

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 8 FEBRUARY 2017

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Morris, Moonan and Russell-Moyle

Co-opted Members: Jim Gowans (Conservation Advisory Group)

Officers in attendance: Paul Vidler (Planning Manager), Steven Shaw (Development and Transport Assessment Manager), Tim Jefferies (Principal Planning Officer), Kate Brocklebank (Principal Planning Officer), Jonathan Puplett (Principal Planning Officer), Hilary Woodward (Solicitor), and Cliona May (Democratic Services Officer).

PART ONE

103 PROCEDURAL BUSINESS

a Declarations of substitutes

103.1 There were none.

b Declarations of interests

103.2 There were none.

c Exclusion of the press and public

103.3 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.

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

d Use of mobile phones and tablets

105.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'airplane mode'.

104 MINUTES OF MEETING: 14 DECEMBER 2016

104.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 14 December 2016 as a correct record.

105 MINUTES OF THE PREVIOUS MEETING

105.1 The Committee noted that the minutes from the previous meeting were not ready due to unforeseen circumstances.

106 CHAIR'S COMMUNICATIONS

106.1 There were none.

107 PUBLIC QUESTIONS

107.1 Ms Sophia Passmore asked the following question:

“What safeguards are in place, when a mixed-use development has been granted, to ensure that that employment floorspace is viable and socially responsible to the community in which it is built?”

107.2 The Chair gave the following response:

“When determining planning applications for mixed-use development, the council as local planning authority will take into account the appropriate planning policies set out in the National Planning Policy Framework and the Development Plan, which includes the Brighton & Hove City Plan Part One and the saved policies in the Brighton & Hove Local Plan.

These policies encourage mixed-use development and the retention of employment uses on existing sites. Planning policies also require new development to be acceptable or to mitigate its impact on its surroundings including design, amenity of neighbours, transport implications and sustainability.

In addition, the views of the council's economic development team on the viability of employment floorspace in mixed-use development proposals are taken into consideration when determining planning applications.

If the developer considers that the employment use is not viable after permission has been granted and intends to change the use, a planning permission would normally be required, depending on the proposed use, and the Planning Authority would need to consider viability again at that stage. Any amenity considerations would be taken into account on any change of use.”

107.3 Ms Sophia Passmore asked the following supplementary question:

“What safeguards are in place in the Shoreham Harbour Joint Area Action Plan (JAAP) area to ensure that once a development has been completed and employment spaces remain empty, in some cases for over a year, the community could use?”

107.4 The Chair agreed to provide a written response after the meeting, which would be circulated in the minutes, as set out below:

“A community use of vacant office space would require planning permission. A planning application for such a change of use would be assessed against planning policy.

There is no specific policy in the JAAP that addresses this. Policy CP5 Culture and Tourism of the Brighton & Hove City Plan Part One would however apply to the part of the JAAP area that lies within Brighton & Hove. CP5 criterion 6 states “The Council will support the temporary use of vacant commercial buildings for creative industries, arts and cultural sector”. The granting of temporary permission would allow the use to be used for its authorised employment use in the future. It should be noted that whilst such proposals may be supported it falls outside the planning system to ‘require’ owners of vacant commercial space to facilitate such use.”

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

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

109 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2016/05810 - Genome Centre & Land Adjoining To East Within The Science Car Park, Science Park Rd, University Of Sussex, Brighton - Full Planning
Refurbishment of the existing Genome Centre building and erection of a new Life Sciences building (D1) (14,910 sqm) over four floors plus basement with associated access, servicing and landscaping.

1) It was noted that the application had been the subject of a site visit prior to the meeting.

Officer Introduction

2) The Principle Planning Officer, Kate Brocklebank, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. The proposal was on the current science car park, on the south side of the campus, and was in close proximity to nine Grade II listed buildings and one Grade I listed building.

3) The Officer explained that the materials were subject to condition; however, the proposal showed red brick columns and an aluminium roof in a bronze colour. The existing Genome building was to be refurbished as part of the application.

- 4) The Officer noted that there was an agreement that the scheme was to be funded directly from Central Government.
- 5) The proposal would not have an effect on traffic or a harmful impact on the environment.
- 6) There were two amendments to the conditions that were recommended by the Officers. These were:

“Amend Condition 11 to allow a period of up to 6 months following occupation for the submission of the completion certificate, to read:

Unless otherwise agreed in writing by the Local Planning Authority, within 6 months of the occupation of the new build non-residential development hereby approved a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the new build non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.

***Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.*

***Amend Conditions 22 and 23:** reference to ‘phase 2’ to be removed from each condition.”*

Questions for Officers

- 7) In response to Councillor Miller the officer noted that they had received limited detail regarding the plant on the roof; however, this would be agreed by condition. The predominant view from the Library Steps would be the side of the existing Genome building.
- 8) In response to Councillor Morris it was explained that the screen on the roof would be visible in the winter from longer views; however would not be visible from other buildings on the campus.
- 9) Councillor C. Theobald raised concerns regarding the loss of the car park and when the proposed car park was due to be built. The Officer explained that the university was hopeful that it would be able to provide additional car parking prior to the building being commenced and the Planning Department had recommended an updated travel plan and a parking management plan. It was noted that there were 88 cycle racks proposed on the site.
- 10) In response to Councillor Mac Cafferty it was noted that applicant had submitted a brick sample and the Planning Department’s Heritage Team suggested amendments to have a brighter red brick to match the neighbouring buildings.

Debate and Decision Making Programme

- 11) Councillor Littman noted that the building would provide good facilities and the building was a good design because it reflected the neighbouring buildings. He explained he had concerns for the loss of the trees as the area was becoming more urban; however, he would be supporting the Officer's recommendation.
- 12) Councillor Miller noted concern for the roof plant and requested that the materials be approved by Officers in consultation with the Chair, Deputy Chair and Opposition Spokespersons. He added that he would support the Officer's recommendation.
- 13) Councillor Russell-Moyle explained that the design was positive; however, it could be improved by the brick pillars being extended to the top level of the building. He agreed with Councillor Miller that the roof plant should be approved by Officers in consultation with the Chair, Deputy Chair and Opposition Spokespersons to ensure that the plant did not protrude too much. He noted that he would be supporting the Officer's recommendation.
- 14) Councillor Morris noted concern for the roof plant and the design of the screening; however, explained that he welcomed the scheme.
- 15) Councillor Inkpin-Leissner explained that he was pleased with the design and liked the contrast between the red brick and grey. He thanked the Officers for the consultation with the architects regarding the colour of the red brick and noted that he would be supporting the Officer's recommendation.
- 16) The Chair thanked the Officers and applicants for the positive work and working collaboratively.
- 17) A vote was taken by the 12 Members present and the Officer recommendation that the Committee be minded to grant planning permission was carried unanimously.
- 109.1 **RESOLVED** – That the Committee resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and expiry of the consultation period raising no new material considerations and the conditions and informative set out in section 1.

B BH2016/05563 - Tyson Place & St John's Mount, Brighton - Full Planning

Installation of insulated render cladding to all elevations and replacement of existing windows and doors with UPVC windows and doors and associated alterations.

- 1) It was noted that the application had been the subject of a site visit prior to the meeting.

Officer Introduction

- 2) The Principle Planning Officer, Jonathan Puplett, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. It was explained that the application had been deferred from the previous Planning Committee to have the opportunity to ask the applicant further questions regarding the materials. The Conservation Action Group (CAG) had discussed the application and

was recommending that the Committee refused the application. It was explained that CAG had recommended brick to the applicant rather than render cladding as similar buildings in the area were render clad and were deteriorating.

- 3) The application was not located in the conservation area but was located near three conservation areas, these were: Queens Park Conservation Area, East Cliff Conservation Area, and Carlton Hill Conservation Area.
- 4) The Officers recommendation was to grant the application as the appearance was suitable for the area and there were no objections from the Heritage Officers.

Questions for Officers

- 5) In response to Councillor Morris the Officer explained that there had been previous problems with cladding staining; however, it was a newer type of cladding and it would not stain.
- 6) In response to Jim Gowans, CAG representative, the Officer noted that there were proposed repairs to the ground floor and the balconies. It was added that the balconies would have a brick finish.
- 7) In response to Councillor Hyde it was explained that there was a general assumption that the applicant would maintain the buildings.
- 8) The Solicitor clarified to Councillor Mac Cafferty that the Planning Authority could not condition the maintenance of the buildings.
- 9) Councillor Russell-Moyle questioned whether Members could consider that the applicant had similar properties and these were not maintained. In response the Solicitor noted that if he was considering refusing the application, he must decide this on the facts of the application before him.
- 10) In response to Councillor Russell-Moyle the Officer noted that the impact on the views from the conservation areas had been considered and the appearance would be acceptable. It was added that there were render finished properties in the area.

Questions for the Applicant

- 11) In response to Councillor Miller the applicant, Ms Youngman, explained that the external cladding was significantly more cost effective. It was added that the applicant could use brick detailing on the cladding panels.
- 12) In response to Councillor Russell-Moyle the applicant confirmed that the new cladding system had a 25 year guarantee and using abseiling cleaners would be the most cost effective way to maintain the cladding. The system was breathable and new windows and mechanical ventilation was to be installed.
- 13) In response to Councillor Hyde it was confirmed that the 25 year warranty was backed by the insurance. It was also explained that there was more than one local abseiling company that could be used.

- 14) In response to Councillor Morris the applicant explained that the drainpipes would be boxed; however, there would be access points in the boxing for maintenance.
- 15) It was clarified to Councillor C. Theobald that it was the same system as Essex Place; however, a newer version of render. It was also clarified that the windows were 25 years old and therefore needed replacing.
- 16) In response to Councillor Moonan that applicant explained that they had explored all options: internal cladding: previous internal cladding had reduced the room size significantly and was very costly; cavity claddings: it was disruptive and costly; and external insulation.

Debate and Decision Making

- 17) Councillor Miller stated that he agreed with CAG that the new render would harm the views from the three local conservation areas. He noted that brick cladding would be more appropriate and encouraged the applicant to submit a new application. He added that he would not be supporting the application.
- 18) Councillor Hyde noted that the buildings in the near vicinity were red brick and agreed with CAG that the cladding would be detrimental to the views from the conservation areas. She also noted concern for the maintenance of the cladding and would therefore not be supporting the Officer's recommendation.
- 19) Councillor C. Theobald stated that she would prefer red brick rather than the cladding; therefore, would not be supporting the Officer's recommendation.
- 20) Councillor Inkpin-Leissner stated that brick would be more suitable for the area and the cladding would be detrimental to the symmetry amongst the buildings; therefore, he would not be supporting the Officer's recommendation.
- 21) Councillor Morris explained to the Committee that he was satisfied with the use of abseiling companies maintaining the building and residents were in favour of the application; therefore, he would be supporting the Officer's recommendation.
- 22) The CAG representative noted that the red brick buildings were dominant in the surrounding areas of the proposal. He explained that although the site was not in a conservation area it would be visible from the three neighbouring conservation areas.
- 23) Councillor Russell-Moyle noted that red brick would have been more suitable; however, the cladding would be beneficial for tenants. He explained that he was undecided and would be abstaining.
- 24) Councillor Moonan explained that there were similar tower blocks that were rendered in the area and that maintenance was needed that would benefit the residents.
- 25) Councillor Gilbey noted concern for the durability of the cladding; therefore, was undecided on her decision.

- 26) The Chair explained that she would welcome a more suitable cladding for the area; however, a solution was needed for fuel poverty. She added that she would be voting against the Officer's recommendation.
- 27) Councillor Hyde proposed an alternative to the Officer recommendation to refuse the application on the grounds that the materials would not fit in with the brickwork in the immediate area, the adjacent properties and the streetscene, concerns regarding durability and the impact of the proposed development as an important backdrop from within the three conservation areas. Councillor Hyde agreed that the final form of the wording of the reason for refusal could be agreed by the Planning Manager in consultation with herself and the Seconder. Councillor Hyde's alternative recommendation was seconded by Councillor Inkipin-Leissner.
- 28) A recorded vote was taken on the proposed alternative recommendation by the 12 Members present. This was **carried** with Councillors Gilbey, C. Theobald, Bennett, Hyde, Inkipin-Leissner, Miller and Cattell in support, Councillors Mac Cafferty, Littman, Moonan and Morris against and Councillor Russell-Moyle abstaining.
- 109.1 **RESOLVED** – That the Committee had taken into consideration the recommendation set out in section 1 of the report but resolves to **REFUSE** planning permission for the reasons outlined by Councillor Hyde set out in paragraph 27 above.

C BH2016/05687 - 23A Third Avenue, Hove - Full Planning

Conversion of existing garage into (B1) office space with erection of a single storey rear extension, front extension and associated alterations.

Officer Introduction

- 1) The Principle Planning Officer, Jonathan Puplett, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. The site was within a conservation area and there had been three previous applications to change the use of the garage and these had been refused.
- 2) The application was for a small extension at the front of the garage with glazed windows and a larger extension at the rear.
- 3) The Officer's recommendation was to grant the application as there had been no objections raised to the external alterations in the previous refused applications. The Officer added that the proposal would not negatively impact on the residents.
- 4) There were two proposed conditions, these were: to ensure the premises would only be used as an office space; and to ensure the details of secure cycle parking facilities for the occupants and visitors were submitted for approval before any development.

Public Speaker(s) and Questions

- 5) Mr Huber addressed the Committee in his capacity as an objector and explained that the application was in a quiet, residential neighbourhood and three similar applications had been refused due to the impact on residents. He encouraged the Committee Members to have a site visit to his property, which neighboured the proposed

application. He explained that his kitchen would lose natural light from the extension and the windows would be overlooked by employees and clientele entering and leaving the property. The kitchen window was clear glass and he stated that he did not want to have obscure glazing. Mr Huber also expressed concern for the traffic that would be caused by employees and clientele.

- 6) Councillor Wealls addressed the Committee in his capacity as a Ward Councillor and explained that the previous application had been refused due to the proximity of the extension and the impact it would have on the amenity of the neighbouring property. The proposed office space would overlook the neighbouring property's kitchen and lounge window impacting on Mr Huber's privacy which would be affected by potential noise disturbance. It was added that the extension on the front of the building would obscure the light into the neighbour's kitchen. Councillor Wealls explained that there were not any restrictions in place to limit the amount of people who could use the office space or what time the office could be used.
- 7) Mr Stern addressed the Committee in his capacity as the applicant and explained that he and his wife had been running their business consultancy for five years and wished to work with local businesses. He noted that he would be employing one person to work alongside himself, and therefore; would have a maximum of two people in the office at one time. They would not be having meetings on site and would be working normal working hours on Monday – Friday and limited hours over the weekend. He noted that there would not be an environmental impact and the office would not be using the residential communal bins. He added that the application would not restrict the light into Mr Huber's kitchen.
- 8) In response to Councillor C. Theobald Mr Stern explained that the clients would not be visiting the office and the additional space was to ensure there was enough wall space to prepare presentations. He added that he would accept a condition limiting the office space to this.
- 9) Mr Stern explained to Councillor Morris that currently his business was located in London. He had previously applied for the garage to be converted into a studio flat for his daughter to move in to and have the office based in the house.
- 10) In response to Councillor Moonan Mr Stern explained that he had no intention to sell the office space but understood the concerns if it was to be sold; therefore, offered a condition restricting the working hours and number of employees.
- 11) Councillor Hyde proposed having a site visit to the property.

109.3 **RESOLVED** – That the Committee agreed to defer the item and attend a site visit to the property.

D BH2016/06433 - 16 Clifton Terrace, Brighton - Householder Planning Consent
Demolition of existing rear conservatory and erection of two storey rear extension, insertion of windows to front elevation, landscaping and other associated works.

Officer Introduction

- 1) The Principle Planning Officer, Jonathan Puplett, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. The premises formed part of Clifton Terrace, which was Grade II listed, and was within the Montpelier and Clifton Hill Conservation Area. The applicant had successfully addressed the concerns raised by the Heritage Team and there had not been any representations received during either of the consultation periods.
- 2) The Officer explained that the recommendation had changed from minded to grant to grant because the re-consultation period on the amended proposals had expired before Committee.
- 3) The neighbouring property had an existing larger extension at the rear of the property. The Officer explained that he was satisfied that the proposed extension was set back from the neighbouring property enough to not affect their amenity.
- 4) The conservatory in the rear garden of the property would be demolished and the extension built onto the existing two storey outrigger with a mono-pitched roof.
- 5) The Officer explained that bay windows at basement level at the front of the building, new windows on the rear of the proposed extension, two side windows and an access on the side of the proposed extension, which would lead to the raised garden, had been proposed.

Questions for Officers

- 6) In response to Councillor C. Theobald it was noted that there were existing windows on the outrigger where the two windows were proposed; therefore, there was already overlooking into the neighbouring garden from the property.
- 7) In response to Councillor Mac Cafferty it was explained that due to the existing property being listed the Officers had consulted with the Heritage Team and it had been raised that the two storey extension on the back of the outrigger had been substantially revised to alter the form to be keeping with the existing outrigger.

Decision Making Process

- 8) A vote was taken by the 12 Members present and the Officer recommendation that the Committee grant planning permission was carried unanimously.
- 109.4 **RESOLVED** – That the Committee resolves to **GRANT** planning permission subject to the conditions and informative set out in section 1 of the report.

E BH2016/06434 - 16 Clifton Terrace, Brighton - Listed Building Consent

Demolition of existing rear conservatory and erection of two storey rear extension, insertion of windows to front elevation, internal alterations to layout, landscaping and other associated works.

- 1) The presentation and consideration of this application is listed under minute 109D.

2) A vote was taken by the 12 Members present and the Officer recommendation that listed building consent be granted was carried unanimously.

109.4 **RESOLVED** – That the Committee resolves to **GRANT** listed building consent subject to the conditions and informative set out in section 1 of the report.

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

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

Application:	Requested by:
23A Third Avenue, Hove	Councillor Hyde

111 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

112.1 This information was not included in the agenda.

113 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

114 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

115 APPEAL DECISIONS

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

The meeting concluded at 4.47pm

Signed

Chair

Dated this

day of