (5) Councillor Carol Theobald and Cobb asked about the provision of any outside amenity areas that students would be able to use. In response it was explained that, although there would be grass areas, the application did not include the installation of any fixed seating areas.
- (6) In response to a query from Councillor Gilbey the location of the new proposed water tank was clarified.
- (7) Councillor Hyde commented that she had been impressed with the size of the rooms, the facilities and the communal areas that the Committee had been shown on the site visit.
- (8) In response to queries from Councillors Jones and Carol Theobald it was confirmed that the reduction from 3 to 2 blocks had been achieved through the extension and reconfiguration of one of the blocks.
- (9) In response to queries in relation to sprinkler systems the Head of Development Control confirmed that this would be a matter for building control, and any informative added the application would be considered superfluous.
- (10) Councillor Carol Theobald noted that she would have preferred the application include more amenity space for students; but she welcomed the location of more good quality student housing on campus that would free up homes in other areas of the city.
- (11) Councillor Summers noted that the accommodation of students at the University of Sussex had been an ongoing issue, and she felt it was best achieved through utilising space on the campus itself. She went on to note that the application was located in one of the 5 wards in the city that had sizable student populations, and the better solution was to encourage students to live on campus where possible.
- (12) A vote was taken and the 12 Members of the Committee voted unanimously that planning permission be granted.

- 32.3 **RESOLVED** – That That the Committee has taken into consideration and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolved to be **MINDED TO GRANT** planning permission subject to the completion of a variation to the existing Section 106 agreement and the Conditions and Informatives set out in the report.

### **Minor Applications**

#### **D. BH2012/01186 - 80-82 North Street**

- (1) Change of use of ground and first floor from retail (A1) and office (B1) to bank (A2).
- (2) The Area Planning Manager (West), Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was explained that the application related to the ground and first floors of the site, and the application sought the change of use so that the first floor could be removed giving a double height ground floor with a mezzanine area. Policy EM5 sought the retention of well located office space unless it could be provided that the current use was redundant, and a robust case was expected to put forward; currently the entire first floor was occupied, and the space was not considered to be redundant. Suggestions that the first floor was difficult to use because of the ceiling height were unproven as the occupancy rate of the floor was good. The currently capacity would allow for 47 jobs to be provided in the space, and the applicant was expecting to provide 25 jobs, which would be a net loss of 22. The application was recommended for refusal for the reasons set out in the report.

### **Public Speakers and Questions**

- (3) Mr Braithwaite spoke in objection to the application and stated that his business at 80 North Street would lose the use of the basement which was currently used as a stockroom, staffroom, staff toilet and for the operation of their internet service which employed 5 staff members. Mr Braithwaite and his business partner had been unable to enter into any dialogue with the agent; and stressed that the operation of his business would be prejudice if the application were granted.
- (4) In response to questions in relation to the use of the basement or the imposition of any conditions or informatives to protect the use; the Head of Development Control and the Senior Lawyer, Hilary Woodward, explained that this was a private property matter between the two parties any conditions or informatives would be seen to be interfering with private property rights.
- (5) In response to query from Councillor Davey Mr Braithwaite confirmed that the size of the shop floor and the stockroom.
- (6) Councillor Ania Kitcat spoke in her capacity as Local Ward Councillor; she asked the Committee approve the application as the addition of the bank would be good for the local area. She also noted that the applicant would be creating 30 new jobs in the city.
- (7) Mr Collins spoke on behalf of the applicant and noted the design had been changed to retain the current use of the basement. Mr Collins went on to highlight the history and

ethos of Metrobank; and highlighted that the company would be bringing in 30 additional jobs into the city, 16 of these would be for 18-25 year olds who would be able to build a career within the company.

- (8) Councillor Mac Cafferty queried whether the application should be deferred to give full consideration to this amendment in relation to the basement, and the Head of Development Control clarified that the applicant had referenced plans the Committee did not have, and the Committee should determine the application that they had in the published agenda.
- (9) In response to a query from Councillor Jones Mr Collins was confirmed that the proposed 30 new jobs would be from within the city.

#### **Questions for Officers, Debate and Decision Making Process**

- (10) The Area Planning Manager West confirmed that the information the council had received indicated there would be 25 jobs at the bank, not 30.
- (11) In response to a query from Members it was explained that although the current occupiers of the first floor had indicated they could relocate; the application would still constitute an overall loss of employment space in the city. The Head of Development Control also clarified that the rationale for the change of use needed a redundancy test, and the applicant had not supplied this information.
- (12) Officers were not able to clarify the reason why the applicant sought to remove the first floor.
- (13) Councillor Cobb stated that the type of business which had historically operated from the first floor of the premises could operate from any office site across the city.
- (14) Councillor Davey noted that there had been many different business occupiers of the ground floor, and he understood the reasons for the Officer recommendation, but felt what the bank was proposing could be an improvement.
- (15) Councillor Carol Theobald said that a bank at this site would improve the environment of the area, and she hoped the applicant and the objector could work together. The Senior Lawyer highlighted that the Committee must not place any weight on the aspiration that the two parties would resolve their differences; but make their decisions on the merits of the planning application.
- (16) Councillor Jones highlighted his concern that no redundancy assessment had been made, and without it he would be concerned about the loss of the office space.
- (17) A vote was taken and planning permission was refused on a vote of 4 to 4 with 4 abstentions on the Chair's casting vote.

- 32.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and resolves to **REFUSE** planning permission for the reasons set out below.

1. Policy EM5 of the Brighton & Hove Local Plan states that planning permission will not be granted for the change of use of office (B1) premises to other purposes unless they are genuinely redundant and unsuitable for redevelopment, and cannot be readily converted to provide different types of office accommodation. The aim of the policy is to retain well located offices which continue to attract occupiers. Insufficient information has been provided to demonstrate that the current offices are genuinely redundant, and all evidence available points to the contrary. Statements regarding the condition of the offices and in particular relating to problematic floor to ceiling heights would appear unfounded. Further, the proposals would result in a significant reduction in employment floor space due to the introduction of double height areas and a mezzanine floor internally. This reduction in floor space would result in a notable reduction in employment provision and capacity within this well located city-centre building. For the reasons outlined the proposed development would be contrary to policy EM5 of the Brighton & Hove Local Plan.

#### **E. BH2012/01680 - 70 Dyke Road Avenue**

- (1) Loft conversion incorporating roof extension and enlargement of rear dormer.
- (2) The Area Planning Manager (West), Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and drawings. The application sought the construction of a large dormer to the rear of the property, and the main consideration was whether the proposed dormer was satisfactory; however, the proposed extension was considered contrary to Policy SPG1 by nature of the scale and design. The existing dormer should not be used as precedence, and it was considered that the proposed single storey extension was inappropriate, and detracted from the appearance of the parent building. The application was recommended for refusal for the reasons set out in the report.

#### **Public Speakers and Questions**

- (3) Councillor Norman spoke in his capacity as the local Ward Councillor, and stated his view that the application was one of a straight forward nature; it was his view that the application should be recommended for approval. He did not consider the proposal to be of poor design and felt that the addition would 'tidy up' the back of the property creating a more cohesive design. He noted the application took account of the immediate and future needs of the occupier and made provision for vulnerable residents.
- (4) Mr Lindsay-Lewis spoke in support in his capacity as the applicant; he noted that there was provision in the relevant policy to give exception where it was considered appropriate. It was very important that any extension to the property be in keeping with the design and appearance of the existing building, and there was no impact or detriment to neighbouring properties. He noted that his daughter with learning difficulties stayed with him at weekends, and the extension would allow him to continue to accommodate her, and help enable him to remain living independently.
- (5) In response to a query from Councillor Carden Mr Lindsay-Lewis explained that it was his intention to use complimentary materials to ensure the extension blended with the existing building.



**Questions for Officers, Debate and Decision Making Process**

- (6) In response to a query from Councillor Hyde it was confirmed that the proposed scheme would not have an impact on neighbouring properties, and the scheme had not been recommended for refusal for these reasons.
- (7) The Senior Lawyer, Hilary Woodward, confirmed that the personal circumstances of the applicant were capable of being material consideration; however, the Committee needed to balance these with all other relevant material considerations and decide how much weight to give them.
- (8) Councillor Hyde noted that she appreciated Officer concerns in relation to the proposed extension, but it was her view the extension would 'tidy up' the existing arrangement; have no impact on neighbours, and the personal circumstances were important. She stated that she would be voting against the Officer recommendation.
- (9) Councillor Carden stated that the extension would not impact on the surrounding buildings, and was satisfied that the applicant would use appropriate materials to ensure the extension blended with the existing building.
- (10) Councillor Wells said that the extension would 'tidy up' the existing arrangements.
- (11) Councillor Carol Theobald noted that the property was one of the smaller ones on this road; there were no objections from neighbours, and the application would affect the personal circumstances of the applicant.
- (12) A vote was taken and planning permission was granted on a vote of 10 in favour with 2 abstentions. A recorded vote was then taken and Councillors Hawtree, Summers, Hyde, Carden, Cobb, Gilbey, Jones, Mac Cafferty, Carol Theobald and Wells voted that the application be approved and Councillors Davey and Hamilton abstained from the vote.

32.5 **RESOVLED** - That the Committee has taken the Officer recommendation to refuse planning permission into consideration but resolves to **GRANT** planning permission for the reasons set out below.

1. The proposal is considered to be acceptable and in accordance with policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan. The extension would tidy up and improve the visual amenity of the existing property. Considerable weight is also given to the personal circumstances of the applicant in this case.

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

33.1 There were none.

**34. APPEAL DECISIONS**

- 34.1 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.

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

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

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

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

**37. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

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

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

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

The meeting concluded at 4.14pm

Signed

Chair

Dated this

day of

