

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 30 JANUARY 2013

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hawtree (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Bowden, Cox, Gilbey, Hamilton, Shanks, Sykes, C Theobald and Wells

Officers in attendance: Jeanette Walsh (Head of Development Control), Claire Burnett (Area Planning Manager – East), Adrian Smith (Planning Officer), Jason Hawkes (Planning Officer), Steve Shaw (Principal Transport Officer), Hilary Woodward (Senior Lawyer) and Ross Keatley (Democratic Services Officer).

PART ONE

138. PROCEDURAL BUSINESS

138a Declarations of substitutes

138.1 Councillor Cox was present in substitution for Councillor Cobb; Councillor Sykes was present in substitution for Councillor Phillips; Councillor Shanks was present in substitution for Councillor Davey and Councillor Bowden was present in substitution for Councillor Mac Cafferty.

138b Declarations of interests

138.2 There were none.

138c Exclusion of the press and public

138.3 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.

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

139. MINUTES OF PREVIOUS MEETINGS

139.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meetings held on 12 December 2012 and 9 January 2013 as a correct record.

140. CHAIR'S COMMUNICATIONS

140.1 There were none.

141. PUBLIC QUESTIONS

141.1 There were none.

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

142.1 There were none.

143. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A. BH2012/03734 - Sackville Trading Estate, Sackville Road, Hove - Application to extend time limit for implementation of previous approval BH2009/00761 for Demolition of existing buildings with construction of new comprehensive development providing a mix of uses focusing around a new public square, including: an A1 food store, A1 non-food retailing, associated A2-A5 retailing, residential apartments, offices, underground car parking, associated infrastructure works including improved access, servicing and public realm improvements.

(1) The Planning Officer, Adrian Smith, introduced the item and gave a presentation by reference to photographs, plans, concept images and referenced items on the late list. The application sought an extension to time limit for implementation; the site was located with Old Shoreham Road to the north and Goldstone Retail Park to the east. The original planning application was granted in 2010 and a summary of the application was set out in the report. It was highlighted that the current submission was identical to the 2010 approval; there would be vehicular access to basement car parks; retail units at ground floor level; office space on the second floor and residential units across the first, second, third, and part fourth floors each with their own amenity space. Addendums had been included with the application which gave consideration to national policy changes since the previous approval. The Section 106 Planning Obligation heads of terms remained the same, with no changes to the payments sought, and this would just require a deed of variation to reference the current planning application number. The conditions remained the same as the previous application, and the application was minded to grant for the reasons set out in the report.

Questions for Officers

(2) Councillor Hamilton asked a series of questions and expressed concern in relation to the access to the site – explaining that he had held similar reservations with the previous approval. In response Officers provided a layout of the traffic and pedestrian

crossing arrangements, and explained that the lights would be signalled and phased to allow access into the site.

- (3) In response to a query from Councillor Sykes it was explained that a Code Level 4 for sustainability was considered acceptable at this site.
- (4) Councillor Carol Theobald asked for more information in relation to the contribution towards public art, and if this could be from a local artist. In response it was explained that the Ward Councillors would be involved as part of the commissioning panel in the decision making on expenditure and selection of the artist. .
- (5) Councillor Sykes asked a further query in relation to air quality monitoring, and in response Officers explained that the £30k figure in the report was not specific to the site, but rather a flat rate; furthermore monitoring would be secured through the highways plan.

Debate and Decision Making Process

- (6) Councillor Hyde explained that she had supported the application at the previous approval; she felt it was a good scheme and would like to see it completed.
- (7) Councillor Carol Theobald echoed these comments and added that it would be an improvement to the area, and she welcomed the underground car parking.
- (8) A vote was taken a planning permission was unanimously granted.

143.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations, and the policies and guidance set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to the Conditions and Informatives in the report.

B. BH2012/02631 - 26A St Martins Place, Brighton - Erection of four storey building to replace existing garage comprising of office accommodation on ground floor, 2no one bedroom flats and 3no two bedroom flats on upper floors, incorporating terraces, bicycle parking and associated works.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (East), Claire Burnett, introduced the application and gave a presentation by reference to plans, photographs, elevational drawings, and made reference to a letter received from Caroline Lucas MP on behalf of the residents. Further details had also been requested on the third floor screening to better protect the amenity of residents in St Martins Place. The application site currently comprised of a single storey building used as a car repair business; the building was located adjacent to a row of three storey terraces properties, and the street was narrow with a one-way system in place. The application sought permission for a four storey building with office accommodation on the ground floor, and five flats configured across the other floors. An application had been refused in 2011 for a similar scheme with denser site coverage. It was explained that 53 letters of objection had been received; as well

as letters from 2 of the local Ward Councillors, and a letter of support had been received from a local residents association. There was an existing B2 use on the site, and the application would provide a reduced amount of B1 office space; however, this was considered acceptable as the current use was not deemed compatible with the surrounding area.

- (3) The residential accommodation was also considered acceptable given the retention of commercial space on the site. The existing building was of no design merit, and the development proposed a modern brick build with aluminium windows and photovoltaic panels on the roof. The scheme sought to address the previous reasons for refusal with setbacks on the first, second and top floors of the building. The scheme also proposed a green wall in place of the blank wall; windows had also been removed on the south elevations to address amenity concerns. The accommodation was considered satisfactory with private amenity space. The previous application had also been refused on traffic grounds and the applicant had forecast that the overspill would be four vehicles and this had been accepted and was considered satisfactory. The application was recommended to be minded to grant for the reasons set out in the report.

Public Speakers and Questions

- (4) Ms Shearer spoke on behalf of local residents in objection to the scheme and stated that there was little noticeable change between this application and the previously refused one. The application was seeking the same number of units; was of the same height; had largely similar proportions and did not compliment the local characteristics of the area. Ms Shearer stated her view that the report ignored issues in relation to overdevelopment of the site, and highlighted that there were already a large number of HMOs in the area. Concern was also raised in relation to the parking arrangements for the office space, and the cycle parking provision on the site. Ms Shearer asked the Committee to consider if the application addressed the previous reasons for refusal.
- (5) Councillor Randall addressed the Committee in his capacity as the local Ward Councillor and stated his view that a residential only scheme would be more appropriate. The car repair garage had been the subject of complaint, and he could see little change from the previously refused application. The scheme was overdevelopment of the site, and there would be a loss of visual amenity and light for neighbouring rear gardens; there was also concern about the loss of trees on the site. Councillor Randall concluded by highlighting the existing parking problems in the area, and suggesting that a better scheme could be brought forward.
- (6) Following a query from Councillor Bowden it was explained by Councillor Randall that there were 42 houses in the street, and 36 were currently HMOs.
- (7) Mr Lomax spoke on behalf of the applicant as the architect for the scheme, and explained he had been involved in a number of schemes across the city. The current car repair workshop was no longer fit for purpose and had been marketed for a year without any interest; the use was not compatible with the surrounding area, and had generated noise and complaints. The application was in part restricted by the requirement to retain employment space, and it was felt this could only be achieved through a modern design. Mr Lomax stated that the application would be a small scale

piece of regeneration, and issues in relation to air quality and traffic had been resolved to the satisfaction of the Planning Authority.

- (8) In response to query from Councillor Carol Theobald it was explained by Mr Lomax that parking could not be incorporated onto the site due the close proximity of the substation and the limitations of the size.
- (9) Councillor Jones said that in his experience green walls often took a long time to establish, and often failed; he asked what assurance Mr Lomax could give that this would be successful and how this be enforced. In response it was agreed that green walls were not always successful but the developer was keen to use this feature on the site.
- (10) In response to queries from Councillor Bowden it was explained by Mr Lomax that there were no elevators in the scheme; and the applicant had expressed a preference for a car free scheme, but this was not possible as the site was not in a controlled parking zone.

Questions for Officers

- (11) Councillor Shanks asked if the site had to include the provision of employment space as this seemed to be causing problems. It was explained that the applicant had not raised any concerns in relation to the viability of the scheme, and policy sought to retain the commercial space where it already existed; this scheme offered a more flexible approach with a mixed residential/commercial development.
- (12) Following queries in relation to trees at the site it was explained that there were two mature sycamore trees which were already causing damage, and the report recommended they were removed regardless of the planning application.
- (13) The Committee discussed the provision of cycle and car parking in and around the site and Officers explained that the current application suggested an 'odd' arrangement for cycle parking on the site; however, conditions would allow Officers to get more detail on these proposals, and they could suggest it be moved to a more suitable location. Officers explained the methodology used to calculate the parking demand in the area, and it was noted that residential and commercial parking demands would be at different times in the day, and the assessment would have taken account of other local stresses on parking. It was also confirmed that as the development did not sit within a controlled parking area it would not be possible to make it a car free development, nor could this be done retrospectively.
- (14) Following queries Officers noted that the parking arrangements with a private landlord were not material planning considerations and Officers were unable to confirm whether the parking spaces to the rear of the property outside of the site were public or privately owned; however, this would also not be material to the determination of the planning application.

Debate and Decision Making Process

- (15) Councillor Hyde noted there had been some improvements to the previously refused scheme, and those in relation to amenity were welcomed; however, she did not feel the design was appropriate and expressed concerns in relation to the proposed green wall. Councillor Hyde referenced policy and said that the proposal was too big and bulky for the site, and would have a detrimental impact on neighbours.
- (16) Councillor Carol Theobald stated that the application had done little to address the previous reasons for refusal – other than neighbour amenity. She suggested that four storeys was too high in this location, and the development would further add to the parking stress in the area.
- (17) Councillor Bowden expressed concern in relation: to overdevelopment at the site; the lack of elevators and problems with the design.
- (18) Councillor Hamilton noted that the road looked primarily residential, and he stated his view that policy was restricting use of the site which he felt would be better served for residential development only.
- (19) Councillor Cox stated his view that the proposed development would have a lower car usage than the current repair garage, and went on to highlight modal shift on the Lewes Road, and that the commercial space should be considered in terms of the wider Lewes Road area of the city.
- (20) Councillor Gilbey stated that the building protruded at the rear; this blocked out sunlight, and in her view was overdevelopment of the site.
- (21) Councillor Shanks stated that she did not think parking was the biggest problem at the site; however, she felt the site was overdevelopment and would not support the application.
- (22) The Head of Development Control, Jeanette Walsh, highlighted that the green wall maintenance could be secured through condition, and there was no legal requirement for a lift in a scheme of this height. Employment space vacancy rates in the city were low, and the policy sought to protect the provision of such smaller employment sites or to secure a re-provision.
- (23) A vote was taken and planning permission was refused on a vote of 8 to 2 with 2 abstentions. Councillor Hyde proposed reasons for refusal and these were seconded by Councillor Bowden; a short adjournment was then held to allow Councillor Hawtree, Councillor Hyde, Councillor Bowden, the Senior Lawyer, the Head of Development Control and the Area Planning Manager (East) to draft the reasons for refusal in full. A recorded vote was then taken with the proposed reasons for refusal and Councillors Jones, Hyde, Carden, Bowden, Gilbey, Shanks, Sykes and Carol Theobald voted that the application be refused; Councillors Cox and Wells voted that it be granted and Councillors Hawtree and Hamilton abstained from the vote.

143.2 **RESOLVED** – That the Committee has taken the Officer recommendation to approve into consideration but resolves to **REFUSE** planning permission for the reason set out below.

- i. The proposed development by reason of its bulk, mass, scale and the expanse of the wall on the north-west elevation would result in a scheme which does not positively contribute to the visual quality of the locality of the area. The proposed development does not emphasise or enhance the positive qualities of the local neighbourhood by taking into account the local characteristics. The proposed development is therefore contrary to policies QD1 and QD2 of the Brighton and Hove Local Plan 2005.

C. BH2012/02341 - 232-234 Eastern Road, Brighton - Change of use from retail (A1) to mixed use retail (A1) and hot food take away (A5).

- (1) The Area Planning Manager (East) introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The site comprised of a ground floor and basement unit on the southside of Eastern Road, and was located in the East Cliff Conservation Area. The application sought to change to use from retail to mixed use retail and hot food takeaway, and the proposal was acceptable in principle. The only physical alterations to the exterior would be the addition of an extraction unit to the rear which would rise to the second floor level. Issues in relation to noise and impact on the highway had been considered, and the application was recommended for approval for the reasons set out in the report.

Questions for Officers and Decision Making Process

- (2) In response to a query the distance of the extractor unit to the rear window on the second floor was confirmed as 6 metres.
- (3) In response to a query from Councillor Carol Theobald it was explained that the application did not make mention of takeaway deliveries; however, permitted loading and unloading could take place at the front of the premises.
- (4) Councillor Bowden asked about odours from the extraction unit, and it was explained that if such problems arise they could be dealt by Environmental Protection through the appropriate processes.
- (5) A vote was taken and planning permission was unanimously granted.

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

D. BH2012/03147 - Hove Rugby Football Club, Hove Recreation Ground, Old Shoreham Road, Hove - Change of use of public toilets to offices and store room for Hove Rugby Club and external alterations to layout of doors and windows.

- (1) The Planning Officer, Jason Hawkes, introduced the application and gave a presentation by reference to plans, photographs, elevational drawings and a late email

objection. The application related to the public toilets that formed part of the buildings used by the Rugby Club; the toilets were in separate parts of the building with their own external access. The scheme was for the conservation of these into the rest of the building for use as additional office space and storage, and some other external alterations; the toilets had been closed by the Council in early 2012. The Rugby Club had agreed to join the citywide 'Use Our Loo' scheme where local businesses allowed the public to use their toilet facilities on site without making purchases or being customers. The Club had separate female and male toilets on site to do this, and the membership of the scheme and the proposed opening hours would be secured through conditions; there were also nearby toilets at Hove Park. The application was recommended for approval for the reasons set out in the report.

Questions for Officers

- (2) Following a query from Councillor Bowden it was explained that the Rugby Club already had a disabled toilet, and had a ramp for access.
- (3) In response to Councillor Hyde it was explained that the Rugby Club would have to offer the toilet facilities as it would be secured through formal condition.
- (4) It was confirmed for Councillor Shanks that the Club owned the rest of the building, and the toilets were under ownership of the Council.
- (5) Following a query from Councillor Carol Theobald the Head of Development Control explained that there was an informative suggesting signage be displayed with the opening hours; however, if the Committee were minded they could strengthen this as a formal condition.
- (6) Councillor Bowden asked about the lease arrangements for the Council owned building; in response the Senior Lawyer, Hilary Woodward, explained that she did not have details to hand on the legal arrangements, but would expect the Rugby Club to have entered into a lease with the Council.
- (7) In response to Councillor Gilbey it was explained that the nearest public toilets were approximately five minutes walk away at Hove Park.
- (8) It was conformed for Councillor Jones that the opening hours would be fixed.

Debate and Decision Making Process

- (9) Councillor Carden stated his view that elderly people were disadvantaged though the closure of public toilets.
- (10) Councillor Hyde stated that she had reservations at first, but was pleased to see the condition in relation to the 'Use Our Loo' scheme which would actually increase the provision of facilities at the site.
- (11) A vote was taken and planning permission was unanimously granted.

144.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations, and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report, and the additional Condition set out below:

- i. No development shall take place until a scheme for the display of public access times (signage) for the use of the toilets by the public (including those requiring disabled access) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained thereafter.

Reason: To secure accessible public toilets in Hove Recreation Park and in accordance with policy HO20 of the Brighton & Hove Local Plan.

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

144.1 There were none.

145. APPEAL DECISIONS

145.1 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.

146. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

147. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

148. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

149.1 That the Committee notes the details of applications determined by the Strategic Director of Place 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 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 15.56

Signed

Chair

Dated this

day of