

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 17 SEPTEMBER 2014

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Hamilton, Littman, Phillips, Pissaridou, C Theobald and Wells

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

Officers in attendance: Jeanette Walsh (Head of Development Control); Liz Hobden (Planning Policy Manager); Kathryn Boggiano (Major Projects Officer); Mick Anson (Major Projects Officer); Adrian Smith (Senior Planning Officer); Pete Tolson (Principal Transport Officer); Di Morgan (Arboriculturist); Hilary Woodward (Senior Solicitor) and Ross Keatley (Acting Democratic Services Manager).

PART ONE

62 PROCEDURAL BUSINESS

62a Declarations of substitutes

62.1 Councillor Pissaridou was present in substitution for Councillor Gilbey

62b Declarations of interests

62.2 There were no declarations of interests or lobbying in matters listed on the agenda. Councillor Mac Cafferty stated that he had had informal discussions with the applicants in respect of the Circus Street application in the presence of the Head of Planning and Public Protection and remained of a neutral mind.

62c Exclusion of the press and public

62.3 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.

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

62d Use of mobile phones and tablets

62.5 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 'aeroplane mode'.

63 MINUTES OF THE PREVIOUS MEETING

63.1 Councillor Hyde referenced Item 55(B) paragraph (21) and stated that the final sentence should read: 'Councillor Hyde stated that would *not* support the Officer recommendation.' The Acting Democratic Services Manager, Ross Keatley, noted he had been made aware of this correction ahead of the meeting and had made this change in the hardcopy of the minutes for the Chair to sign.

63.2 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 27 August 2014 as a correct record.

64 CHAIR'S COMMUNICATIONS

64.1 There were none.

65 PUBLIC QUESTIONS

65.1 There were none.

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

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

67 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2013/03461 - Circus Street Development. Former Wholesale Market (including 7 Morley Street), Brighton - Full Planning

Demolition of existing buildings and replacement with a mixed use development comprising of: a part 5 (6 storey equivalent)/part 7 storey University of Brighton Library and Academic Building (Use Class D1); a 3 storey (4 storey equivalent) Dance Space building (Use Class D2); a 7 storey office building (Use Class B1 incorporating a maximum of 1,360 sq. m Gross Internal Area (GIA) of office Class B1 office, research and development space); student accommodation (Sui Generis) providing up to 450 bed spaces in 4 buildings (Student Cluster E and G part 6/part 8 storey, Student Cluster F part 6,7 and 8 storey and Student Cluster H part 6/part 13 storey (with recessed top 13th storey)); 142 residential apartments (Class C3) consisting of 57 x 1 bed, 81 x 2 bed and 4 x 3 bed units in 4 buildings (Building A part 7/part 10 storey, Building B part 7/part 8 storey and Buildings C and D both 6 storey); with ancillary retail (A1) café/restaurant (A3) and/or commercial (B1) within the ground floor of part of student

cluster buildings G and H, part of office building and part of residential buildings A, B, C and D; new public realm and associated infrastructure including provision of 38 undercroft parking spaces below the student cluster buildings (including 16 on-site disabled parking spaces), on site cycle parking, and highway works including a narrowing in width of Circus Street.

- (1) It was noted that the application had been the subject of a site visit prior to the meeting.
- (2) The application was introduced by the Planning Policy Manager (Liz Hobden) the Major Projects Officer (Kathryn Boggiano) and the Major Projects Officer (Mick Anson); a presentation was given by reference to plans, photographs, elevational drawings and concept images. The Planning Policy Manager explained that the site had been vacant since 2005 and had previously been in use as a wholesale market. The site was also the subject of a supplementary planning document (SPD) which established the principle of a high density, mixed use scheme. The amount of development on the site had been set out and assessed through an urban design document, and this was comparable with the amount set out in the SPD and the proposals before the Committee. The uses at the site had been carefully considered and it was felt that residential was key along with office space and academic buildings associated with the University of Brighton. These principles had been established in 2006, but due to the recession development at the site had stalled. The City Plan Part 1 had been agreed by Council in January 2013, and although still at examination stage, it was considered to be a late stage of preparation and the application should be determined in accordance with policy set out in the City Plan.
- (3) One of the principles underpinning the City Plan was the efficient use of city centre sites and the site was located in area DA5 which related to Eastern Road and Edward Street; it was noted there had been no objection, in terms of the City Plan, to the allocation of the site and the policy should be given significant weight. It was vital that the city be able to demonstrate a five year supply of housing sites, and the level of the residential units at the site would make a contribution; the proposed level of office accommodation had been reduced during the life of the application to help with the deliverability of the scheme, and would provide 260 jobs – as well as affordable managed office space. In relation to the provision of student accommodation at the site it was noted that this had been introduced into the allocation and the plan sought to manage the provision of student accommodation within the city. In terms of the education floor space this would help the University of Brighton to consolidate and improve their campus offer – the library and exhibition spaces were key to this. The dance studio was welcomed as both a cultural and economic contribution to the city. The site was one of the first strategic allocations in the City Plan to come forward; it complied with policy and would be a significant contributor towards regeneration in the city.
- (4) The Major Projects Officer (Kathryn Boggiano) explained that the site comprised the former wholesale market that had been built during the 1930s; the car park; wood store and existing University of Brighton building. The Milner and Kingswood flats adjoined the site and due to the differences in land levels looked down onto the site. The site had been vacant for almost 10 years, but had been in use for one off exhibitions and events. The proposals sought permission for 11 new buildings which would provide: 142 residential units; 450 student units; a new library for the University of Brighton;

office accommodation and a new regional Southeast dance studio. There would also be improvements to public realm and a landscaping scheme for Carlton Row which would be produced in consultation with residents. The location of public realm within the site was highlighted and it was explained that Circus Street itself would be traffic calmed and reduced in width. The office building had been reduced in footprint during the life of the application in order to allow the Library/Academic Building to be sited further away from the eastern boundary in order to create a better interface the Milner flats. Student building 'H' had been reduced in height and width and the top floors recessed. Building F was pulled away 1 metre from the Milner Flats. This allowed a wider amenity space called The Glen and an increased plaza size outside the Library/Academic Building.

- (5) The Committee were then taken through plans and elevational drawings of aspects of the scheme. It was noted that 38 underground parking spaces would be provided below the student accommodation; the student units themselves would be a mix of studios and cluster bedrooms. At the fifth floor of the new academic building half of the storey had been removed to reduce the bulk towards the Milner flats, and the top floor of the office building was set back from the building line. The dance studio was three-storeys inside, but appeared as five-storey from the outside due to the specifically designed large floor to ceiling heights. The changes to scheme during the life of the application created a better interface with the Milner flats. In relation to the consultation the objections were set out in the report and it was noted there had been objections from various local amenity groups and the Conservation Advisory Group; the University of Brighton supported the scheme and intended to enter into negotiations to become the sole user of the student accommodation.
- (6) The Major Projects Officer (Mick Anson) took the Committee through some of the long views and explained that from Ditchling Road the reduction in one storey of the residential tower block only made it marginally visible and the impact was considered minor and neutral and not harmful. From London Road residential block 'A' was visible and the impact was considered minor neutral. From outside St. Peter's Church the impact was minor due to the screening of the listed buildings, and the harm was outweighed by the community benefits of the whole development on this strategic site. From the North Gate of the Pavilion Gardens (which is listed in its own right) the impact was considered minor and neutral due to the transient nature of the view. From Gloucester Place the roofline of the town houses would be visible, but the impact would be reduced by the darker background of the proposed materials which retained the roofline of Grand Parade. From Valley Gardens the impact would be mitigated by the quality of the design and the setting was considered to be less sensitive, and the impact would be medium to high but would cause less than substantial harm compared to the current viewpoint.
- (7) The allocation in the City Plan sought high density and to meet this there would be elements of the scheme with some harmful impact; however, this impact was outweighed by the public benefits of the scheme. From Marlborough Place the two tower block elements of the scheme would be prominent, but it was considered the amendments during the life of the application created greater symmetry, and the impact was moderately harmful, but less than substantial due to the mitigation measures. It was considered that the view down Kingswood Street would have a reduced impact due to the mitigation measures that had been taken. There was minor

impact on the long views to the Clifton Hill Conservation Area, but due to undistinguished architecture of the existing flats and the Police Station in the foreground this was considered acceptable. From Sussex Street there would be no additional harm, and the amendments to the student tower had improved the appearance through lighter materials and additional glazing. The quality of the design at the top of the library was considered an enhancement over those buildings in the city centre which it would obscure. Where the potential harm was considered less than significant this should be weighed against the benefits of the scheme, and it was noted that neither English Heritage nor the Heritage Team has objected.

- (8) In relation to landscaping and transport there would be gated access and soft planting in Carlton Row – this would help to screen the development from the lower floors. The scheme also sought contributions towards the Valley Gardens Master Plan. Currently there were 92 on-street parking spaces on and around the site and 47 of these would be lost as part of the proposals and Circus Street narrowed to 9 metres in width. The scheme would provide 605 cycle spaces on the site and free car club membership for residents for one year. There would be a Student Management Plan in relation to the arrival and departure of students at the beginning and end of terms. The sustainability measures proposed exceeded requirements, and included: an energy centre; photovoltaic panels; sustainable urban drainage and green roofs on most of the buildings.
- (9) The Major Projects Officer (Kathryn Boggiano) explained that the key considerations related to the impact on amenity of the neighbouring residential properties surrounding the site. In relation to the properties on Circus Street the loss of daylight would be significant. There would be a significant loss of daylight to the Milner flats, particularly on the ground and first floor. It was noted that these properties currently received very high levels of daylight. The properties on Circus Street also had good levels of daylight due to the width of the street. It was noted that to develop the site without loss of light would be very difficult, and it was designated for high density development. If the BRE guideline for daylight was to be met development would need to be restricted to two storeys above Carlton Row and three storeys in height on Circus Street. It was noted the BRE guidelines were for guidance only and local authorities were able to adopt local standards. The Committee were shown other examples of streets which had a similar height to width ration to that which would exist between the new development and the Milner Flats and which experienced similar levels of daylight. This included one street which they which they had viewed during the site visit. Whilst the loss of daylight was regrettable there would be other amenity improvements in the form of landscaping of Carlton Row which had been developed in consultation with the residents of the Milner flats, the public realm improvements for Circus Street and the regeneration of the area.
- (10) The relationship between the Milner flats and the proposed six-storey student accommodation the windows had been angled in their design and would have obscured glazing to protect the Milner flats privacy. In relation to the residential elements 77% of the rooms would meet the guidelines for daylighting levels and around 80% of the student accommodation would. A draft management plan accompanied the application for the student accommodation, and a final detailed Plan would be secured by the Section 106 Agreement. The applicant had agreed to CCTV and 24 hour staff at the site. Loud music and behaviour would be monitored and could

result in expulsion from the university; as well as this the amenity areas would be closed after 2200 hours and the square could be used for more than 12 amplified events each year.

- (11) The District Valuer had advised that the level of contributions was correct based on the viability of the scheme, but this could be reassessed if development had not reached a specified level within five years. The scheme was in compliance with the City Plan; the harm was outweighed by the public benefits to regenerate the area, and the recommendation was that the Committee be minded to grant the application subject to the s106 agreement.

Public Speaker(s) and Questions

- (12) Ms Sue Crossley spoke in opposition to the scheme in her capacity as a local resident; she stated that she was a representative of the 'Save our Market' campaign and noted that she and other residents had produced a petition of 46 signatures. The consultation process had suggested there was support from the Milner and Kingswood flats, but Ms Crossley was of the view that a great deal of the residents were against the scheme. She noted some of the opposition had also been from the nearby 'Friends Centre' which would also have similar impact. She expressed her concern in relation to the potential noise from the student accommodation and that the financial impact would only be felt by businesses in the city. Ms Crossley stated her preferred use of the site would be for some kind of the community facility. In closing Ms Crossley highlighted that offer of landscaping would not mitigate the impact of the development and the loss of light.
- (13) In response to Councillor Davey it was confirmed by Ms Crossley that the improvements to Carlton Row would not compensate for the loss of daylight to the Milner flats.
- (14) In response to the Chair it was explained by Ms Crossley that the 'Friends Centre' would also be impacted by additional noise and disruption from traffic and suffer a loss of privacy and be overshadowed. Ms Crossley also explained that the Milner flats would be 'dwarfed' as they were at a lower level than the Kingswood flats.
- (15) Mr Richard Upton spoke in his capacity as the applicant and was assisted by colleagues to answer questions put by the Committee. He stated that he had personally been involved in this project for eight years and gave assurance that despite the long gestation of the scheme there was real commitment to deliver. The scheme would be a public asset which could be used by all, and whilst it was acknowledged the scheme had some challenging densities this was noted against the backdrop of a city centre location. The scheme would provide 232 full time jobs; the dance centre would be of national importance and the scheme was an effective use a brownfield site to provide housing for the city. The proposed materials were fit for purpose and would be robust enough to withstand the marine climate. In the last 8 years the old market had been used 360 times, and approximately 20,000 people had attended consultation events. During the life of the application amendments had been made to reduce the mass and the location of some of the buildings and the letters of support received were noted.

- (16) In response to Councillor Wells the applicants explained that the higher levels of student accommodation had emerged through the detailed design process and were a response to issues around viability and residential amenity.
- (17) The applicant confirmed for Councillor C. Theobald that the taller buildings (A & H) would be fitted with sprinklers systems.
- (18) In response to a series of question from Mr Gowans the applicants stated: the vertical emphasis of the taller building attempted to mimic the 1-2 ratio of many of the Regency buildings in the city; the use of black finished timber was considered appropriate as a this was in use across Sussex and there were other examples of clad buildings in the city, and it was felt the industrial feel of some of the buildings made appropriate reference to the former use of the site and echoed features of other buildings behind Grand Parade in North Laine.
- (19) In response to a series of questions from Councillor Jones the applicants explained that: there were no significant wind issues identified at the site and the incorporation of new trees would enhance the environment of the open spaces. There were plenty of plants that would thrive in these conditions and groups of plants that were shade tolerant had been specifically identified to characterise 'woodland edge' Regency planting. In response to a further question from Councillor Jones the applicant clarified that tree planting was a very important component of the site and would mitigate wind through the site.
- (20) In response to Councillor Davey the applicant explained that the caretaking of the site had been an important consideration and there was a keen interest to work in association with established groups – these groups could include residents, and the scheme met policy in relation to urban agriculture.
- (21) In response to Councillor Hyde the applicants clarified that traffic studies had been undertaken and submitted in relation to loss of car parking spaces – it was noted that this avenue of questioning could be picked up the Transport Officer.

Questions for Officers

- (22) In response to Councillor C. Theobald it was confirmed that if the Committee were minded to approve the application then an informative could be added that the approval of the materials be delegated to the Head of Development Control in consultation with the Chair, Deputy Chair and Opposition Spokespersons.
- (23) In response to Councillor Hamilton it was confirmed that there was a condition in the report that the tenure and number of bed spaces of affordable units would be agreed through an additional condition at a later stage. Councillor Hamilton expressed his concern with this wording.
- (24) In response to Councillor Jones it was explained that it was The intention that the Wood Store remain on site, and a potential unit had been identified and allocated – this would be a show room and the Council were assisting with the permanent relocation of the other functions undertaken by The Wood Store. In relation to the environmental statement it was noted that this had been looked at by technical experts and they were

in agreement with the results. There were two areas with some concerns, but these could be managed by conditions and mitigation measures. At this point the Major Projects Officer (Kathryn) used sun-lighting slides to demonstrate the impact through the year.

- (25) In response to Mr Gowans it was confirmed that the site was not located in one of the tall buildings nodes within the city and that current policy suggested that buildings outside of the these nodes should not be taller than those surrounding; however, Officers explained that the policy position had moved on since this guidance was agreed; the site was allocated for high density and greater weight should be placed on policy within the City Plan. The Planning Policy Manager explained there was no presumption against the approval of tall buildings outside of the specified nodes – the site was not located within a conservation area and there were other tall buildings within 100 metres. In terms of the weighting of policy – the Circus Street policy had significant weight – the SPD guidance was material, but was considered to be outweighed by the City Plan – the scheme had also been assessed against the criteria of good design.
- (26) In response to Councillor Davey the Principal Transport Officer, Pete Tolson, clarified that car parking surveys had been carried within 400 metres of the site – these were carried out on Wednesdays and Saturdays and drew conclusions that there was adequate capacity.
- (27) In response to Councillor C. Theobald it was clarified that the number of cycle spaces at the site had been an aspiration of the applicant and there was no maximum number provision in the authority's standards. Even if the number of cycle spaces were reduced this would create significant opportunities for additional car parking around the site.
- (28) In response to a further question from Councillor C. Theobald it was confirmed that City Clean had been consulted and were satisfied that their vehicles would still be able to access the site.
- (29) In response to Councillors Phillips and C. Theobald it was confirmed that it was the applicant's intention to preserve the 'tree on wheels' and an informative could be added to preserve a plaque referencing the former school on the site.

Debate and Decision Making Process

- (30) Mr Gowans noted that the Conservation Advisory Group (CAG) was recommending refusal on the grounds that the buildings were too tall, and it was not felt that the case to depart from the SPD policy had been effectively made and he disputed the argument in relation to the close proximity of other tall buildings. The view from Valley Gardens would be affected by the tall buildings and he urged the Committee to carefully consider the conservation impact. He expressed concern with the choice of materials.
- (31) Councillor Hyde noted the enormity of the proposals before the Committee and thanked the excellent work of the Case Officers Kathryn and Mick. She noted that the SPD has established high density in 2006 and the site had been vacant for almost 10

years; she went on to note the significance of policy within the City Plan and that this scheme was considered to be in accordance with that policy. She explained her concerns in relation to the impact on Valley Gardens before the site, but felt that site visit had shown the impact would not be too great. There was still some concern in relation to the visibility of the tower blocks from Valley Gardens. Councillor Hyde went on to state that she welcomed the facilities on the site, and the traffic treatments proposed to Circus Street. The proposed treatment of the boundary with the Milner Flats was a welcome improvement, and the proposed landscaping and public realm would encourage greater community cohesion.

- (32) Councillor Hyde went on to add that the scheme proposed some very interesting design features and good materials. She stated that; however, she was not satisfied in relation to the loss of parking around the site, but she accepted the results of the traffic studies that had been undertaken. Her concerns in relation to the durability of the materials had been alleviated by the applicant, and she welcomed the involvement of Members in the agreement of the materials. The townhouses could serve to enhance some of the buildings in the conservation area, but she still had personal reservation in relation to specific materials. She had noted the justifications made in relation to density, and welcomed the level of investments this scheme would bring to the city and agreed with the rationale behind the effective use of brownfield sites as a means to protect the urban fringe. In summary Councillor Hyde noted the impact on the neighbouring Milner Flats, but was of the view that the benefits of the scheme outweighed this impact; on balance she would support the Officer recommendation.
- (33) Councillor Wells noted he would have preferred to see more residential units than student units, and he still had concerns in relation to the proposed tower blocks – noting that the Milner Flats would lose their current view. He expressed concern in relation to the loss of parking and the potential impact on those coming into the city to work. On balance what was proposed was more appealing than the existing site which had been vacant for some time, and for these reasons he would support the Officer recommendation.
- (34) Councillor Littman stated he was still undecided and noted the Committee needed to weigh up many factors in their decision making process. He referenced his concern in relation to the light to the Milner flats, and that he would be weighing these against the public benefits of the scheme.
- (35) Councillor C. Theobald noted she had mixed views in relation to the scheme. She was concerned in relation to the loss of parking and felt aspects of the scheme were too tall and detrimental to the street scene. She welcomed the inclusion of sprinkler systems in the taller elements of the scheme, but did not agree with the narrowing of Circus Street. There was concern with some of the current choices of material, but it was noted that an informative had already been proposed in relation to materials. The landscaping for the Milner Flats was welcomed, and it noted that regeneration was needed for the area and the scheme would provide homes and excellent student accommodation. The dance studio would be a long awaited facility; the scheme would create jobs and it was considered that the benefits outweighed the harm.

- (36) Councillor Carden stated that the scheme was too large and intrusive, but noted the Council wanted to see development in the city; however, he stated that he could not support the scheme as presented with the proposed level of social housing.
- (37) Councillor Davey noted the significance of the development, and noted the level of new homes that needed to be provided in the city. He stated the scheme would create jobs and much needed facilities. He was very aware of the impact on the Milner Flats, but noted that it would be difficult to achieve any level of development that would create no impact due to very high levels of daylight the flats currently received. On balance the benefits outweighed the harm, and whilst there would be some impact this was set against a very strong and good design. The scheme also included funds to improve Valley Gardens and the scheme would bring overall benefits to the Conservation Area – for these reasons he would support the Officer recommendation.
- (38) Councillor Hamilton noted he agreed with the points made by Councillor Littman in relation to light, and expressed his concern with the level of social housing. He stated the number of social housing units was reducing and the proposed 40% figure was rarely achieved in developments in the city – with all this in mind he could not support the scheme.
- (39) Councillor Cox noted he welcomed the good quality office space which was desperately needed in the city as well as the improvements to facilities for the University of Brighton. He noted the importance of this type of scheme to address concerns in relation to “studentification” of areas of the city.
- (40) Councillor Phillips noted this was welcome regeneration and she would support the scheme.
- (41) Councillor Pissaridou noted that she recognised the benefits to the city and felt this was a good development – she was concerned in relation to the provision of social housing, but felt the benefits outweighed this. For these reasons she would support the scheme.
- (42) Councillor Jones noted he was similarly not happy with the level of affordable housing, but noted both the residential and student elements would help to alleviate the pressure in the city. He noted concern in relation to the loss of light for the Milner Flats, but recognised the public realm improvements. He noted the current ‘bleak’ appearance of the site, and welcomed the high quality of design and collaborative work with Officers. He hoped this could be a thriving area in future and stated he would support the Officer recommendation.
- (43) Councillor Littman thanked colleagues for their comments in the debate, and stated that he was now of the view that he would support the scheme and felt this was in the best interests of the city.
- (44) Councillor Wells thanked the Case Officers for their presentation and work on the application.
- (45) The Chair stated that it was important that the city use brownfield sites as effectively as possible, and welcomed the dedicated student accommodation. The dance facilities

and new library would be fantastic additions. The start-up spaces within the office accommodation were welcomed as well as the level of open public space. The Chair considered the design to be stunning and the palette great. It was noted that 2014 marked 80 years since the demolition of the old slums in this part of the city and the approval of this scheme would be a new vision for the area.

(46) A vote was taken by the 12 Members present and the Officer recommendation that the Committee be minded to grant planning permission was carried on a vote of 10 in support and 2 against.

67.1 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to be **MINDED TO GRANT** planning permission subject to the S106 agreement and the conditions and informatives set out in the report, together with the late item amendments and the two additional informatives requiring that 1. The approval of materials are delegated to the Head of Development Control in consultation with the Chair of Planning and 2, that the original school sign is incorporated into the scheme.

B BH2014/02054 - Brighton College, Eastern Road, Brighton - Full Planning

Demolition of existing swimming pool and old music school buildings and erection of a 5no storey new academic building with connections to the Great Hall and Skidelsky building, including removal of existing elm tree and other associated works.

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

(2) The Senior Planning Officer, Adrian Smith, introduced the application and gave a presentation in respect of application BH2014/02054 for full planning permission and application BH2014/02055 for listed building consent by reference to photographs, plans and elevational drawings – reference was also made to two late letters objecting to the loss of the elm tree. The scheme sought the demolition of existing buildings, and the erection of new ones – the buildings were not listed in their own right, but fell within the curtilage of the wider listing on the site. The proposals also involved the felling of an elm tree close to the old music building. The new buildings would be in brick and flint to match. The main issues related to the principle of the development and the impact on the listed buildings and the conservation area. Officers were of the view that the scheme was high in terms of design standards and would complement the existing buildings on the college site. The assessment in relation to the removal of the tree had been verified by the Council's Arboriculturist and the applicant had sought to mitigate the loss through the planting of new trees between heights of 3-4 metres. It was considered that the benefits of the scheme outweighed the loss of the tree and for the reasons set out in the report the application was recommended for approval.

Public Speakers and Questions

(3) Mr Nick Denny spoke in objection to the applications in his capacity as a local resident. He stated that the application was largely uncontentious and part of a master plan that had never been considered by the Committee. The application before the Committee indicated that the college's preferences was to demolish existing buildings and replace

these with larger ones; however, this prospect risked creating an unbroken walls of buildings on Sutherland Road for approximately 300 metres – which would be unacceptable. Mr Denny asked that the Committee defer the decision until they had all the details of the college master plan and the implications. The recent applications were evidence that the Council wished to achieve a high standard at the site, and the deferral would be possible as work would not start now until the Spring of 2015.

- (4) In response to Councillor Carden the objector confirmed that he had not seen details of the future college plans.
- (5) In response to Councillor Cox the objector noted he did not object to this scheme as it stood, but he did object to the loss of the tree.
- (6) Mr Steve Patten spoke in support of the application in his capacity as the applicant; he stated that he was the projects director at the college. The master plan had two uses: to realise the original architect's vision, and to replace poorer buildings that detracted from the listing and were no longer fit for purpose. It was noted that the college had won awards for its work and the work was undertaken with great regard for the listed buildings on the site. Both the swimming pool and the old music hall had curtilage listing; the swimming pool was inefficient and had no architectural significance. The scheme had been developed in view to retaining the elm tree; this had not been possible, but a new established elm would be planted within 12 metres. The Committee were asked to approve the application.
- (7) In response to Councillor Jones the applicant explained that work had been undertaken to try and encompass the tree within the project; digging down would interfere with the roots and setting back the new buildings would encroach on the Great Hall.
- (8) In response to Councillor Hyde the applicant explained it was his intention to source replacement elms between 3 and 4 metres in size.
- (9) In response to questions from both Councillors Pissaridou and Phillips the applicant explained that it had not been possible to submit all the phases of the master plan at once as the college had limited funds to bring forward the development and the architectural works to develop each part of the master plan were high. The college was not seeking to expand further, but rather replace facilities that were out of date. The master plan had been sensed checked in terms of heritage aspects and there was an opportunity to enhance the conservation area. In order to accommodate the teaching space the new building needed to be taller, and it was felt the gap in street view could be lost and still enhance the street scene.
- (10) In response to a further question from Councillor Phillips the applicant confirmed that the options to retain the tree had been given full consideration.
- (11) At this stage the Head of Development Control, Jeanette Walsh, clarified that there was no local planning authority approved masterplan; however, the college had been in discussions with English Heritage and the Council was of the view that there was no need to pursue this for submission nor were they able to make this demand.

Questions from Officers

- (12) In response to the Chair the Arboriculturist, Di Morgan, confirmed that the species of elm was English, but it was not a Wheatley Elm; it was confirmed that neither species had much resistance to Dutch Elm disease, and the intention would be to plant more resistance American species on the site.
- (13) In response to Councillor C. Theobald the Arboriculturist explained that if the structural roots were being severed then approximately 70% of the tree would need to be pruned.
- (14) In response to Councillor Phillips the Arboriculturist explained that trees within conservation areas had protection in the sense that any person wishing to fell a tree would need to notify the Council, and the Council had the option to either allow the felling or place the tree under a TPO. A tree with a TPO had a higher degree of protection as an application had to be made to the Council to fell it. In this case the tree on the site was not the subject of a TPO, but did have the level of protection afforded through its conservation area location.
- (15) The Senior Planning Officer confirmed that policy allowed for replacement trees to be sought.

Debate and Decision Making Process

- (16) Councillor Hyde noted that she had considered the concerns raised by other Members in their questions, but she was of the view that the college had fully explored the options to retain the tree, and they had an excellent track record in terms of development at the site. She noted that the swimming pool was no longer fit for purpose, and argued that the street scene on Sutherland Road was already compromised due to the Freshfield Industrial Estate. The design of the proposals was very good, and Officers confirmed that the tree would not be felled during bird breeding season.
- (17) Councillor C. Theobald stated she had no objection to the demolition of the swimming pool, but she would like the tree to be retained and felt she could not support the Officer recommendation.
- (18) Councillor Wells stated he was disappointed with the proposed felling of the tree, but content that the application sought sufficient mitigation measures. He referenced another recent application that was refused on the basis on felling trees, but felt there were differing circumstances in this case and it was not feasible to refuse this application on the basis of the loss of the tree.
- (19) Councillor Jones noted this was a very well designed scheme; with very attractive buildings – he felt more could have been done to retain the tree and for these reasons he would not support the Officer recommendation.
- (20) Councillor Littman was of the view that the tree was one of the rarest in the country and that the tree had visual merit as it was viewable from the street.

- (21) Councillor Phillips responding to some of the points in the debate and noted that she agreed the new trees did not constitute a like for like replacement. She would not support the Officer recommendation.
- (22) At this point in the debate the Arboriculturist confirmed that the tree was not a Wheatley Elm species, but it was an English Elm.
- (23) A vote was taken by the 12 Members present and the Officer recommendation that planning permission be granted was not carried on a vote 5 in support with 6 against and 1 abstention. Reasons were then proposed by the Chair to refuse the application and these were seconded by Councillors Jones. An adjournment was then held to allow the Chair, Councillor Jones, the Head of Development Control, the Senior Solicitor and the Senior Planning Officer to draft the reasons in full. These reasons were then read to the Committee and it was agreed that they accurately reflected what had been put forward. A recorded vote was then taken and Councillors: Mac Cafferty, Jones, Hamilton, Littman, Phillips and C. Theobald voted that permission be refused; Councillors: Hyde, Carden, Cox, Davey and Wells voted that permission not be refused and Councillor Pissaridou abstained from the vote.

67.2 **RESOLVED** – That the Committee has taken into account the Officer recommendation, but resolves to **REFUSE** planning permission for the reasons set out below:

- i) The proposed development would result in the unacceptable loss of a mature elm tree with good amenity value within the College Conservation Area contrary to policies QD16 and HE6 of the Brighton & Hove Local Plan 2005.
- ii) The tree is a native species which is part of the National Elm Collection. Its increasing rarity means that it is of significant scientific and ecological value and should be retained. The proposed development is therefore contrary to policy QD16 of the Brighton & Hove Local Plan 2005.

C BH2014/02055 - Brighton College, Eastern Road, Brighton - Listed Building Consent

Listed Building Consent for demolition of existing swimming pool and old music school buildings and erection of a 5no storey new academic building with connections to the Great Hall and Skidelsky building, including removal of existing elm tree and other associated works.

- (1) The presentation and consideration of this item is listed under minute item 67(b).
- (2) A vote was taken and the Officer recommendation that listed building be granted was carried on a vote of 8 in support; 1 against and 3 abstentions.

67.3 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **GRANT** listed building consent subject to conditions and informatives.

D BH2014/01858 - Former Methodist Church, Lyminster Avenue, Brighton - Full Planning

Erection of 3no three bed terraced houses.

- (1) It was noted that the application had formed the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Adrian Smith, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings; it was noted that one additional representation had been received in relation to parking. The grass area was historically used by the Methodist Church and sat to the right of the site. The responses were outlined in the report; and the main considerations related to the principle of the development; the use and the broader amenity value. The retention of the land did not outweigh the proposed development of housing, and the properties would add to the character of the street scene. The application was recommended for approval for the reasons set out in the report.

Public Speaker(s) and Questions

- (3) Ms Jamie Bainbridge spoke in objection to the scheme in her capacity as a local resident; she stated that residents and the community had used the land and hall for over 60 years and the parking on site was good as it gave through access. The applicant had divided the site, and Ms Bainbridge was of the view that the restrictive covenant was still in place. She added that the parking arrangements would be dangerous at the nursery, and it would be difficult for parents to pick up and stop. Ms Bainbridge disputed the wording of the report and argued that the land had merit as it was the ideal size for use in association with the hall and there was no proof that the nursery would be viable without the grassland. Reference was made to the NPPF and that the removal of a community use did not constitute 'creative' planning. It was noted that local Ward Councillors and the LAT objected to the scheme.
- (4) In response to Councillor Hyde the objector explained that she was at the meeting representing the views of her local community that used the land for community events.
- (5) In response to Councillor C. Theobald the objector explained that there would only be a very small area for parking left if the scheme went ahead.
- (6) Ms Lynda Wyer spoke in support of the scheme in her capacity as the agent acting on the behalf of the applicant; she stated that the scheme was a revision of a refusal earlier in the year for reasons in relation to design and the loss of the community space. It was rare anywhere in the city to have nursery with designated pick up and drop off location, and it was noted the community use of the land had been on the good will of the Methodist Church. A great deal of work had been undertaken since the previous refusal, and the agent argued that there was sufficient other community areas nearby to the site.
- (7) In response to Councillor Davey the agent confirmed the history of the use of the former church, and clarified the situation in relation to the restrictive covenant – reiterating that the community use had been at the good will of church.

- (8) The agent confirmed to Councillor C. Theobald that there was a small piece of land retained for use by the nursery – as well as the other space in the immediate area.
- (9) The agent confirmed for Councillor Pissaridou that the nursery had entered into a 15 year lease.

Questions for Officers

- (10) The Senior Planning Officer confirmed that the restrictive covenant was not material consideration.
- (11) It was confirmed for Councillor Cox that the previous refusal has been a delegated decision.
- (12) The proposed position of the new properties on the street was clarified for Councillor C. Theobald.
- (13) In response to Councillor Davey it was explained that the previous reasons for refusal in relation to the loss of the community site had been overcome by: clarification on how the grassland related to the nursery, and more information on how the site had been used historically.
- (14) The Senior Planning Officer explained that the Council's Estates Team had released the restrictive covenant the previous year.
- (15) It was confirmed for Councillor Davey that the nursery had taken on the property on the understanding that the grassland did not form part of the lease.

Debate and Decision Making Process

- (16) Councillor C. Theobald noted that she supported the views of the residents and understood their wish to keep the open space.
- (17) A vote was taken of the 12 Members present and the Officer recommendation that planning permission be granted was carried on a vote of 9 in support; 2 against and 1 abstention.

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

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

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

69 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

70.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing 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 Environment, Development & Housing. 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.]

71 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

72 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

73 APPEAL DECISIONS

73.1 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 Time Not Specified

Signed

Chair

Dated this

day of