

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 11 MAY 2016**

**THE RONUK HALL, PORTSLADE TOWN HALL**

**MINUTES**

**Present:** Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Morris and Wares

**Officers in attendance:** Nicola Hurley (Planning Applications Manager), Kate Brocklebank (Principal Planning Officer), Steven Shaw (Principal Transport Officer), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Manager)

**PART ONE**

**185 PROCEDURAL BUSINESS**

**(A) Declarations of substitutes**

185.1 Councillor A. Norman was present in substitution for Councillor Miller

**(B) Declarations of interests**

185.2 Councillor Barradell declared an instance of lobbying in respect of Application A) BH2016/00040 – Bingo Hall, Fairway Trading Estate, Moulsecoomb Way, Brighton as she had received an email from the applicant's agent.

**(C) Exclusion of the press and public**

185.3 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.

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

**(d) Use of mobile phones and tablets**

185.5 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'.

**186 MINUTES OF THE PREVIOUS MEETING**

186.1 Councillor C. Theobald referenced Item 178 A) paragraph 33 and noted that her comments in relation to: the quality of the renovation; the retention of flint walls; the lack of affordable housing and accessible units and the impact on the historic field had been omitted from the record.

186.2 **RESOLVED** – That, with the addition at 186.1, the Chair be authorised to sign the minutes of the meeting held on 20 April 2016 as a correct record.

**187 CHAIR'S COMMUNICATIONS**

187.1 There were none.

**188 PUBLIC QUESTIONS**

188.1 There were none.

**189 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

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

**190 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2016/00040 - Bingo Hall, Fairway Trading Estate, Moulsecoomb Way, Brighton - Full Planning** - Change of use from bingo hall (D2) to mixed use general manufacturing (B2), offices (B1a), research and development (B1b), light industrial manufacturing (B1c), warehousing (B8) together with external alterations for new windows and doors and new entrance at ground floor level.

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

(2) The Principal Planning Officer (Kate Brocklebank) introduced the application with reference to plans, photographs and elevational drawings. A verbal update was provided in respect of Condition 4; the Planning Authority had received further information and were satisfied that this condition be amended to reference BREEAM 'very good' rather than 'excellent'. The application sought some minor external alterations, but was primarily concerned with the change of use of the building. The relocation of the business from Conway Street to this site would allow for the business to grow from 200 employees to approximately 250 by 2019. The use was categorised as sui generis as there was not one overriding planning use across the site. The bingo hall use had ceased in February 2016, and the vacated Conway Street site would form part of redevelopment of the Hove Station area. The relocation to Moulsecoomb would

allow the production site to be very close to the distribution centre. The appearance was considered acceptable and there were appropriate highways mitigation measures; for the reasons set out in the report the application was recommended for approval

### **Public Speaker(s) and Questions**

- (3) Nicolas de Conde addressed the Committee in his capacity as a local resident objecting to the scheme. He stated that the application would take away much needed community facilities in the area as not all residents could afford to travel into the centre of Brighton and the site could potentially be used to relocate the Bridge Community Centre. The site was accessible for a number of neighbourhoods in that area of the city, and it would be impossible to replicate the site with its accessibility and parking provision. The area needed community facilities as well as jobs; the factory would be anti-social and potentially add to the traffic problems along the Lewes Road. In summary the speaker requested that a socially motivated development be considered at the site.
- (4) Simon Bareham, John Scott and Nigel Richardson the agent, project manager and Chief Executive of the business respectively, came forward and noted they had nothing to add to the Officer report, but were available for any questions from the Committee.
- (5) In response to Councillor Barradell the speakers explained that the nature of the business and the licensing controls ensured there would be no external emissions from the manufacturing process and the air extraction system had an 'absolute filter' which only expelled clean air.
- (6) In response to Councillor A. Norman it was explained that health and safety was crucial to the manufacturing process and the relocation of the facility would allow the business to achieve greater levels of containment.
- (7) In response to Councillor Littman it was clarified that the other Bingo facilities in the city were viewed as a sufficient alternative as the customer draw on the previous bingo hall had been county-wide, rather than locally focused.
- (8) In response to a further question from Councillor Littman it was explained that it was the intention of the applicant to continue a parking agreement with Mears up until construction – when it would not be appropriate for safety reasons. Once the building was at full occupation capacity it was considered there would still be some parking capacity to allow a long-term agreement with Mears.
- (9) In response to Councillor Mac Cafferty assurance was provided that most of the noisy equipment would be in the basement; the external equipment would be enclosed, but were any issues to arise the applicant would be fully prepared to enter into an open dialogue with residents to resolve this.
- (10) In response to a further question from Councillor Mac Cafferty it was explained that the BREEAM standards were more focused on achieving the standard in a typical office environment, not a pharmaceutical manufacturing facility. To achieve the 'excellent' standard would cost substantially more and threaten the viability of the project.

- (11) In response to Councillor C. Theobald it was estimated there were usually 8-10 employees on a night shift.

**Questions for Officers**

- (12) In response to Councillor Inkpin-Leissner it was explained that there were no powers in planning terms to agree any additional community group funding from the applicant.
- (13) It was confirmed for Councillor Morris that in determining the application the Planning Authority did not need to have an understanding of the products or manufacturing process as this was regulated by separate licensing legislation.
- (14) In response to Councillor Mac Cafferty the location of the acoustic louver was highlighted and it was added that there would be limited visibility of it due to the setting. In relation to waste disposal, it would not be appropriate to condition this as commercial waste was privately contracted.
- (15) In response to Councillor C. Theobald it was explained that the details of disabled parking were sought through condition, and there was a requirement, by condition, to maintain access to real time bus information at the site.
- (16) In response to Councillor Barradell the location of the closest objection in relation to the site was clarified.
- (17) In response to Councillor Bennett it was confirmed there was a bus shelter in close proximity to the site as well as a zebra crossing.

**Debate and Decision Making Process**

- (18) Councillor Barradell noted that the loss of the bingo hall was regrettable, but this was not linked to the application. She had received assurance in relation to emissions and would support the Officer recommendation.
- (19) Councillor Inkpin-Leissner noted the Planning Authority had no legal power to ask the application to retain any community use at the site, and he welcomed the additional jobs that would be created at the site.
- (20) Councillor Morris noted his support of the business expansion, in particular as it had links to both universities in the city.
- (21) Councillor C. Theobald noted it was shame that the bingo hall would be lost, but she felt it was excellent the business wanted to stay in the city and expand to provide additional employment.
- (22) The Chair stated that she would support the Officer recommendation and welcomed the links to universities and the expansion of the business.
- (23) A vote was taken of the 12 Members present and the Officer recommendation that the Committee approve the application was carried unanimously.

- 190.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to be **GRANT** planning permission subject to the conditions and informatives set out in section 11 and the amended condition 4 set out below:

Condition 4:

Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM Refurbishment of 'Very Good' has been 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 and Hove City Plan Part One.

**B BH2015/04574 - 14 Portland Villas, Hove - Full Planning** - Demolition of bungalow and erection of new detached house (C3) and outbuilding to rear garden.

- (1) The Principal Planning Officer (Kate Brocklebank) introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. Attention was also drawn to matters on the late list; the deletion of conditions 10 & 13 and the amendment of condition 11 (part B) to seek 'details' rather than samples. The application followed a previous refusal of a larger scheme that was now the subject on an appeal, the scheme had been refused on the basis of design and amenity. There were changes to the scheme before the Committee, namely the removal of the second floor balcony to be replaced with a Juliet balcony. The amended scheme was considered acceptable in relation to design and scale; there would be no significant impact on neighbouring amenity and it was acceptable on the grounds of highways safety and sustainability. The application was recommended for approval for the reasons set out in the report.

**Public Speaker(s) and Questions**

- (2) Councillor Nemeth addressed the Committee in his capacity as the local Ward Councillor. He stated that he was pleased the applicant and the Planning Authority had been able to work together to put forward a mutually agreeable scheme and residents living directly behind the site were now in support. The issues in relation to the roof colour and materials had been addressed; he recommended the scheme to the Committee for approval.

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

- (3) In response to Councillor A. Norman the species of the tree in front of the property could not be confirmed.

- (4) In response to Councillor Hamilton the distance to the property to the rear was confirmed.
- (5) In response to Councillor Morris it was clarified that the applicant would need to apply for a drop kerb.
- (6) In response to Councillor Littman it was confirmed that conditions could only be added in relation to water and energy, in line with policy.
- (7) Councillor Inkpin-Leissner welcomed the resolution of the application and noted he would support the Officer recommendation.
- (8) Councillor C. Theobald noted that the previous concerns had been overcome; she felt the slate roof would fit in better with the street scene as well as the new scale of the property.
- (9) The Chair stated she was pleased to see the application had been resolved.
- (10) A vote was taken of the 12 Members present and the Officers recommendation that the Committee grant planning permission was carried unanimously.

190.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 11, and the amended and additional conditions set out below:

Amend condition 2:

The development hereby permitted shall be carried out in accordance with the approved drawings listed below:

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site location plan and block plan	1115B01	C	18 <sup>th</sup> December 2015
Existing floor plan	1115B 02	B	18 <sup>th</sup> December 2015
Existing east and south elevations	1115B03	B	18 <sup>th</sup> December 2015
Existing west and north elevations	1115B04	B	18 <sup>th</sup> December 2015
Proposed ground floor plan	1115B10	E	15 <sup>th</sup> April 2016
Proposed first floor plan	1115B11	E	15 <sup>th</sup> April 2016
Proposed second floor plan	1115B12	G	10 <sup>th</sup> May 2016
Proposed section A-A	1115B13	F	10 <sup>th</sup> May 2016
Proposed east and west elevations	1115B14	E	10 <sup>th</sup> May 2016

Proposed south and north elevations	1115B15	D	15 <sup>th</sup> April 2016
Proposed roof plan	1115B16	D	15 <sup>th</sup> April 2016
Proposed home office	1115B17	A	15 <sup>th</sup> January 2016

Amend condition 11:

No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:

- a) Samples of all brick, render and tiling (including details of colour of render/paintwork to be used)
- b) Details of the proposed windows, doors and balcony treatments.

The development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One and policy QD14 of the Brighton and Hove Local Plan.

Additional condition:

Prior to first occupation of the dwelling hereby approved, details of the front walling shall be submitted to and approved in writing by the Local Planning. The walling shall then be constructed in accordance with the approved scheme and retained as such thereafter.

**Reason:** To ensure the development has an appropriate appearance and to comply with policy CP12 of the Brighton & Hove City Plan Part One.

**C BH2015/03521 - Land west of 13 Dudwell Road, Brighton - Full Planning - Erection of 2no three bedroom semi-detached two storey houses (C3).**

- (1) The Principal Planning Officer introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. It was considered there would be no impact on highways safety and amenity; the application was recommended for approval for the reasons set out in the report.

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

- (2) In response to Councillor Barradell it was clarified that the change of use was implicit with the application.
- (3) In response to Councillor C. Theobald it was confirmed that one of the garages was under separate ownership though this was not a planning consideration.

- (4) A vote was taken of the 12 Members present and the Officer's recommendation that the Committee grant planning permission was carried unanimously.

190.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 11.

**D BH2016/00021 - Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House, Clarendon Road, Hove - Full Planning** - Alterations to lift motor rooms including raising roof height by 600mm. Installation of UPVC framed doors and installation of external smoke vents. General repair and decoration works.

- (1) The Principal Planning Officer (Kate Brocklebank) introduced the application with reference to plans, photographs and elevational drawings. The proposed materials would match those existing on the site and the proposals sought to enclose the stairwells with doors – smoke vents and smoke alarms would be fitted. The current works being undertaken on site were in relation to a previous approved application for new windows. The application was not considered harmful to the buildings or neighbouring amenity and was recommended for approval for the reasons set out in the report.

#### **Public Speaker(s) and Questions**

- (2) Valerie Paynter and Roy Croydon addressed the Committee as local residents in objection to the scheme. They stated that they were of the view that the contractors (Mears) were already undertaking some of this work without consent on the site. The repairs being undertaken were not being finished to a satisfactory standard. The application did not address design and health and safety issues to protect residents from concrete dust. The colour of the finished bricks should be agreed in the conditions, as the apricot bricks were being replaced with yellow ones that were being stained. The Committee were invited to abstain from the decision before them.
- (3) James Dealer addressed the Committee on behalf of the applicant (the Council) in his role as a lift engineer. He stated that the works sought to lift the roof heights of the motor rooms as these were currently not safe to undertake the necessary works to the lifts, which were at the end of their serviceable lives. The door installations sought to prevent pigeon infestations on the stairwells, as well as ensuring the stairwells were warm and adequately insulated.
- (4) It was confirmed for Councillor Morris that the only works to have commenced were to remove asbestos on site.

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

- (5) In response to Councillor Mac Cafferty it was clarified that the containment of dust would be covered through Environmental Health legislation.



- (6) In response to Councillor Barradell it was confirmed that the series of applications that had been submitted in relation to this site followed as the alternative to the cladding scheme that had been refused by the Committee previously.
- (7) Councillor Barradell stated she would abstain from the vote.
- (8) Councillor Gilbey stated she would support the scheme as she could see no reason in planning terms to refuse it.
- (9) A vote was taken of the 12 Members present and the Officer's recommendation that the Committee grant planning permission was carried on a vote of 9 in support with 3 abstentions.

190.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 11.

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

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

**192 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

193.1 That the Committee notes the details of applications determined by the Executive Director Economy, Environment & Culture 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 Executive Director Economy, Environment & Culture. 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 Chair and Deputy Chair 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.]

**194 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**195 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**196 APPEAL DECISIONS**

196.1 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 3.15pm

Signed

Chair

Dated this

day of