

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 21 SEPTEMBER 2011**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors MacCafferty (Chair), Carden (Opposition Spokesperson), Cobb, Davey, Farrow, Hamilton, Hawtree, Kennedy, A Norman, Summers, C Theobald and Wells

**Officers in attendance:** Paul Vidler (Deputy Development Control Manager), Hilary Woodward (Senior Lawyer), Annie Sparks (Environmental Health Manager), Nicola Hurley (Area Planning Manager (West)), Claire Burnett (Area Planning Manager (East)), Pete Tolson (Principal Transport Planner), Kate Brocklebank (Senior Planning Officer), Kathryn Boggiano (Senior Planning Officer) and Jane Clarke (Senior Democratic Services Officer)

**PART ONE**

**58. PROCEDURAL BUSINESS**

**58a Declarations of substitutes**

58.1 Councillor A Norman declared she was substituting for Councillor Hyde.

**58b Declarations of interests**

58.2 Councillor Davey declared a personal interest in applications BH2010/03759, The Astoria, 10-14 Gloucester Place, Brighton and BH2010/03760, The Astoria, 10-14 Gloucester Place, Brighton as he had met with representatives from Synergy and the local community as Ward Councillor to hear their ideas for the site. He had not expressed a view on the applications however, and remained of a neutral mind. As such he took part in the discussion and voting thereon.

58.3 Councillor Kennedy declared a personal interest in applications BH2010/03759, The Astoria, 10-14 Gloucester Place, Brighton and BH2010/03760, The Astoria, 10-14 Gloucester Place, Brighton as she was a Trustee of the Phoenix Arts Association. She had not expressed a view on the applications however, and remained of a neutral mind. As such she took part in the discussion and voting thereon.

**58c Exclusion of the press and public**

58.4 In accordance with Section 100A of the Local Government Act 1972 (“the Act”), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in 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.

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

**59. MINUTES OF THE PREVIOUS MEETING**

59.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 31 August 2011 as a correct record.

**60. CHAIR'S COMMUNICATIONS**

60.1 The Chairman noted that Jane Clarke, Senior Democratic Services Officer, would be leaving the Council to work for Tunbridge Wells Borough Council. He thanked her for her work on the Committee, and took the opportunity to thank all of the Officers who worked with the Planning Committee for their professionalism and hard work.

**61. APPEAL DECISIONS**

61.1 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.

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

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

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

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

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

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

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

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

<b>Application</b>	<b>Requested</b>
BH2011/02181, Rosaz House, 2-4 Bristol Gate, Brighton	Development Control Manager
BH2010/03999, Block J, New England Quarter, Brighton	Development Control Manager
BH2010/03128, 19-27 Carlton Terrace, Portslade	Development Control Manager

**66. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST**

**(i) MAJOR APPLICATIONS**

**A. Application BH2010/03759, The Astoria, 10-14 Gloucester Place, Brighton –** Demolition of existing Grade II listed building and construction of new office block consisting of 2no storeys at rear and 6no storeys at front incorporating café and community rooms on ground floor at front of development.

(1) The Senior Planning Officer, Ms Brocklebank, introduced the application and presented plans, photos and elevational drawings. She noted that this would be a joint presentation for planning permission application BH2010/03759, The Astoria, 10-14 Gloucester Place, Brighton and listed building application BH2010/03760, The Astoria, 10-14 Gloucester Place, Brighton. There were updates on the late list regarding conditions 18 and 20 and a verbal update to condition 27, which should include reference to solar screens on the eastern elevation. The applicant had submitted a letter of support after the late list closed. An additional copy of a letter of objection had been received from The Theatres Trust to English Heritage advising that the community group Synergy should be allowed a longer period to be able to put forward a case for alternative use.

The Astoria was Grade II Listed in 2000, largely due to the quality of the interior elements. The footprint of the new building was similar to the existing building. A café was proposed on the ground floor, and an office block and exhibition space to be used for community use. There was a 2 storey element to the rear containing smaller starter office units. A landscaped courtyard was proposed between the two blocks, with a roof terrace above the 2 storey element. Forty-eight cycle parking spaces were proposed. It was also proposed to extend the lay-by in front of the building, and this would involve removal of 2 existing Elm trees and replanting of 6 new Elms. Public realm improvements would be made to Blenheim Place with additional lighting.

Ms Brocklebank referred to Planning Policy Statement 5, which recommended a presumption in favour of retaining listed buildings. Demolition should only occur in exceptional cases. The case for this scheme had been tested against this policy, and the relevant policies of the Council, and the considerations were fully set out in the report.

Synergy was offered the opportunity in February 2011 to bring forward alternative proposals that would emphasise a community use on site, but which still retained the listed building. Consultation had taken place with Synergy, the Council's Licensing Team and English Heritage between April and July this year. English Heritage had advised that any alterations to the building should be costed as soon as possible; however the information received from Synergy was not sufficient to show it was a viable proposal in the medium term, and English Heritage had expressed doubts about the overall viability of the project.

Turning to the planning application, Ms Brocklebank confirmed that the development would be a partial exception to policy HE2 of the Brighton & Hove Local Plan, as there was not enough significant community use proposed as part of the scheme. Planning Policy Statement 5 had a separate policy test, and was a material planning consideration to be taken together with the Local Plan. It was considered that this scheme was acceptable. The scheme was a partial exception against some policies including SR7, but this was acceptable given the time the unit had been vacant and the proximity of other shopping sites in the area. The proposed design had been a part of pre-application discussions and was considered of an acceptable standard. The impact on the Grade I Listed Church and the Valley Gardens Conservation Area was also considered acceptable. There would be no harm to neighbouring amenity, and the development would in fact be an improvement for those neighbours to the north of the site. The scheme would achieve a rating of BREEAM 'Excellent' and there were no transport issues that would impact on the determination of the application. The planning permission application was recommended for grant subject to conditions and a Section 106 Agreement, in relation to application BH2010/03759, being completed. The listed building consent application was recommended for grant subject to conditions.

### **Public Speakers**

- (2) Mr Peake, Director of the Synergy Centre, addressed the Committee and stated that Synergy was a charity with a strong record of running sites such as the Astoria for community use. He introduced Mr Dibley, an expert in the heritage of the Astoria. Mr Peake said that the charity had an issue with the timing of the project. As a charity they had limited resources and capacity to work on projects such as this, and it took time to build the necessary expertise to bring the project to fruition. This expertise was now in place however and was widely recognised as a very strong team. The charity felt it needed more time to build the case, and had never been consulted on the timings that had been imposed. Experts in the field agreed with this opinion and felt that 12 months was a more realistic timescale. He noted that the charity had only been given 5 months to prepare proposals. He also noted that the charity's ability to move the proposals forward was limited by other organisations that they were dealing with including the Council, which at times had been slow to respond. He noted that the policy test in Planning Policy Statement 5 said that demolition should

be a last resort when all other options had been fully explored. Finally, Mr Peake expressed surprise that English Heritage had not agreed that more time was needed for the charity to prepare their case.

- (3) Councillor Kennedy asked what market testing had been done to ascertain the most appropriate use of the building, and what engagement had been undertaken with the local community, as she was aware that concerns had been expressed over all night events being held. Mr Peake replied that there was a nightclub element to the scheme, but the charity was only proposing one nightclub event per month. He had met with the North Laine Resident's Association and had taken their concerns on board. He had also met with the Licensing Team. He agreed that more consultation was needed with local people however, but there were a growing number of people who agreed that a new Community Centre was needed in Brighton.
- (4) Councillor Wells asked how long had Synergy known about the plans to demolish the building, and had the charity ever submitted alternative plans. Also, he asked if the banks had given any guarantees of funding. Mr Peake replied that the charity did not have the capacity to submit plans at the moment, but they had met with the Planning Team to discuss a proposed use on the site. They had discussed the proposals with a bank that raised funds for charities and this bank was satisfied that this proposal was viable. He accepted that there was no written agreement that they would invest however. Mr Peake had expressed an interest in the building last year in November, but found out that an application had been submitted to demolish the site.
- (5) Councillor Hawtree asked how much longer the charity needed to prepare plausible plans. Mr Peake said that based on previous examples, it was likely that 12 months would be needed to create secure proposals, and Mr Peake said that they had only been given 5 months.
- (6) Councillor A Norman said that the community had been waiting a long time for the site to be moved forward and asked when it was likely that a planning application could be submitted. Mr Peake replied that in his view, a planning application was not the relevant matter. Of more importance was the Heritage Lottery Fund application process. Once a stage one proposal was submitted to the Heritage Lottery Fund, it normally took around 3-4 months to process. If this was successful, a fully costed scheme and planning application could be submitted.
- (7) Councillor A Norman asked again for a timescale as to when it was likely that a planning application would be submitted. Mr Peake replied that he expected that a planning application could be submitted within 7 months time.
- (8) Councillor Mrs Theobald asked how long it would take for full funding to be secured, and whether the intention was to apply for a 24 hour licence. Mr Peake replied that a timetable had been drawn up as a multi-stage process. Getting through stage one of the Heritage Lottery Fund application process was of primary importance. He agreed that a 24 hour licence was not appropriate for this building. The intention was to have one all night event per month. A meeting with the Licensing Team had confirmed there would be no fundamental objections to this arrangement.

- (9) Councillor Davey asked what obstacles were between now and getting to stage one of the Heritage Lottery Fund application process. He also asked if Synergy was confident that this building would be renovated and restored to its original 1930s condition. Mr Dibley replied that he was confident the building could be restored and reused. The project would restore the interior features of the building, and would improve their current condition with additional elements.
- (10) Mr Peake replied that a pre-application meeting with the Heritage Lottery Fund could be arranged within 2 weeks. Following this it would take around six weeks to put in a stage one application. This would then take 3 months to be assessed. In terms of community consultation a number of meetings had taken place recently with people working in community sector, and the charity wanted to engage those in the wider community. He agreed a need to discuss issues of disturbance from the night time economy with residents from the North Laine area.
- (11) Councillor Hawtree asked what type of events would be held at the centre. Mr Peake replied it would be a mixture of dance music with video installations. Poetry, drama and cinema events raising awareness of issues of social justice and the environment would also be included. It was not envisaged that the centre would attract heavy drinkers, but rather a clientele that would be quite health and socially conscious.
- (12) Councillor Hawtree asked for examples of where this type of event had been held previously. Mr Peake replied that the charity's centre in London had held 5 events a year and was very successful, gaining national acclaim. There were very few other types of similar events across the country.
- (13) Councillor Farrow asked what sort of cinema events would be held and how often. He asked whether the Astoria would be restored so that it was suitable for live music concerts.
- (14) Mr Dibley replied that they would have capacity to do small theatre productions and music as well. There was a lot of experience in the project management team around showing cinema events, and they would be planning to do special screening once a month. It would be kept as a traditional cinema offering.
- (15) Councillor Summers asked if the all night events would be on the same day each week, or on the weekends. Mr Peake replied that it would almost certainly be a Saturday night.
- (16) Mr Zara, Architect for the application, addressed the Committee and said that the scheme before Councillors was not really about demolition of the building, but about a new building on the site. English Heritage accepted that the building was no longer a viable use, and much of the interior elements were covered with asbestos plaster that would need removal. It was costed at around £4 million to merely make the building sound. This did not include costs to restore it to its 1930s appearance. The previous owners of the site had made enquiries to the Heritage Lottery Fund and had been told that a stage one application was not likely to be successful. It would take around 6-7 months to make a stage one application.

The applicants had conducted community consultation, and this had revealed that there was not much enthusiasm for a community centre in this area, and residents did not want a hostel or overnight activities to take place. The area needed a space for people to work, and offices with new media facilities were in demand. The design had been very carefully considered to provide flexible working space. There were examples of other nightclubs in the area, and some of these were struggling to stay open. The demand that this scheme satisfied was supported by many in the community and by the Local Council Officers. It would improve the lives for those residents in the North Laine, and provide a much better outlook for residents on the northern elevation, as the new building would be narrower. The offices would be the most environmentally friendly in the city.

Finally, Mr Zara thanked Ms Brocklebank and the Planning Team for the thorough and fair tests they had put the site through, and the work they had put into the process.

- (17) Councillor Mrs Theobald asked if any thought had been given to providing additional car parking on the site. Mr Zara replied that it had been considered, but the site was in a very sustainable location near town centre, and it was felt that access to public transport made up for the lack of parking. A contribution of £60,000 for sustainable transport was being provided.
- (18) Councillor Cobb noted the start up office space on site, and felt that those business users might need a vehicle to run their start up business. She asked where these could park. Mr Zara replied there was a delivery bay at the front of the building for start up users to use. If it was necessary for them to have parking space, then a business permit could be applied for to allow for on street parking.
- (19) Councillor Hawtree asked if the café would only be used by office workers. Mr Zara replied that it would be open to the public. There would be enough trade from people in the office building to support the café, but it was useful for extra trade from the public to be available.
- (20) Councillor A Norman referred to the development of the Ocean Hotel in Saltdean, where it had been possible to maintain the structure of the building, and when this hadn't been possible, it was covered to be preserved for future generations. Councillor A Norman asked if the applicant would take the same approach with the Astoria. Mr Zara replied that if any parts could be salvaged they would look at this. The main problem with the building was asbestos plastering, which needed removing, but he agreed that a memory of the building needed to remain.
- (21) Councillor Davey asked for reassurances that this project was deliverable and the building would not be demolished without development going ahead. Mr Zara said that the proposed conditions included a condition that said that the building could not be demolished until there was a clear commitment to rebuild it.

**Questions and debate**

- (22) Councillor Cobb referred to a letter from an objector and asked where the office space was that they were indicating in the letter. Ms Brocklebank replied that this assertion had been made by the North Laine Community Association, but they did not reference where. The Council made separate assessments about what type of office space was needed in the city.
- (23) Councillor Farrow asked if it was possible to delay this planning application to allow the charity to put together a proposal. Ms Brocklebank replied that the Planning Authority was under an obligation to make a decision on a submitted planning application. She felt that Synergy had been given a generous amount of time. The Heritage Lottery Funding took a long time to achieve, but 3 months had been given for Synergy to start initial discussion with them. Only phone discussions had taken place, and she was aware that the Heritage Lottery Fund had some concerns. A licence application was recommended to provide evidence for the viability of the scheme, but this was not forthcoming either.
- (24) Councillor Mrs Theobald asked if the charity's proposal had changed over time, and Ms Brocklebank agreed.
- (25) Councillor Mrs Theobald asked if the lamp post would also need removing as well as the Elm trees. Ms Brocklebank replied the Elm trees were less than 10 yrs old. Alterations to Blenheim Place and the removal of the lamp post would be dealt with under highways legislation.
- (26) Councillor Davey asked for clarification on the relationship between demolition and construction, and whether efforts had been made to find a new owner and use for building. Ms Brocklebank replied that the conditions assured that construction would begin after demolition. The work undertaken by previous owners from Yes-No Productions showed that there were practical difficulties in bringing the building back to use.
- (27) Councillor Hawtree felt there was a balance to be struck between what existed and what Councillors would like to have. He noted that the inside of the building was much more significant. Other important buildings had been lost over the years in the city, and he worried that Brighton was losing its theatrical heritage. He felt that more time might be needed to establish a better use for the complex.
- (28) Councillor Kennedy said she was shocked at the state of the interior, which was the main reason why this was listed. The building had deteriorated since the 1970s and successive owners had tried and failed to bring the building back into use for entertainment. The Baptist Church next door was clearly impacted by the proposals but was in support of demolition. English Heritage did not object, and the Heritage Lottery Fund had not guaranteed any funding for Synergy. She appreciated that these proposals were not just for a night club, but number of venues in area had closed that were all night events. She was pleased to see the building achieving BREEAM 'Outstanding' and felt the architecture was excellent. There was a need for



this type of high tech office space, and the scheme would provide 170 jobs. It was a complex issue, but on balance she was in favour of this application.

- (29) Councillor Mrs Theobald said she was sad to see the Astoria demolished as she had fond memories of seeing films there. It was not the best looking building however, and whilst it did have some good interior features, she was pleased to see elements retained in the current scheme. She felt that more parking could have been included. She thought that the building would be good architecture and it fitted in well with the street scene. Councillor Mrs Theobald was not convinced the building could be renovated successfully, and didn't realistically think the funding would be achieved.
- (30) Councillor Farrow said he was concerned about the loss of the entertainment heritage of the city. The main economy of the city was entertainment and Synergy's proposals would reinstate entertainment for all age ranges. He was not convinced that the current proposals were what were required. He agreed that business units were need, but was not sure that this was the right place.
- (31) Councillor Wells noted that there had only been verbal plans for any alternative scheme. He felt that Synergy had been given enough time to put forward a better community use. There were 170 jobs proposed with this scheme, and it was a lot nicer than the existing building. He felt the proposals from Synergy would take too much time to achieve and the building would deteriorate even further. The building was an eyesore at present and so he supported the application.
- (32) Councillor A Norman said that the city had waited for years for someone to rescue the building, but it had become more and more dilapidated during that time. The city had moved on from the days when the Astoria was an entertainment centre. The only reasonable alternative was the Synergy proposals, but there were too many uncertainties and unknowns in it. The Heritage Lottery Fund bid was not far enough advanced, and whilst she wouldn't be happy to see the building demolished, it would improve the state of the block. The Baptist Church supported the proposals, and so there was evidence of community support for the scheme.
- (33) Councillor Summers said she had worked in the area with communities for several years and knew that the economy of the area was a concern. She felt that these proposals would breathe new life into the area. Brighton was not short of entertainment places, and she was not convinced that enough people had been consulted on the Synergy proposals, and didn't believe there would be support for them. She felt the proposed scheme would give small businesses in the area a chance to succeed.
- (34) Councillor Davey said he was torn by this application, as he felt the Synergy proposals were reasonable. It was very sad to see the dilapidated interior of the building, but he felt it was difficult to support demolition of a listed building where every effort had not been made to restore the building. He did not believe the building had been marketed properly and did not feel the Heritage Lottery Funding had been pursued properly. The building did have the potential to offer something unique as a culture offering to the city that did not relate to alcohol.

- (35) Councillor Carden did not think a theatre was viable on this site any more. He was sad to see the building demolished, but would support the application.
- (36) A vote was taken and on a vote of 9 for and 3 against minded to grant planning permission was granted subject a Section 106 planning agreement and to the conditions and informatives listed in the report, and amendments to the conditions as listed on the Late List.
- 66.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and in section 7 of the report and resolves it is minded to grant planning permission subject to the applicant entering into a S106 Planning Agreement and the conditions and informatives listed in the report, amendments on the Late List, and amendments to conditions to read:
1. Condition 24: No development shall commence until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement and the seed mix. The scheme shall then be carried out in accordance with the approved details.
  2. Condition 27: No development shall take place until sample elevations at 1:20 scale showing all the architectural elements of each elevation of the development, including gates and solar screens, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.
- B. Application BH2010/03760, The Astoria, 10-14 Gloucester Place, Brighton – Demolition of existing Grade II listed building.**
- (1) The presentation for the application was taken together with application BH2010/03759, The Astoria, 10-14 Gloucester Place, Brighton.
  - (2) A vote was taken and on a vote of 9 for and 3 against Listed Building Consent was granted subject to the conditions and informatives listed in the report.
- 66.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 7 of the report and resolves to grant listed building consent subject to the conditions and informatives listed in the report.
- C. Application BH2011/01558, Royal Sussex County Hospital, Eastern Road, Brighton – Erection of a six storey modular building for a period of seven years with alterations to vehicle access on Eastern Road.**
- (1) The Senior Planning Officer, Ms Boggiano, introduced the application and presented plans, photos and elevational drawings. She said that this application was linked to the 3Ts development due to be submitted and in order to keep the building operational a temporary building would be required to decant services whilst construction took place. The services located in the new building would need to be

located on site for use. Following stage one completion of the 3Ts application, services would be decanted into the new building.

The new building was proposed to the front of the Barry Building and the MRI centre. Nine visitor spaces and 4 disabled spaces would be lost due to the build, but the disabled spaces would be relocated elsewhere. This parking loss equated to only 3.3% of the total on site provision however. Access points to the building would need to be changed, and this would result in changes to the bus stops along the road which would need to be relocated. The modular build would be 11 meters taller than the Barry Building.

A total of 7 letters objected to the wider development of the hospital, and 2 objected to the hours of construction that were anticipated. One objection referred to the fact that this application had been submitted before the 3Ts application, and would predetermine the decision. The proposal was considered acceptable however, subject to a solution being found to the parking and transport issues. Conditions were proposed to manage construction and operation noise. It was necessary to put the building in this location to ensure links through to the existing services in the Barry Building would be maintained. Demolition would commence on site in 2013 but services would need to be decanted before demolition took place. There would be a long lead-in for the modular building to be erected as it was a bespoke design with medical equipment that needed to be ordered.

It was accepted that the modular building would detract from the Listed Barry Building, but it would have an acceptable impact against the backdrop of demolition of stage one buildings and a construction site. However, if demolition had not commenced within 3 years the building would need to be removed.

### **Questions and debate**

- (2) Councillor Kennedy referred to the updated conditions in the Late List. She noted that the Environmental Construction and Management Plan included a British Standard, and asked if this included time limits. If not, could the Committee add an informative to limit construction times of between 8am – 6pm and no weekend working. Ms Boggiano agreed that an informative could be added in relation to this.
- (3) Councillor Hawtree asked what happened to the building after it was removed. Ms Boggiano replied that it was a bespoke building and she was unsure what would happen to it.
- (4) Councillor Carden was concerned about the loss of parking on site as this was often used by residents from across the region, who could not use public transport. Ms Boggiano replied that there would be longer distances for some patients to walk in terms of moving the bus stops, but it would be of advantage to others depending on which part of the site they needed to access.
- (5) Councillor Mrs Theobald asked if any alternative sites had been considered for the hospital development, and whether they considered more staff parking or freeing up more spaces on site for visitors. She also asked if construction was allowed on Saturdays and Sundays. Ms Boggiano replied that more parking had been

considered at the St Mary's site. The Local Planning Authority would normally allow Saturday morning construction. There was no other place where this building could go on site and the facilities would be needed for the critically ill patients in the Barry Building.

- (6) The Chair asked if this application complied with Highway policies that stated that developments should not increase danger to pedestrians and other road users. Mr Tolson replied that the Highways Team had promoted changing the arrangements to increase visibility for traffic exiting the site as they believed this was the best solution.
- (7) Councillor Mrs Theobald said she realised that this building was very much needed, but expected that there would be an application to extend the 7 year temporary permission. She felt it was a horrible looking building and should be in a less prominent position. The loss of any parking spaces was regrettable
- (8) Councillor Kennedy asked for an informatives regarding construction hours be included and this was agreed.
- (9) Councillor A Norman said that it was good news to see a long awaited redevelopment moving forward. The building was functional and consideration had been given to clinical need and to relocate services efficiently and quickly. She agreed that parking and transport arrangements needed to be looked at carefully.
- (10) Councillor Hawtree asked for legal clarification that this application had no bearing on a decision on the 3Ts application.
- (11) Mrs Woodward, Senior Lawyer, said that the application should be decided on its merits and would not prejudge the determination of any further applications that may come in for the site. She added that if the 3Ts application did not go ahead the proposed conditions provided that the modular building would need to be removed in 3 years time.
- (12) Councillor Hamilton said it was worth looking at creating temporary car parking spaces on site once demolition had been completed and was a point for the applicants to bear in mind.
- (13) A vote was taken and on a unanimous vote planning permission was granted subject to the conditions and informatives listed in the report, the amendments to conditions as listed on the Late List, and with an additional informative regarding hours of construction as proposed by Councillor Kennedy.

66.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 7 of the report and resolves to grant planning permission subject to the conditions and informatives listed in the report, the amendments to conditions as listed on the Late List, and with an additional informative regarding hours of construction as proposed by Councillor Kennedy, to read as follows:

1. The applicant is advised that, to safeguard the amenities of the locality, the Planning Committee has requested that within the details agreed in the Construction Environmental Management Plan, working on site should only take place between the hours of 08.00 and 18.00 Monday to Friday.

**D. Application BH2011/01852, Cavendish House, Dorset Place, Brighton** – Change of use from offices (B1) to non residential education/training centre (D1).

(1) The Area Planning Manager (East), Ms Burnett, introduced the application and presented plans, photos and elevational drawings. She said that the application was for a change of use from office space to non-residential education/training centre use. The scheme was speculative and did not involve any external alterations. One representation had been received and a letter from the agents.

Policy EM5 secured office use unless it was generally redundant and the method of marketing in this case had been detailed in the report. At least 1 year of marketing was expected by the Council. Marketing for this building started in January offering mixed or whole building use. Use of 65% of the building had been achieved through this marketing and the site was occupied by an office user. No reduction in price had been offered over the marketing period however, despite the applicant confirming the price would be flexible, and it was considered that more interest would be gained by reducing the price. There was also an issue with parking as the owners could reclaim nine spaces for office users, but no details were given as to how this would be achieved. The Sustainable Transport Team had raised a number of objections to the proposed scheme and the applicant had not provided details of how the scheme would accord with Supplemental Planning Document 08 and policy SO2.

### **Public Speakers**

(2) Mr Burgess, agent for the applicant, addressed the Committee and stated that apart from Robert McAlpine, who had let on a short term lease, there was no other interest in the building. The current owners wanted to find a lessee or new owner to ensure the building was filled. The property had been marketed for over twenty months and absolutely no interest from a permanent occupant had been shown, and would be empty again by January 2012. He did not feel the offices were attractive and they were not in the main office area of the city. If consent was granted today the building would continue to be marketed as offices, but also as D1 education use. The potential for finding an occupant would be increased if the application was granted. Robert McAlpine had 3 parking spaces available, with a licence to take back the other 9 spaces. There is no notice required for this arrangement, and so this often put off other users.

- (3) Councillor Hawtree asked what the possibility of demolishing and redeveloping the site was. Mr Burgess replied that the current owners had not looked into demolition yet. They wanted to find the quickest solution to achieving occupancy.
- (3) A vote was taken and on a vote of 11 for and 1 abstention planning permission was refused for the reasons given in the Officer's report.
- 66.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 7 of the report and resolves to refuse planning permission for the following reasons:
1. There is insufficient evidence to demonstrate that the application site is no longer economically viable as a Class B1 office building and therefore the premises had not been adequately demonstrated as genuinely redundant. As such the proposals would be contrary to policy EM5 of the Brighton & Hove Local Plan.
  2. The application fails to provide any cycle parking provision and as such would be contrary to policy TR14 of the Brighton & Hove Local Plan and SPG04: Parking Standards.
  3. The application fails to demonstrate that the proposal would meet adequate levels of sustainability and as such would be contrary to policy SU2 of the Brighton & Hove Local Plan and SPD08 Sustainable Building Design.

Informatives:

1. This decision is based on drawing nos. Location and Block Plan, 823 01, 823 02, 823 03, 823 04 and 823 05 received on 12.07.11.

(ii) **MINOR APPLICATIONS**

**E. Application BH2011/02034, 11 Ainsworth Avenue, Brighton** – Erection of two storey side extension incorporating dormers.

- (1) Ms Burnett introduced the application and presented plans, photos and elevational drawings. She said that 11 letters of support and 1 letter of objection had been submitted. The applicant had submitted a letter as to why they were applying for the scheme also.

An additional reason for refusal was based on the fact that the plans were inaccurate. A scheme had been submitted and refused last year, with a large extension refused as it would have been detrimental to the neighbours and the street scene. There would be changes to the front elevation including French doors, a veranda and a new balcony. The extension was considered out of context with the surrounding character of the area. The loss of the visual gap from numbers 9 to 11 was considered detrimental to Ainsworth Avenue and the extension would also add significant bulk and massing, and was contrary to policy. The main changes were the loss of the kitchen door, the relocation of the roof lights and the increased length of the extension.

**Public Speakers**

- (2) Mrs Plant, the applicant, addressed the Committee and said that she had applied for planning permission to enable her mother, who was registered disabled, to live with them in order that they could care for her. Disabled bathing and toilet facilities were needed for her mother, and for the 24 hour nursing provision she needed. The second storey was needed for additional living space. Many properties in the road and in Ovingdean had flat roofs and extensions, and she therefore felt the street scene would not be affected. The buildings on the street were all different types and not consistent. This was a very modest extension designed to reduce impact on the neighbours, and would not exceed the main roof height. The extension would blend in and be subservient to the main house. The neighbouring property had been granted permission in 2006 to be a 4 bedroom house and this would have had a higher ridgeline than her proposal. She felt the decision was subjective bearing in mind the degree of development that had taken place in Ovingdean. Mrs Plant added that the plans being displayed by the Officer were incorrect, and newly drawn plans had been submitted.
- (3) Ms Burnett clarified that if the plans had been submitted via email to the Case Officer, she was currently on leave and there would have been a notification to say this.
- (4) There was some discomfort expressed by Committee Members at proceeding further without the correct plans, and on this basis the Committee voted unanimously to defer the application until the plans could be assessed.

**F. Application BH2011/01057, Coach House, Norton Close, Hove – Demolition of garages and conversion of single storey extension to existing coach house to form 1no two bedroom dwelling and erection of 1no detached single storey two bed dwelling.**

- (1) The Area Planning Manager (West), Ms Hurley, introduced the application and presented plans, photos and elevational drawings. She said that an application had been dismissed at appeal for three dwellings. The current application sought consent for two residential units. The Coach House made a positive contribution to the area and the application would enhance and restore the building. Detailing on the extension would match existing Coach House. Removal of the existing garages would make a positive contribution to the area, and there was no objection to this. An earlier application had been dismissed because of the flat building design and profile, which would not enhance the character of the neighbourhood. The design approach was considered appropriate to the site and its constraints as were the materials. The development would create a uniform height along the boundary but would be a modest increase in size and would not be overbearing or create overshadowing. The previous application had been dismissed as it would have had a poor outlook and living conditions for future occupiers. Amenity space was proposed and would overcome this refusal reason. It was accepted that the application could displace vehicles that had been using the garages but there was no objection from the Sustainable Transport Team as this site would not create a high travel demand.

- (2) Mr Markham, local resident, spoke in objection to the scheme and said that he lived at 29b Norton Road. He did not feel the application adhered to the Local plan policies and was not suitable as it was too narrow. Mr Markham felt that residents would be disturbed by noise from new residents, and the scheme did not match surrounding areas of housing. It was close to two Conservation Areas and he didn't think proposals would preserve or enhance their character. The site was very constrained, and Mr Markham was concerned that emergency services would not be able to access site, which could create a fire hazard to existing and new occupants. Many residents felt they would be overlooked by the proposals as there were window openings along the boundaries. He stated that the original petition submitted by residents was not carried over to this scheme, as they had been told it would be. Finally, there was not a lack of demand for the garage, and he felt they should be utilized.
- (3) The agent for the applicant, Mr Plocki, spoke in support of the scheme and said that the plans had been subject to great deal of discussion. What appeared to be window openings were in fact solar panels on roofs and not windows. All windows in the scheme looked into the courtyard or gardens. Currently the area was hard-standing and garages and was used for fly-tipping. It was proposed to restore the Coach House and build a new dwelling to create a more pleasant area. The walls of the scheme would be built using local materials. The site footprint would not be enlarged any more than the existing garages on the site, and would only have additional height in the form of pitched roofs. In terms of access for emergency services, statutory distances for Fire Brigade requirements stipulated that the furthest point of the development be less than 45 metres away and the scheme was within this. The development would improve the environment for the general neighbourhood and would replace garages that were a fire hazard and were under used.
- (4) Councillor Carden asked if the developer would be prepared to put sprinklers in. Mr Polcki replied that they would do this if the Fire Brigade required it.
- (5) Councillor A Norman referred to the Council's Ecologist report regarding bats and asked if it was confirmed that there were no bats in the area. Mr Polcki replied that if a bat survey was needed they would be able to do this. He added that the Ecologist thought it was very unlikely that there were bats in the area; however they were happy to erect bird and bat boxes on site.
- (6) Councillor Mrs Theobald asked if the garages had recently been marketed. Mr Plocki replied that the bottom had dropped out of the market for the garages when the multi-storey car park was built next door.
- (7) Councillor Davey asked if the area as it was currently attracted any anti-social behaviour. Mr Plocki replied that it did attract fly-tipping and unsavoury characters.
- (8) Councillor Cobb asked if the access road was wide enough for emergency vehicles. Mr Plocki replied that there had been lorries down the road, and so he assumed emergency vehicles could access as well.



**Questions and debate**

- (9) Councillor Cobb asked whether the existing parking space was in separate ownership, where the covered cycle parking would be, how emergency vehicles would access the site, and how refuse would be collected. Ms Hurley replied that access for emergency vehicles was not a material planning consideration. The parking space adjacent to the Coach House would not affect the application and so ownership was not an issue and the area has communal bins on street that prospective residents would need to use. She indicated where the cycle storage would be on site.
- (10) Councillor Davey believed this was a good use of a small site, and a sensitive and appropriate development. He could see that there would be no demand for garage parking in this area, and the development would deter any additional antisocial behaviour in the area.
- (11) Councillor Hawtree felt that this was clearly fitting a lot onto the site and it was a very finely balanced case. However, there was a need for more housing in the city.
- (12) A vote was taken and on a vote of 8 for, 1 against and 3 abstentions planning permission was granted subject to the conditions and informatives listed in the report.
- 66.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 7 of the report and resolves to grant planning permission subject to the conditions and informatives listed in the report.
- G. Application BH2011/01777, Arqiva Transmitting Station, Hangleton Way, Brighton** – Retention of existing transmitting station and installation of 1no panel antenna to replace 2no log periodic antennas on existing monopole for Digital Switchover.
- (1) Mrs Hurley introduced the application and presented plans, photos and elevational drawings. She said the site was currently an existing transmitting site. Temporary planning permission had been granted in March 2000, expiring in 2009, and now permanent retention with an additional antenna to allow for digital switchover was sought. Letters of objection had been received. The mast was visually prominent from the local area and from the National Park and retention of the mast would harm the visual quality of Park, but it was used by several companies and was considered a preferable option to several separate masts. Alternative sites which would provide the same coverage would be sited in much more highly sensitive positions.

**Questions and debate**

- (2) Councillor Cobb asked if any enforcement had taken place when the temporary permission ran out, and Mrs Hurley replied she was not aware of any.
- (3) Councillor Mrs Theobald said the mast was very visible and now a blot on the landscape as it could be seen from the National Park.
- (4) Councillor Kennedy said that several different networks use the mast, and its upgrade would enable digital switchover. She asked if another temporary permission could be given. Mrs Woodward replied that a good planning reason would be needed to make the permission temporary. The Chair added that the original rationale behind the temporary permission was that it was considered that technology may have moved on to an extent that the mast would be redundant by now.
- (5) Councillor Davey said that the mast was already in situ, and did not affect anyone's homes and was not near a school. He felt that if this location was rejected, an alternative location in a much more sensitive area might come forward.
- (6) Councillor Cobb agreed that she did not like the mast but it was needed and in a more suitable location than others that might be proposed.
- (7) A vote was taken and on a vote of 9 for, 1 against and 2 abstentions planning permission was granted subject to the conditions and informatives listed in the report.

66.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 7 of the report and resolves to grant planning permission subject to the conditions and informatives listed in the report.

**H. Application BH2011/01760, 80 Stoneham Road, Hove** – Demolition of existing single storey building and construction of a three storey block to form 7 residential units.

- (1) Ms Hurley introduced the application and presented plans, photos and elevational drawings. She said that the building was currently a vacant single storey building in a bad state of repair. Planning permission had been granted in 2007 for demolition and construction of a 3 storey unit for residential and office space. A time limit extension had been agreed in 2010. The new plans proposed 7 residential units and no office space. The elevations were very similar to the extant permission and a high boundary wall with planting on either side was proposed to reduce overlooking. Windows on the rear elevation ground and first floors would be obscured by the proposed wall. Balconies proposed on the second floor would not be screened by the wall, but proposed condition 6 was for additional screening to the second floor balconies. Information had been submitted with the application to show office space was not viable.

**Questions and debate**

- (2) Councillor Davey referred to the 2007 planning permission where a £14,000 contribution to sustainable transport had been sought, and the scheme was designated car free. He asked why the contribution was a significantly lower amount this time and the application had not been designated car free, given concerns raised around parking in the area. Mr Tolson replied that it was likely that the formula to calculate sustainable transport contributions had changed, which accounted for the difference. He felt that the application could be designated as car free if the Committee felt a condition for this was needed.
- (3) Councillor Hamilton asked if there was a controlled parking zone waiting list for this area and Mrs Hurley replied there was no waiting list for a permit in this area.
- (4) Councillor Davey said that he lived close by and was aware of several problems with parking in the area, especially around West Hove School. As such he felt the argument for making the development car free had only increased with time.
- (5) Councillor Cobb was alarmed that the city was losing so many industrial units. Other large applications had recently been approved in this area, which would add to the parking issues. She felt that Code Level 3 for Sustainable Homes was not high enough for the application, and the scheme was overdeveloped and not in keeping with the area. She supported the objections made to scheme.
- (6) Councillor Hawtree felt there was a variety of style in the area but felt that this design was very mediocre and did not add anything to the area.
- (7) Councillor Kennedy agreed that the design was poor, and very bland when compared with its neighbour. The amenity space inside the flats was also a concern, and she felt that there should at least be provision for affordable housing on site. She agreed there were car parking problems in the area as well. However, permission had been regrettably granted in 2007 and she believed that it would be difficult to refuse this application on that basis. She would not be voting for the recommendation however.
- (8) Councillor Mrs Theobald believed that the loss of office space was regrettable, and there had been several objections made to the scheme. She did not feel it blended in, and was worried about car parking situation.
- (9) Councillor Davey felt there was not a great deal of difference to the scheme already granted, and as such would be voting in favour of the application.
- (10) A vote was taken on a condition to require that the development was car free and this was carried on the Chair's casting vote.
- (11) A vote was then taken on the recommendation to grant planning permission and on a vote of 5 for, 4 against and 3 abstentions planning permission was granted subject to the conditions and informatives listed in the report, with amendments suggested by officers, an additional condition and informative.

- 66.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 7 of the report and resolves that it is minded to grant planning permission subject to a Section 106 agreement and the conditions and informatives listed in the report, with amendments suggested by officers, an additional condition and informative to read as follows:

Amended wording to condition 2:

“The development hereby permitted shall be carried out in accordance with the approved drawing nos. 3856/ 004B, 005F, 007G, 008D, 010D, 011D, 013A, 014, 015, 016A, 017A, 018D, 019B received on 6 September 2011 and 006H, 009E, 012E, 020C received on 14 September 2011.”

Additional condition (number 16):

“The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

**Reason:** To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.”

Additional informative:

“The applicant is advised that the scheme required to be submitted by Condition 16 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.”

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

- 67.1 **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.]

68. 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

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

<b>Application</b>	<b>Requested</b>
BH2011/02181, Rosaz House, 2-4 Bristol Gate, Brighton	Development Control Manager
BH2010/03999, Block J, New England Quarter, Brighton	Development Control Manager
BH2010/03128, 19-27 Carlton Terrace, Portslade	Development Control Manager

The meeting concluded at 5.50pm

Signed

Chair

Dated this

day of