

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 11 MARCH 2015

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Gilbey, Hamilton, Littman, K Norman, Phillips and Wells

Officers in attendance: Paul Vidler (Planning Manager – Major Applications); Nicola Hurley (Planning Manager – Applications); Sarah Collins (Principal Planning Officer); Pete Tolson (Principal Transport Officer); Martin Heath (Road Safety Manager); Steven Shaw (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Manager).

PART ONE

146 PROCEDURAL BUSINESS

A. Declarations of substitutes

146.1 Councillor Randall was present in substitution for Councillor Davey, and Councillor K. Norman was present in substitution for Councillor C. Theobald.

B. Declarations of interests

146.2 There were none.

C. Exclusion of the press and public

146.3 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.

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

D. Use of mobile phones and tablets

- 146.5 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'.

147 MINUTES OF THE PREVIOUS MEETING

- 147.1 Due to the late circulation of the minutes these would be deferred for agreement until the next meeting of the Committee on 1 April 2015.

148 CHAIR'S COMMUNICATIONS

- 148.1 The Chair highlighted that from 1 April 2015 the Committee would be moving to its temporary venue at Portslade Town Hall for the duration of the building works at Hove Town Hall.

149 PUBLIC QUESTIONS

- 149.1 There were none.

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

- 150.1 There were no further requests for site visits in matters listed on the agenda.

151 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2014/02883 - Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land, Brighton Marina Village, Brighton - Removal or Variation of Conditions - Application for variation of condition 1 of application BH2012/04048, as amended by applications BH2013/00799, BH2013/03432 and BH2014/01970 (Original Permission - Major mixed use development comprising new engineered basement structure to create platform on Spending Beach and West Quay, 853 residential units in 11 buildings ranging from 6-40 storeys, Class A, D1, D2 and B1 uses, Lifeboat Station, 496 parking spaces, alterations to pontoons and moorings, new bridges, informal and formal recreation space and alterations to access arrangements) to allow for revisions to the approved scheme including reconfiguring the type and quantum of uses within blocks F1 and F2 incorporating alterations to shopfronts, revised landscaping, relocation of the bus waiting room and changes to the RNLI station. Total number of residential units and car parking spaces to remain unchanged. (Amended description)

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Sarah Collins, introduced the report by reference to plans, photographs and elevational drawings; reference was also made to matters in the Late List. The application was a minor material amendment to the consented scheme which had been granted in 2006 and amended in 2012. The applicant now sought to make changes to phase 1 of the development; for the purposes of the

application only the changes before the Committee were under consideration; all other aspects of the scheme had existing consent. The key changes related to the enlargement of the F1 and F2 building envelope on the eastern and northern façade. The residential entrances were proposed to be relocated to the eastern façade, as well as the amended location of stairs and the addition of flues to building F1.

- (3) The internal layout would be reconfigured, and the car park entrance would be 'straightened', but would remain in the same location. The reconfiguration of buildings F1 and F2 would provide additional commercial space. The yacht club had been relocated to the west jetty, and this had consent and was under construction. As part of the changes the harbour office would be removed from building F2; the other offices at the first floor level would be replaced by residential units as they were no longer going to be used by the Brighton Marina Company. To ensure the number of residential units remained the same three other residential units elsewhere in the development would be replaced with plant rooms. The bus and taxi waiting room in the northern end of building F1 would be relocated near to the West Quay pub; there were proposed changes to the RNLI building.
- (4) The scheme proposed a number of landscape changes including the removal of the raised stage in the performing arts area, and changes to the air intake and ventilation – cycle parking had also been slightly redesigned. A number of consultation responses from neighbours had been received in relation to potential flooding as it was believed the vehicular access was below sea level; it was confirmed that the application had been amended so that the access location was now the same as previously approved, and was not part of the considerations in relation to this application. The Principal Planning Officer confirmed that Officers were satisfied with the determination of the application as a minor material change given there was no changes to the amount of parking; the number of residential units and no change to height or scale. The proposed increase in retail space had been subject to a sequential test, and it had been considered appropriate by Officers in Planning Policy as the offices had not been developed and they were for a specific need. The changes in the application were also considered acceptable by transport officers. For the reasons outlined in the report the application was recommended to be minded to grant.

Public Speakers and Questions

- (5) Mr Robert Powell and Professor John Watts spoke in objection to the scheme. They stated that the ramped entrance to the car park was unacceptable; there was no space for barriers or machines and cyclists would also have to share the entrance for access to the cycle storage. The entrance also cut a hole in the tidal flood barrier which threatened the integrity of the sea defence. The entrance was also 'barely' wide enough for two vehicles to pass; this would create congestion at the base of the ramp and a revised traffic assessment would be needed. They were of the view that the public sewer was at capacity the proposed sewer would restrict the height of the car park entrance, and whilst an additional private sewer was conditioned this would be insufficient as it would still need to discharge into the main sewer. When the permission had been granted in 2006 the Local Planning Authority had not given consideration to the Brighton Marina Act. It was believed the 2006 Committee had been misinformed, and that parts of the development were illegal as they were outside the limits stated in the Act.

- (6) In response to Councillor Hyde the objectors confirmed there would no longer be an entrance to the car park below the tide level, but they still had concerns in relation to the configuration of the drainage.
- (7) Councillor Mears spoke in relation to the application in her capacity as one of the local Ward Councillors. She stated that the 2006 application had been the subject of a special meeting of the Committee, and the application had been very detailed given the complexity of the scheme. Councillor Mears had concerns in relation to the variation applications and noted that the affordable housing aspects had been changed leaving only shared ownership. She felt that the variations should be treated as a new application to give greater understanding of the whole scheme. If the Committee were minded to grant to application it was requested that careful consideration be given to safety to ensure the finalised development was an asset to the city.
- (8) Councillor Randall asked for more information in relation to the tankers referenced in Councillor Mears letter in the agenda. Councillor Mears explained that there was an existing issue in relation to sewer capacity, and tankers were used regularly to clear it.
- (9) Councillor Mears confirmed for Councillor Littman that the number of lifts was being halved.
- (10) Mr Peter Green and Mr Andrew Goodall spoke in support of the scheme as the applicants. They stated that the scheme had commenced and was currently built up to the podium; there were 100 people working on site and this would rise to 300 at the end of the build – they were employing 40% local staff and a number of apprentices. All the necessary conditions and parts of the s106 agreement up to this point of the build had been complied with, and the first phase was on track to be completed by October which included the affordable units. The yacht club was being handed over at the end of the month, and the proposed amendments before the Committee were to improve the final scheme. The restaurants at the Marina had been successful and the model was to build on this. The wider scheme was a major part of the Marina redevelopment; it was envisaged this would help to provide a world class leisure destination in the UK.
- (11) In response to a series of questions from Councillor Hyde the applicants explained that it had been agreed the main sewer could handle the additional waste; it had been recently enlarged; there was no need to clear it by tanker and the main sewage line did not breach the tidal barrier. The ramped access to the car park was part of the original planning application, and all parties had been satisfied with the transport analysis undertaken at that time. It was confirmed that one lift had been removed as part of the application; this complied with building regulations and there was provision in place for evacuation.
- (12) In response to Councillor Jones the applicants explained that over 40% of the scheme would be affordable housing; the changes to the type of affordable housing had been due to the withdrawal of Government grants; however, there was explicit wording within the s106 making this change permissible.

- (13) In response to Councillor Cox the applicants explained that the lift had been removed as it was primarily there to service the offices in the building; with the change of use it was no longer considered necessary and would be a maintenance cost saving for future occupiers.

Questions for Officers

- (14) In response to Councillor Wells it was clarified that there was an informative advising the applicant to contact Southern Water to connect to the main sewer.
- (15) In response to Councillor Littman the reference in the report to the removal of the lift was clarified.

Debate and Decision Making Process

- (16) Councillor Hyde noted she had some concerns from listening to the speakers; she noted particular concern with the removal of the lift, but was satisfied on the basis this would comply with building regulations. The amendments in terms of the size of the application were minor, and were not any major changes to the existing permission.
- (17) Councillor Hamilton noted he had been Chair of the Committee when the application had been granted in 2006; he noted the application before the Committee did not give cause to go back on the original permission.
- (18) A vote was taken of the 12 Members and the Officer recommendation that the Committee be minded to grant was carried on a vote of 9 in support with 3 abstentions.

151.1 **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 a s106 Agreement and the conditions and informatives as set out in section 11.

B BH2014/03933 - Saltdean Primary School, Chiltington Way, Saltdean, Brighton - Council Development - Demolition of two existing single storey classroom blocks and erection of a new two storey teaching block with link corridor, new two storey classroom extension, hall extension, infill staff room extension and other associated works.

- (1) It was noted that the application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Manager (Major Applications), Paul Vidler introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application related to Saltdean Primary School which was currently split across the site into upper and lower schools; it was part two storey and the wider area was characterised by detached houses. The current intake of the school was 420 pupils with two classes in each of the seven years. As a result of an increase in school numbers there was a bulge class and two temporary classrooms had been provided on site to accommodate this. The intention was to increase the capacity to three classes per year, totalling 630 pupils, and four extensions were proposed to achieve this

across the site. The upper school would be linked with the lower through a two-storey extension that would be excavated into the site. The materials would be a mixture of matching brown brickwork and red cladding on certain elevations.

- (3) The scheme also proposed an extension to the hall which would be part brickwork and cladding. The third extension was a two-storey classroom extension, and the fourth was a small addition to the staffroom. Of main concern in the consultation had been the parking arrangements, and many of the letters of objection had not opposed the expansion, but were concerned with the parking, pick up and drop off arrangements. Currently there were two carparks on the site, and the changes to these would increase the number of spaces on site from 11 to 13 – two of which would be disabled spaces. If the parking standards in the SPG were applied to the school a maximum of 37 spaces (including 4 disabled spaces) would be required. A staff survey had been carried which showed 59% of staff drove to school and 6% car shared; however, parking behaviour was difficult to predict as there were a number of part-time staff. Based on this information it was estimated that 9 additional staff would need to park on the surrounding streets, and a parking survey had also been carried out showing there was capacity for 360 cars on the surrounding streets. Officers were of the view that there was sufficient capacity for the displaced parking, and for this reason there was no requirement to extend the size of the car park on site. To manage the increased demand on infrastructure there would be a number of improvements which were listed in the report. The transport impacts were considered acceptable and the report was recommended for approval for the reasons set out in the report.

Public Speaker(s) and Questions

- (4) Mr David Atkey spoke in objection to aspects of the scheme in his capacity as a local resident. He stated that local residents supported the expansion of the school and the reasons for it; the design was excellent and would meet local need. Objections related to the parking facilities, and the problems associated with 30-40 staff parking on street. There were existing problems for residents using their cars in the morning as well as issues with 'road rage' and other incidents. These problems would continue with the expansion of the school and the increased number of staff. It was felt that the option to encourage the use of sustainable transport was unrealistic; instead the car park should be increased to a capacity of 30 which would still be below the maximum level recommended by the SPG. It was noted that planning guidance stated adequate levels of parking should be sought.
- (5) Mr Michael Nix spoke in support of the application in his capacity as the Head of Education Planning & Contracts. He explained that the application sought to address the shortage of school places in the location and was part of the five year School Organisational Plan. The demand would continue to grow on the school; other nearby schools were also at capacity and it was not permissible to give priority to children living within the city as opposed to those from the part of Saltdean within the boundaries of East Sussex County Council. Consultation had been held during 2014, and following the notice period there had been approval given by the Children & Young People Committee pending planning approval. Officers had been mindful of the concerns in relation to parking and congestion; however, it was considered that the smaller car park took into account this impact and availability of parking on the surrounding streets. Any application to reduce the amount of outside space at the

school needed approval from the Secretary of State – this had already had to happen as part of the application, and a further application would make the scheme much more difficult to achieve. Council Officers would work with the school to make changes to the travel plan and keep this under review as the school continued to grow over the next seven years.

- (6) In response to a series of questions from Councillor Hyde it was explained by Mr Nix that he had not been closely involved with the design of the scheme, but colleagues had worked closely with the Planning Department and taking pre-application advice. In relation to parking matters the application needed to strike a balance between the needs of staff and the loss of the outside space; this had been done through the assessments with Officers in transport. The section 77 consent from the Secretary of State had been secured by demonstrating where additional outside space might be provided.
- (7) In response to Councillor Gilbey it was explained by Mr Nix that there were already two bulge classes at the school so it would continue to expand up to capacity over the next few years.

Questions for Officers

- (8) In response to Councillor Cox it was explained that the parking at Lustrells Vale had not been taken into account as part of the parking assessment; the parking was mentioned in the report by way of context.
- (9) In response to Councillor Jones the Principal Transport Officer, Pete Tolson, advised that traffic problems were common around most schools; this school had been engaged in a travel plan which would assist alternative ways to school.
- (10) In response to Councillor Gilbey it was not known if staff were using the car park at Lustrells Vale, but it was clarified the level of displacement parking was expected to be approximately nine cars.
- (11) In response to Councillor K. Norman it was clarified that the Road Safety Team had engaged with the school in relation to a travel plan, and a condition in the report required the plan to be submitted and approved before the extensions were completed. The Road Safety Manager, Martin Heath, explained that Officers would continue to work with school even once their travel plans were agreed. The plan would seek to challenge anti-social transport related behaviours, and the school would have access to the Council's enforcement services.
- (12) It was confirmed for Councillor Gilbey there was currently no home to school transport provided by the school.

Debate and Decision Making Process

- (13) Councillor Hyde stated that this was a very popular local school with good outside facilities and residents welcomed the expansion. She felt the issue of parking had not been properly listened to and there was a lost opportunity to improve the situation; she did not agree with the approximated level of displacement parking that had been put

forward by the assessment. The outer city location of the school would make it more difficult for staff to travel there by sustainable transport, and many would have to use their own transport. Councillor Hyde raised concerns in relation to the proposed red cladding, and felt it could make what was currently a very unobtrusive building much more prominent; there was also concern that the proposed materials would not match those currently on the site. Councillor Hyde proposed that were the Committee minded to approve the application then the discharge of the condition in relation to the materials should come back before the Committee for determination.

- (14) Councillor Littman stated that he supported the application and the expansion of the school – noting it was a popular and successful school. The concerns in relation to the parking were noted, but and he felt from reading the report this was a significant issue. He agreed with Councillor Hyde in relation to the issue with the red cladding, and felt this should be revisited.
- (15) Councillor Randall noted he agreed in relation to the cladding.
- (16) The Senior Solicitor, Hilary Woodward, explained that if Members were minded to grant the application then the Committee could resolve that the discharge of condition 10, in relation to the materials , come before the Committee for determination.
- (17) Councillor Hamilton stated that his concerns mostly related to the parking on the site, and he referenced a similar problem in his Ward with a much larger school. He felt teachers had to take an increased amount of materials to and from school each day and would be difficult for them to walk a distance or take public transport. On balance he would support the Officers recommendation, but reiterated that the proposed parking solution would not be sufficient.
- (18) Councillor K. Norman stated that he agreed with the comments of others on the Committee in relation to the cladding, and referenced ongoing problems regarding parking since the expansion of Westdene Primary School a few years back. On balance he felt these issues would not be fully resolved, but would support the Officer recommendation in principle.
- (19) Councillor Wells stated the parking would be insufficient.
- (20) Councillor Phillips noted that in her professional experience as a teacher it was normal for staff to not be able to park in the school car park.
- (21) Councillor Gilbey noted she was surprised of the colour of the red cladding that was passed around to the Committee. She stated there was a need for these schools places and she would support the application.
- (22) A vote was taken by the 12 Members present and the Officers recommendation that the Committee grant the application was unanimously carried.

151.2 **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 the conditions and informatives set out in

section 11; the amended condition and additional informative set out below, and that Condition 10 in the report be discharged by the Committee.

Amended Condition 7

The development hereby permitted shall be constructed in full accordance with the Construction Environmental Management Plan (CEMP) submitted on 11 March 2015 unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure highway safety and that appropriate environmental protection is in place to safeguard neighbouring amenity in compliance with policies TR7, SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

Additional Informative

The Planning Committee has indicated that the red coloured cladding materials proposed in this application would not be acceptable and has resolved that the application to be submitted to discharge the requirements of Condition 10 be determined by the Planning Committee. The applicant is recommended to propose an alternative colour/shade of external cladding material.

- C BH2014/04147 - St Andrews C of E School, Belfast Street, Hove - Full Planning -**
Erection of two storey teaching extension and extensions to hall, kitchen and reception class with main entrance alterations and associated external works including alterations to parking and landscaping.
- (1) The Planning Manager (Applications), Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application site related to a detached school which was accessed from Belfast Street and externally finished in render and brick. There was a large playing field to the south of the school, and the surrounding area was a mixture of residential and commercial uses. Permission was sought for a two-storey extension which would allow the number of classes in each year to increase from two to three – a net increase of 188 places. The extensions would provide for eight additional classrooms; new lobby and PE store. The proposed materials would be two-tone cladding and brickwork to match the existing school. Issues raised during the consultation and in the late representations largely related to transport and safety concerns. There was also a late representation from Councillor Hawtree and letters from 38 Sackville Gardens and from a solicitor on behalf of local residents.
- (2) An update was provided on comments made by the nearby Tesco supermarket; the store had stated that should the car park change in future then the store might have to discourage parents from using it – it was clarified that the comment from the supermarket was neither in support nor objection to the scheme. The considerations related to the principal of the development; the impact of the appearance of the school; sustainability; intensification of use; transport and highways safety. The School Organisational Plan indicated there were sufficient places, but the distribution did not match the need; the areas of south and central Hove had some of the most significant shortages, and the proposal extension to the school would help to address this need.

- (3) The design was acceptable, and whilst the height and scale were large they were also considered acceptable. Whilst there would be harm caused through the moving of the temporary classrooms this was outweighed as the structures would be removed when the works were completed. Concerns had been raised about noise, but these were not considered significant, and the Transport Team had not objected and was satisfied with the retention of the two existing access points. The 33 car parking spaces on the site would be retained, and 18 spaces would be provided on Haddington Street public car park. The application was recommended for approval for the reasons set out in the report, and with the additional condition set out in the Late List.

Public Speaker(s) and Questions

- (4) Mr Jon Stanley spoke in objection to the scheme in his capacity as a parent with children at the school. He stated that the Committee should not let the pressure on school places in the area dictate their decision in relation to the application. Mr Stanley expressed several concerns in relation to: the exclusion of the comments from Tesco; lack of regard to policy; no change of use for the car park and lack of consideration of objections from local shops. Currently only 2% of children at the school cycled due to how dangerous the traffic currently was; this application, and the potential loss of the Tesco car park, would make the situation worse.
- (5) Councillor Hawtree spoke in his capacity as a local Ward Councillor and stated that the application was controversial, as had been the original building of the school. Reference was made to comments in the report that the design was 'not of a high standard'; however, the need for school places was acknowledged. The proposed footway measures were welcomed, and Councillor Hawtree noted he was in two minds in relation to the scheme.
- (6) Mr Michael Nix spoke in support of the application in his capacity as the Head of Education Planning & Contracts. He stated that the need for primary school places was set out in the report, and the area had already seen the expansion of other schools to meet demand. Despite additions and the reorganisation of schools in South Portslade there continued to be the need for bulge classes. St. Andrew's was a popular school, and one of the only ones that had not been expanded, and the Council had responded to the points raised during the consultation to help minimise the impact. As the proposals did not reduce the net outside space, and the school was confident the PE curriculum could be met then there was no need to apply to the Secretary of State. The issues with the traffic in the local narrow streets were acknowledged, but the Council would continue to work with the school to update the travel plan.
- (7) It was confirmed for Councillor Hamilton that the school currently had a bulge class.

Questions for Officers, Debate and Decision Making Process

- (8) It was confirmed for the Chair that the Police had not been consulted due to the scale of the scheme. It was also confirmed that the temporary recession measures were withdrawn at the end of January 2015.
- (9) A vote was taken by the 12 Members present and the Officer recommendation that the Committee grant the application was unanimously carried.

- 151.3 **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** planning permission subject to the conditions and informatives set out in section 11, and the amended and additional conditions set out below:

Amended Condition 8

Prior to the installation of the brise soleil on the southern elevation of the development hereby permitted full details of the brise soleil including 1:20 scale elevational drawings and sections shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

Additional Condition:

The development hereby permitted shall not be commenced until a scheme detailing the full design and layout and changes to the proposed Haddington Street car park to provide a clear and logical pedestrian route to the rear of the parking spaces has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved works have been implemented.

Reason: To ensure the promotion of sustainable forms of travel and comply with policies TR1, TR7, TR8 and TR11 of the Brighton & Hove Local Plan.

- D BH2013/03955 - 32 - 34 Arundel Road, Brighton - Full Planning** - Demolition of existing shop and flat above and erection of three storey building with basement creating 4no two bedroom maisonettes.

- (1) The Planning Manager (Applications), Nicola Hurley, introduced the application by reference to photographs, plans and elevational drawings. The application site was located on the eastern side of the road and formed part of a terrace; planning permission had been refused in May 2013 for the demolition of the site and the construction of four two-bedroom maisonettes. The reasons for refusal had related to the objection from the Health & Safety Executive; the incongruous appearance, the standard of accommodation and lack of cycle parking. In relation to the current application the consultation responses were set out in the report, and the comments of the Health & Safety Executive were of importance. The wider considerations related to: the principle of demolition; the construction of four units; the hazardous site to the east; appearance; the standard of accommodation; amenity; transport and sustainability.
- (2) The site was located within the Black Rock gas site area, and was subject to consultation with the Health and Safety Executive.. Due to the creation of four units the Health and Safety Executive had advised against the development on the basis of density. Since the previous refusal there had been a prior approval for the demolition of the gasholders on the site; however, other gas apparatus, including mains, was still in use and the site remained a major hazard installation. In the previous scheme the design was considered incongruous and excessive – the main differences were now

minor and included changes to the front by narrowing the windows at street level, but this did not overcome the previous reason for refusal. Cycle parking was now proposed. There were still concerns with the size and standard of the accommodation, and for the reasons set out in the report the application was recommended for refusal.

Public Speaker(s) and Questions

- (3) Councillor Smith spoke in support of the application in his capacity a local Ward Councillor. He stated that other applications of lower density had been granted permission in the street, and he felt the approach of the Health and Safety Executive was inconsistent. The Council was currently under pressure to build on greenfield sites in the city, but it was important that brownfield sites, such as this, were utilised. The site had also been vacant for a number of years, and neighbours would welcome it coming back into use.
- (4) Mr Trevor Scoble was registered to speak in support of the application in his capacity as the agent; however, due to illness he was not able to attend the meeting, and a submission was read on his behalf. It stated that Mr Scoble has previously requested the application be deferred as the full information lodged in support of the application was not before the Committee for consideration. This information had only been part referenced in the Officer report under 8.9,' but there were further pieces of information that had not been referred to in the Officers report. Mr Scoble had requested a deferral of the application; following confirmation from the Case Officer that the planning condition referred to by the Health and Safety Executive could not be given as it relied on action from a third party. For these reasons Mr Scoble felt he could not respond properly to the Officer report. He asked that the Case Officer provide the 'missing' information to the Committee for their consideration.

Questions for Officers

- (5) In response to Councillor Wells the dimensions of the living rooms in the scheme were confirmed.
- (6) The Planning Manager (Applications) confirmed the situation in relation to the Health and Safety Executive's advice stating that where they objected the Local Planning Authority could not legally grant the application. Were the Committee minded to approve then the Health and Safety Executive would have to be informed. The health and Safety Executive would then consider whether to request the Secretary of State to call in the application decision.. In relation to the hazardous site there were still significant remedial works to be completed before development could be permitted.
- (7) In response to Councillor K. Norman it was clarified that the gas works site had not been decontaminated or fully decommissioned.
- (8) It was confirmed for Councillor Wells that the density of units on the site gave rise to the Health and Safety Executive's objection.

Debate and Decision Making Process

- (9) Councillor Jones stated he was surprised by the position of the Health and Safety Executive; however, due to the very small size of the proposed units he would support the Officer recommendation.
- (10) Councillor Hyde noted there was a mix of different styles and densities of dwellings in this area; she was not convinced about the strength of the design, and acknowledged comments that a lower density scheme might receive approval.
- (11) Councillor Randall felt the position of the Health and Safety Executive was inconsistent; he noted the rooms were very small in the proposal and felt the development would benefit more from being two properties.
- (12) Councillor Wells stated he would support the Officers recommendation due to the small size of the rooms.
- (13) A vote was taken by the 12 Members present and the Officer recommendation that permission be refused was carried on a vote of 10 in support with 2 against.

151.4 **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 **REFUSE** permission for the reasons set out below:

Reasons for Refusal

- i. The Health and Safety Executive have advised against the proposed development due to the density and scale of the development proposed and the proximity of the site to a Major Hazardous Installation in the form of the Black Rock gas holder site. The proposal is therefore contrary to policy SU12 of the Brighton and Hove Local Plan.
- ii. The proposed building by reason of its scale, height and design would have an incongruous and excessively prominent appearance when viewed in conjunction with the buildings to either side and the wider street scene. The proposal fails to demonstrate a high standard of design and architecture and fails to pay respect to the context of the site. The development is therefore contrary to policies QD1 and QD2 of the Brighton and Hove Local Plan.
- iii. The proposed residential units would provide an unacceptably poor standard of accommodation due to their cramped layouts and small room sizes. The proposed kitchen areas are particularly small in relation to the two-bedroom units proposed. The proposed development is therefore contrary to policy QD27 of the Brighton and Hove Local Plan which seeks to ensure an acceptable standard of amenity for future residents.

Informatives:

- i. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of

sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

E BH2014/04088 - Block B The Priory, London Road, Brighton - Full Planning - Erection of additional storey to form 2no three bedroom flats each with roof garden and associated cycle store.

(1) The Committee agreed to forego a presentation and moved directly to the vote. Of the 11 Members present the Officer recommendation that the Committee grant permission was carried on a vote of 8 in support, 2 against and 1 abstention.

151.5 **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 the conditions and informatives set out in section 11.

Note: Councillor Cox was not present during the vote in relation to this application.

F BH2014/01429 - 19 Hollingbury Park Avenue, Brighton - Full Planning - Change of use from residential dwelling (C3) to six bedroom small house in multiple occupation (C4). (Part retrospective).

(1) The Planning Manager (Applications), Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The property was authorised for use as a family home, but was currently operating as 7-bedroom unauthorised HMO. The application sought permission for the change of use to become a 6-bedroom HMO. The considerations related to the principle of the change of use; amenity; the standard of accommodation; transport matters and sustainability. The property was also caught by policy CP21 in the draft City Plan, and the mapping exercise had been undertaken showing 5.1% to be in use as HMOs. Objections from neighbours related to the proposed use and intensification. Overall the standard of accommodation was acceptable, and the change of use was acceptable in this location. The cycle parking would be confirmed through condition, and the recommended condition that work should start in three years was withdrawn as the application was retrospective. For the reasons set out in the report for the application was recommended for refusal.

Public Speaker(s) and Questions

(1) Councillor Lepper spoke in objection to the application in her capacity as local Ward Councillor and local resident, and stated that residents in the area wished for the application to be refused, but noted that policy was clear on these types of application. The report noted that some of the room sizes were quite small. Since the house had been operating as an HMO there had been complaints in relation to noise and anti-social behaviour; these had been followed up with the letting agent. There was concern that despite the application the property would continue to operate as an unauthorised 7-bedroom HMO, and it was requested that this be properly enforced.

Questions for Officers

- (2) In response to Councillor Hamilton it was confirmed that the Local Planning Authority did not have a minimum standard for room size; there was a separate regime for HMO licensing, but this was not a consideration before the Committee.
- (3) In response to Councillor Phillips the Council's enforcement powers were highlighted.

Debate and Decision Making Process

- (4) Councillor Randall felt the application would lead to overcrowding, and was concerned this area would become the next part of the city to be targeted by student landlords – he would not support the Officer recommendation.
- (5) Councillor Wells felt this was too much in such a small space, and felt the property would be better suited to being a 5-bedroom dwelling; for these reasons he would not support the Officer recommendation.
- (6) Councillor Cox noted that until there was more purpose built student accommodation in the city this type of property would be needed for students to live in.
- (7) Councillor Gilbey noted she could not support the application as it had limited amenity space.
- (8) Councillor Jones noted he could not support the Officer recommendation.
- (9) Councillor Littman noted the standard of the accommodation was poor, and he would not support the Officer recommendation.
- (10) A vote was taken of the 12 Members present and the Officer recommendation that permission be granted was not carried on a vote of 10 against with 2 abstentions. Councillor Jones proposed reasons to refuse the application, and these were seconded by Councillor Littman. A short recess was then held to allow the Chair, Councillor Jones, Councillor Littman, the Planning Manager (Major Projects); the Planning Manager (Applications) and the Senior Solicitor to draft the reasons in full; these reasons were then read to the Committee and it was agreed they were representative of those put forward in the debate. A recorded vote was then taken and Councillors: Jones, Hyde, Carden, Randall, Gilbey, Hamilton, Littman, Phillips, K. Norman and Wells voted that permission be refused and Councillor Mac Cafferty abstained from the vote. **Note:** Councillor Cox left the meeting before the recorded vote took place.

151.6 **RESOLVED** – That the Committee has considered the Officer recommendation and the reasons for it, but resolves to **REFUSE** planning permission for the reason set out below:

- i. The proposed development by reason of the cramped and limited size of bedrooms, particularly at second floor level, represents an inadequate standard of accommodation for occupiers. In addition, the shared facilities provided will be under significant

pressure because of the number of individual occupiers. Accordingly the proposed development is contrary to Policy QD 27 of the Brighton & Hove Local Plan 2005.

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

152.1 There were no further requests for site visit in relation to matters

153 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

154.1 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.]

155 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

156 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

157 APPEAL DECISIONS

157.1 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 5.36pm

Signed

Chair

Dated this

day of