

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****10.30am 11 DECEMBER 2013****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Duncan, Gilbey, Hamilton, Randall, Shanks, Simson, C Theobald and Wells

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

Officers in attendance: Head Walsh (Head of Development Control); Kathryn Boggiano (Senior Planning Officer); Steven Lewis (Senior Planning Officer); Adrian Smith (Senior Planning Officer); Liz Arnold (Senior Planning Officer); Rob Fraser (Head of Planning Strategy); Nicola Hurley (Area Planning Manager); Steven Shaw (Principal Transport Officer); Annie Sparks (Environmental Protection Officer); Hilary Woodward (Senior Solicitor) and Ross Keatley (Acting Democratic Services Manager).

PART ONE**112. PROCEDURAL BUSINESS****112a Declarations of substitutes**

112.1 Councillor Simson was present in substitution for Councillor Cox; Councillor Shanks was present in substitution for Councillor Davey and Councillor Randall was present in substitution for Councillor Littman.

112b Declarations of interests

112.2 Councillors Shanks referenced application BH2013/03280 – Dorothy Stringer School, Loder Road, Brighton and noted that this application was located in her ward, and she had been lobbied on the issue due to her role as Chair of Children & Young People’s Committee; however, she had not publically expressed a view on the matter, and was satisfied that she was of a neutral mind in relation to the application.

112.3 Councillor Jones referenced application BH2013/03280 – Dorothy Stringer School, Loder Road, Brighton and highlighted that he was a personal friend of one of the

objectors; however, he confirmed that he remained of neutral mind in relation to the application.

- 112.4 Councillor Mac Cafferty referenced application BH2013/03280 – Dorothy Stringer School, Loder Road, Brighton and highlighted that he was a personal friend of one of the objectors; however, he confirmed that he remained of neutral mind in relation to the application.
- 112.5 Councillor Simson referenced application BH2013/02492 – Land at rear of 107, 109 & 111 Cowley Drive, Woodingdean, Brighton, and explained that she had objected to previous schemes on the site, but had made no comment in relation to this scheme.

112c Exclusion of the press and public

- 112.6 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.
- 112.7 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

112d Use of mobile phones and tablets

- 112.8 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’.

113. MINUTES OF THE PREVIOUS MEETING

- 113.1 The Acting Democratic Services Manager, Ross Keatley, noted that in relation to Item 105F – 30 Aymer Road, Hove the wrong text had been included in the body of the minute in the hardcopies of the agenda circulated to the Committee. This had been rectified in the version of the agenda published online, and the corrected minutes had been circulated to the Committee prior to the meeting.
- 113.2 **RESOLVED** – That, with the above amendment, the Chair be authorised to sign the minutes of the meeting held on 20 November 2013 as a correct record.

114. CHAIR'S COMMUNICATIONS

- 114.1 Due to the length of the agenda it was expected that applications A – C on the agenda would be heard before the scheduled lunch break at 13.30 and applications D – M would be heard when the Committee reconvened after lunch. It was also noted that application N had been deferred from the agenda.

115. PUBLIC QUESTIONS

115.1 There were none.

116. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

116.1 There were none.

117. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**Major Applications**

A. BH2013/01600 - City College, Pelham Street, Brighton - Hybrid Application-Part Full/Part Outline application some matters reserved - Hybrid planning application comprising: Phase 1: Full planning application for erection of an 8 storey (ground plus 7) College building of 12,056 sqm and ancillary accommodation (use class D1), with associated access, infrastructure and, public realm improvements and landscaping. Phase 2a: Full planning application for demolition of Pelham Tower and erection of a 10 (ground plus 9) storey building of 12,647 sqm to provide 442 student residential units and ancillary accommodation (sui generis use class), with associated access, infrastructure, public realm improvements and landscaping. Phase 2b: Outline planning consent for the demolition of York, Trafalgar and Cheapside Buildings, and the erection of up to 125 residential units (use class C3) (access, layout and scale).

- 1) The Senior Planning Officer, Kathryn Boggiano, introduced the application and gave a presentation by reference to plans, photographs, elevational drawings and artists impressions of the scheme; attention was drawn to matters on the Late List and additional representations received. It was noted that since the publication of the agenda an additional 22 standard letters of objection had been received, and an objection had been withdrawn from a local resident. The application site was located in the North Laine Conservation Area, and the site also adjoined the Valley Gardens Conservation Area. There were two nearby listed churches St. Bartholomew's and St. Peter's. The Trafalgar Building which was due to be demolished had some historic value, but the building had been altered, and the Gloucester building would be retained. The Committee were also provided details of an approved scheme that had received permission in 2008 subject to the completion of a s106 agreement, but this had not been implemented as the funding from the Learning and Skills Council had been lost when the organisation was dissolved; the local planning authority had formally disposed of the application in 2011. The 2008 approval had been for a mixed residential and commercial scheme, and at that time the college had envisaged a two campus approach in which 10,000 sqm of learning space would be provided at the Pelham Street campus.
- 2) The hybrid application sought permission for a three phased development with full permission for first two phases consisting of the new college building and 442 student residential units, and outline permission for up to 125 residential units east of Pelham Street. The application also included significant public realm improvements, and new access under the archway at York Place. It was highlighted that the residential aspect of the scheme was outline and only matters in relation to the siting, scale and height were being considered: not the external details or the landscaping. There was a decant

strategy for the whole site which would allow it to remain operational throughout the build. There was no external funding for the scheme, and the student and residential accommodation acted as enablers. The planning application had an accompanying EIA. In relation to representations 155 letters of objection had been received; as well as letters from two of the local Ward Councillors – West and Deane. There had been no objection from technical consultees, but both the Conservation Advisory Group (CAG) and the North Laine Resident's Association (NLRA) had objected; whilst the application had received support from the Business Forum.

- 3) The lowest point of the scheme would be on the Pelham Street frontage where the scheme would be 8 storeys, but this would appear as 7 from Whitecross Street due to the difference in the levels. The front of the college would be glazed with a screen of louvers and cladding; the plant on the roof of the building would be recessed and screened, and it was noted the roof line of the proposed scheme would be lower than the approved height of the college in the 2008 scheme. In front of the new college building would be a new public square and a row of trees would be planted on the southern boundary. There had been some concerns in relation to noise from the new square, and it had been agreed through condition that the alleyway adjacent to Whitecross Street would be locked in the evenings, and the area would be monitored through security provided by the college. It was noted that the current college had 30,000 square metres of floor space; 10,000 of this was circulation space, and the remaining 20,000 was considered inefficient for modern teaching. There was 12,000 square metres of space provided at the new college and with space at the Wilson Avenue campus the total space would be approximately 20,000 square metres; however, this would be 6,000 less than the approved 2008 scheme. This loss of teaching space was weighed against the long term aspirations of the college and the significant public benefits of a new 'fit for purpose' college building.
- 4) In relation to the student residential accommodation it was explained that the main entrance would be from Pelham Street with active street frontages, and the first floor and above would form a 'U' shape. The lowest section of the building was at the corner of Pelham Street and Cheapside, and the tallest section would be ten storeys, but read as nine from the street level. On all elevations the building would be broken up into vertical sections, and long sections of glazing would help to achieve visual horizontality; recessed bedrooms would also be a feature to create greater depth. The policy basis (CP21) in the submitted City Plan had identified 300 student accommodation units on the site, but there was no objection in principle to a figure in excess of 300. Sussex University had also confirmed that they wished to rent the accommodation and manage it through a third party management company. Any student living at the site would enter into a contractual management agreement in relation to their behaviour, and Officers were of the view that the provision of student accommodation was in line with policy. It was noted that concern had been expressed in relation to student behaviour in surrounding streets, but it was not possible for the application to condition against this, nor could the applicant be responsible for such behaviour; however, it had been agreed that the management company would attend the Local Action Team meetings.
- 5) In relation to the residential accommodation it was noted that there would be 30 disabled parking spaces, but future occupiers would not be eligible for on-street parking permits. The building would be similar in height to the Cheapside building, and

only 0.8 metres higher than the proposed building in the same location in the 2008 application. Some of the key views were highlighted to the Committee, and it was noted that there would be an improved view of the Grade I listed St. Bartholomew's from Pelham Street and the street would be widened. From Sydney Street the proposed building would be 16 metres lower than the current Pelham Tower, but would be perceived to be higher closer to it as it covered a wider area. From Grand Parade the views were improved, and from New England Street the mass was moved with a reduction in the height. In relation to daylight impacts there was an increased impact on some properties on Whitecross Street and Trafalgar Street where some fell below recommended levels, but it was acknowledged that the daylight levels were already poor on these aspects due to the city centre location, and it was considered acceptable given the wider benefits of the scheme.

- 6) An assessment had been undertaken of the construction impact; work would take place over a four year period and concurrently on the student and residential aspects of the scheme. The working hours would be 0800 to 1800 hours Monday to Friday; until 1300 hours on Saturday and no work on Sundays and bank holidays. The assessment had identified noise thresholds and there would be a need for mitigation; as well as a formal Construction and Environmental Management Plan and an agreement with Environmental Health for the different phases of construction activities, and it was considered that these two agreements were the best way to secure mitigation measures. The sustainability and viability matters were set out in the report, and it was highlighted that the student and residential aspects of the scheme were enablers, and the viability assessment had been assessed as well as the £300k affordable housing contribution – both of which were considered acceptable. There was also the provision for a claw back scheme to provide further affordable housing offsite. It was highlighted that the scheme offered substantial public benefits; improved public realm, and was recommended to be minded to grant subject to conditions and the agreement of S106 agreement.

Public Speakers and Questions

- 7) Mr Peter Crowhurst spoke in his capacity as the Chair of the North Laine Residents Association and stated that the application would have a huge negative impact; contravened planning policy and should be rejected by the Committee. Policy highlighted 300 student residential units on the site, and there was not sufficient evidence of the mitigation measures for the increased number of students. There were already noise problems in the local area and this application would increase these issues. The scale, mass and height of the proposed development was inappropriate as the housing in the wider North Laine area was low rise; painted white and on narrow streets; the application also impaired views from the conservation area, and the scale should reflect the character of the area. The effectiveness of the construction plan was questioned, and it was argued there was no need for the new college as the existing one was doing very well. The Committee were asked to refuse the application as people would leave the area if the application were approved.
- 8) Mr Clint Powell, a local resident, also addressed the Committee with Mr Crowhurst and added there were similar concerns that had been expressed with the 2008 application in relation to the Section 61 Agreement signed with Environmental Health, and it was felt this could not be fully relied upon to protect the amenity of local residents.

Residents were not opposed to the college selling off land, but felt the construction phase would make their homes unliveable, and the construction plan was only confirmed for the first phase of the build.

- 9) Councillor Deane addressed the Committee in her capacity as the Local Ward Councillor. She stated that whilst Officers had recommended that the scheme be minded to grant she was asking the Committee to refuse. The objections were not aimed at the college itself, but the application was not financially viable as the college could only go forward with the scheme by including both residential and student aspects on the site. The level of student accommodation was in contradiction to policy, and it was considered that Officers should have pushed the applicant further on the level of affordable housing; as the figure was only half that which could normally be required. The plans offered little in the way of biodiversity and there would damage to the neighbourhood and the quality of life for residents. Concern was expressed that the major development could quickly become unfit for purpose in a few years due to the reduction in teaching space at the new site. It was highlighted that the college had done well in its last OFSTED report, and this was more of a 'vanity' project that had the potentially to compromise the City Plan at the outset. Attention was drawn to the letters of objection and that most were from people living in the local area for many years.
- 10) Mr Peter Hoffman, the Chair of Governors at the College, spoke in support of the scheme and explained the scheme would transform the future of further education in the city for the next 40 years, and could have provision for 10,000 students a year, and many of these students would go on to live and work in the local area. The application would be a key component for regeneration in the city, and in particular this would impact on the London Road area. It would provide £80 million of investment and create 140 new construction jobs. The developers had worked to communicate with residents through the life of the application, and this has resulted in a number of alterations and refinements. In closing it was added that the proposals before the Committee would secure the investment for the future of City College.
- 11) In response to Councillor Randall it was confirmed by Mr Hoffman that there would be approximately 12,000 square metres of teaching space at the Pelham Street campus, and approximately 8,000 at the Wilson Avenue campus.
- 12) In response to Council Shanks it was explained by Mr Hoffman that much of the current space at the college was non-teaching space, and the application would provide the opportunity to grow and expand. Councillor Hyde continued this line of questioning and asked how this new application would actually be of real benefit; Mr Hoffman explained that with buildings such as the Trafalgar and Cheapside buildings the space was very outdated and difficult to operate, and there were quite long travel times between parts of the college – this all made timetabling more difficult. The new building would have less space overall, but be much more suitable to the modern and future learning techniques that would be required.
- 13) Mr Hoffman explained, in response to Councillor Wells, that over 140 local construction jobs would be created, and the contractor was committed to providing this through their contract.

- 14) In response to Councillor Carol Theobald it was explained that there would be arrangements in place to stagger the arrival and departure of students at the beginning and end of term at the student accommodation to ease traffic congestion. It was also envisaged that the accommodation would largely be let to post-graduate students who would be more likely to arrive by public transport.
- 15) It was confirmed for Councillor Gilbey that the college would largely be providing further education in the vast majority of cases for local residents to the city.
- 16) In response to Councillor Randall it was confirmed that it was the intention to use the student accommodation during the summer for language schools, and this would be managed in the same way as during the term time.

Questions for Officers

- 17) Councillor Carol Theobald asked about the loss of parking on the site, and Officers explained that there were currently 118 surface level parking spaces for staff, and the application did not propose to provide an parking for staff as the location was highly sustainable close to rail and bus services – there would be six disabled parking spaces retained on Pelham Street. Councillor Carol Theobald went on to ask about public art and historic street signs, and it was explained that the contribution was split across the different phases of the development; the final form of the public art would be agreed in consultation with local Ward Councillors; historic street names had not been conditioned, but this could be explored further with the applicant.
- 18) Councillor Jones asked for clarification in relation to material considerations and construction impacts. The Senior Solicitor, Hilary Woodward, explained that when a planning application was accompanied by an Environmental Impact Assessment there was a two stage process. First of all the construction impacts would be considered in the context of the Environmental Impact Assessment and the relevant Regulations governing this. If the EIA was considered acceptable the next stage was then to determine the planning application. In determining the planning application under the Town and Country Planning Act construction impacts were not material planning considerations, but this was not to say that the LPA could not seek to mitigate construction impacts as the recommendation in relation to this application sought to do.
- 19) Councillor Jones went on to ask about matters raised by objectors to the scheme that the proposal was contrary to policy and potentially open to legal challenge. In response the Senior Solicitor explained that there was clear set procedure in relation to environmental impact assessment; the assessment was a matter of judgement for Officers and it was necessary to look at the likely significant effects on the environment. The Case Officer considered that the Environmental Statement had taken on board all of the necessary information, and had considered this as part of the application and made a recommendation that the Committee be minded to grant the application. The Case Officer added that the Environmental Statement established certain thresholds for noise and clearly outlined that mitigation measures would need to be taken. Councillor Hyde also added that the Planning Authority would be able to undertake enforcement action if the applicant did not comply with the conditions. The Environmental Protection Officer, Annie Sparks, added further information in relation to the environmental impact stating there would be an agreement in the s106 agreement

– under the Control of Pollution Act – to mitigate the impact. The Council had also been able to successfully enforce conditions on other sites in the city at the Magistrates Court.

- 20) In response to Councillor Hyde the pallet of materials was confirmed, and it was noted that the projection on the college was just less than 1 metre.
- 21) Councillor Hamilton returned to the issue of staff parking, and asked about staff having to move between the two college sites in the city. In response the Case Officer explained that the facilities would be split to provide a minimum need to travel between the two sites; where there would be travel a shuttle bus service would be provided as part of the wider travel plan for the site.
- 22) In response to Councillor Shanks the Case Officer confirmed that the views submitted by the applicant were accurate and had been verified; whereas those provided by the objectors were not verified.
- 23) Councillor Randall asked for more information on why the college could not be provided on the Pelham Street site and the student accommodation at the Wilson Avenue site. In response the Case Officer explained that the Wilson Avenue site had not been identified for student accommodation; furthermore the site was less suitable for that type of accommodation. The Head of Planning Strategy, Rob Fraser, added that policy CP21 of the emerging City Plan, set the criteria and stated that student accommodation should be on suitable transport corridors with easy access.
- 24) Councillor Gilbey asked about the daylight impact compared with the previous 2008 application. The Case Officer explained that the Committee has visited a flat on Trafalgar Street during the wider site visit, and the kitchen, Members observed, would not fail guidelines – only a smaller secondary window. It was further noted that the building line of the 2008 application would have actually been closer to the building in question and there would be screening planted as part of the application.
- 25) Before the Committee went into debate the Case Officer also added that: the Wilson Avenue site was constrained, in relation to use due to its location; the use of local labour would be a minimum of 20%; there would be a service lay-by to drop off at the student accommodation on Pelham Street and students would have allocated 10-15 minute slots.

Debate and Decision Making Process

- 26) Councillor Simson explained that she accepted the need for a modern college space; however, she expressed concern in relation to the reduction in the level of affordable housing, but less worried about the short-term impacts from the construction. She went on to add that the loss of staff parking was of further concern, and the loss of light to nearby properties – she would be taking all of these matters into account when voting, and added that her initial impression was of a very large scheme that would provide less teaching space.
- 27) Councillor Wells expressed concern in relation to the permanent loss of the parking on the site, and felt there was a missed opportunity for underground parking as the whole

area was already very difficult for parking. He went on to add that the application was incongruous, and the density levels on the site would be far too high and the whole scheme would be better brought forward on the Wilson Avenue site where it would be possible to address issues such as the ground contamination and the Pelham Street site could be returned to use as housing. Councillor Wells concluded that he would not support the Officer recommendation.

- 28) Councillor Carol Theobald stated that the design of the 2008 application had been good, but this design still had merit and would be better than the existing Pelham Tower on the site which had become very antiquated. She went on to express her disappointment that the Trafalgar Building would be demolished, and felt there was a lost opportunity by not having the college restaurant on the top floor of the development to take advantage of the views. Concern also expressed at the loss of the parking at the site and car parking could have been negotiated as part of the application; however, overall the scheme would be a great asset for the city. In conclusion Councillor Carol Theobald stated she was torn in relation to the application.
- 29) Mr Gowans explained that the Conservation Advisory Group (CAG) was recommending that the Committee refuse the application; it was felt the application sought to hide the different height elements it was introducing. The design was not appropriate in relation to the adjoining conservation areas and the nearby two listed buildings.
- 30) Councillor Randall stated that he had had a lot of contact with the college in the last few years and was very familiar with the Wilson Avenue site, but he stated he was not happy with the scheme. He referenced comments made by the objectors that the scheme would be of detriment to the North Laine area and he felt that more consideration should be given to refurbishment of the existing facilities. Concern was expressed that the scheme sought to 'cram' more accommodation into the centre of the city, and in particular one of the five wards in the city that was already identified as having high levels of students, and reference was made to Former Co-op building being converted into student accommodation which was also in the same ward. There was real concern that properties in the North Laine area could increasingly turn over to student houses which would permanently change the nature of the area. There was objection from the student unions in relation to taking the bus to reach the university campuses, but it was felt this should be a real option and the Wilson Avenue site needed further consideration for student accommodation.
- 31) Councillor Shanks noted that the parking facilities in Trafalgar Street car park were underused, and whilst the scheme may not have been ideal it was noted that the previous 2008 application had been brought forward under the belief that it would be government funded. As the college were now funding the scheme themselves there was a necessity to provide more housing to make this viable. The issue with student accommodation was the lack of purpose built accommodation, and Councillor Shanks summarised that on balance she would support the Officer recommendation.
- 32) Councillor Duncan stated that the decision was difficult, and felt that the application had become more focused on housing rather than the educational aspects. He stated that he was generally in favour of this type of development; in particular the affordable housing provided at the site; however, he expressed concern in relation to the

environmental standards of the application and that the Trafalgar Building should be retained as a heritage asset. In summary he stated that the collage development was necessary, but this should be provided without the enabling aspects of the scheme.

- 33) Councillor Hyde stated the difficult nature of the decision before the Committee, and she agreed with a great deal of what had already been said by other Members on the Committee. She stated that she had listened to the concerns from the objectors and in particular the loss of the Trafalgar Building – which was one of the first secondary schools building in Brighton. She went on to express concern that aspects of the scheme might be in contradiction to policy and made particular reference to the scale and height; the relationship to the surrounding buildings and the conservation areas; however, she also noted the balance of the argument in relation to the improved facilities for the city. In summary Councillor Hyde drew attention to her concerns in relation to the loss of space and the enabling development.
- 34) Councillor Carden expressed his support for the scheme, and noted his concern that often this type of large development was turned down at Committee. He noted the accessibility of the site in terms of sustainable transport.
- 35) Councillor Jones noted the difficulty of the decision, and stated his view that the previous scheme was better, but he understood the necessity for the enabling aspects of the scheme. He added that there was a need for a new college building, but was very troubled in relation to the loss of the Trafalgar Building and the potential impact on the North Laine area; however, on balance he felt he would vote in support of the Officer recommendation.
- 36) Councillor Hamilton expressed his concern that the applicant was trying to meet too many aspects and conditions from the Planning Authority, and all this made it increasingly difficult to achieve a workable scheme; this was also made increasingly difficult through the lack of public funding. He expressed concern in relation to the loss of the car parking spaces at the site and stated that some people would still access the site by car; whilst he had come with an open mind he did not feel able to support the Officer recommendation.
- 37) Councillor Mac Cafferty stated his view that the facilities were needed as the existing building was no longer practical or fit for purpose; he felt that overall the benefits of the scheme outweighed the matters raised by the objectors.
- 38) In response to some of the matters raised in relation to parking the Case Officer highlighted that there were nearby public car parks at Trafalgar Street and London Road with 275 and 528 spaces respectively. The location was considered one of the most sustainable in the city. It was noted that there could be more demand on parking as regeneration schemes came forward in the London Road area, but it was felt the local area could still accommodate those staff who would use local parking facilities. It was also confirmed that the information which accompanied the application stated that the parking was currently only used for staff.
- 39) A vote was taken on the Officer recommendation that the Committee be minded to grant the application and the vote was tied with 6 in support and 6 against; the Officer recommendation was then agreed on the Chair's casting vote.

117.1 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to be **MINDED TO GRANT** planning permission subject to conditions and a s106 agreement.

B. BH2013/03280 - Dorothy Stringer School, Loder Road, Brighton - Full Planning - Installation of an artificial turf pitch with associated fencing and floodlighting incorporating alteration to internal access and landscaping works.

- 1) The Senior Planning Officer, Jason Hawkes introduced the application and gave a presentation by reference to plans, photographs and elevational drawings; attention was also drawn to matters on the Late List and additional representations of support from Councillor Pissaridou and 'Brighton & Hove Friends of the Earth'. The application sought permission for the installation of an artificial turf pitch, and it was noted that Dorothy Stringer School was part of the wider Varndean campus with an additional secondary and primary school on the site. It was noted that the application site was in close proximity to neighbouring residential properties, and there were other existing playing fields on the site. It was noted that the proposed site of the pitch sloped upwards from west to east, and the application proposed the removal of two elm trees – both of which were the subject of a TPO and part of the national elm collection. The scheme also involved the alignment of the access to the school from Loder Road, and would involve some excavation works. The pitch would mainly be used for football training and coaching, and other community uses. The pitch would be fully enclosed by fencing and this would increase in height above the goals; it was proposed that this would be an oak and steel mesh type fence. To mitigate the loss of the elm trees on the site the applicant was proposing a series of new butterfly havens and the planting of 30 new elm trees along the rear access to the school.
- 2) The application was recommended for refusal on two grounds; firstly in relation to the detrimental impact on neighbours caused from increased noise disturbance and light pollution. Whilst noise and light assessments had been submitted, and it was acknowledged there was an existing level of noise Officers could not be confident that the increased level of noise would be properly managed. Further information was required in relation to the glare from the floodlights; the applicant had submitted proposed hours for use, but Officers were of the view that these were insufficient to address their concerns; nor mitigate to potential increased noise. The second reason for refusal related to the loss of the two mature elm trees; both were described as 'magnificent' specimens with at least 40 years of life left; they were also both the subject of TPOs; part of the national elm collection and free from disease. The significant biodiversity measures proposed, and existing, on the site were acknowledged, but it was considered that these measures did not outweigh the loss of the two existing elm trees on the site. For the reasons outlined in the report the application was recommended for refusal.

Public Speakers and Questions

- 3) Mr David MacDonald and Mr Tom Druitt spoke in support of the application in their capacity as local residents; Mr MacDonald stated that he had lived in Loder Road for 15 years, and added that some of the trees which were proposed to be destroyed had

been planted at the same time as others were lost when the sports hall was built. It was noted that Varndean School would also have a new artificial pitch that would be of a much lower impact, and the proposed level of noise would be twice as high as the existing levels at the school and the light impact failed to take account of sky glow or glare. Mr Druitt explained that he had been involved in a recent campaign to protect an elm tree in the Seven Dials area of the city; he reiterated that the trees were healthy; the subject of TPOs and part of the national collection. Reference was made to local policy protecting such trees and the habitats they created. Mr Druitt also felt that the removal of the trees would set a bad example to children, and the felling of them would contribute to the loss of public space. The Committee were asked to refuse the application.

- 4) Councillor Ann Norman spoke in opposition to the application in her capacity as the Local Ward Councillor; she stated that she was representing many of her residents in the Withdean Ward who had concerns both about the loss of the trees and the increased disturbance from the pitch. It was also added that the installation of the pitch would add to the number of car journeys in the area and the use of walking and sustainable transport could not be enforced. It was noted that those groups who had opposed the scheme had not been able to enter into dialogue with the school and, whilst the school was considered a good neighbour, the application was considered inappropriate at that point in time. Reference was also made to the lack of information in relation to light pollution, and the Committee were asked to refuse the application.
- 5) Mr Richard Bradford spoke in support of the application in his capacity as the Headteacher at Dorothy Stringer School; he stated that the school was fully aware of the reasons that the application was recommended for refusal, but was of the view that the benefits of the scheme outweighed these. The application sought to clearly meet an identified public health need and tackle childhood obesity; the facility would also provide an all weather sports facility for the city which due to lack of space in the city needed to be at schools. The area was currently a waterlogged field that was not suitable for use in conjunction with sports. The funding for the project was being sought externally, and the facility would be used intensely mostly for children in the local community. Comparisons were also made with the hockey pitch at Blatchington Mill School, and it was noted that the light spillage would be much lower as the gardens were further away. It was considered that the planting of the new trees would have an impact as 50 new trees would be added the national collection.
- 6) In response to questions from Councillor Gilbey it was explained by Mr Bradford that the school currently had a grass pitch for football, but this could not be used all year round, and the lighting levels from the new pitch would not be above those stated in the report. It was also necessary to have a pitch of this size and specification to add to the existing sports offer at the school.
- 7) Councillor Carol Theobald asked Mr Bradford if the pitch could be installed without the removal of the elm trees, and in response it was explained that the trees would have to be removed to accommodate the fully size of the pitch which the funding agreement sought.
- 8) Councillor Duncan asked for more information in relation to biodiversity losses and gains at the site; Mr Bradford explained that the school had introduced 28 new species

of butterfly and 100 new species of plants through its biodiversity measures, and the school had also retained the chalk on the site to increase biodiversity. The school was committed to this type of biodiversity and the scheme would add an additional 50 semi-mature trees.

- 9) Mr Bradford confirmed for Councillor Jones that the rationale for the location of the pitch was that the site was currently unusable and below the main grass pitch.
- 10) In response to Councillor Shanks it was confirmed by Mr Bradford that he was unaware of any new pitch at Varndean School, but there was already an Astroturf pitch at that school; it was also noted that the school had held a week long public consultation to discuss the application. The Case Officer also confirmed that the pitch at Varndean was smaller and was not served by permanent flood lights.

Questions for Officers

- 11) It was confirmed for Councillor Shanks that the primary use of the open space was as a school campus, but there was some public access in the evening and at weekends.
- 12) In response to Councillor Wells the distance between the buildings and the proposed pitch was confirmed.

Debate and Decision Making Process

- 13) Councillor Wells stated that he felt the pitch could be accommodated on the site without the need to remove the elm trees; his most serious concerns were in relation to light pollution and the loss of the two elm trees – he also added that on the site visit he had observed a number of other wildlife features around the trees that would be lost. He felt that the gains of the additional trees would still be at the loss of the two existing ones on the site, and this could not be justified. Councillor Wells stated he would be voting in support of the Officer recommendation.
- 14) Councillor Hyde noted the benefits to public health that the scheme would provide, but she felt the loss of the trees was not acceptable. Her biggest concern related to the amenity of local residents, and the pitch would add a whole new sphere of use at the schools in evenings, weekends and out of term time that would change the situation for local residents. The fencing would also change the use of the fields and the outlook. In summary Councillor Hyde that the benefits of the scheme did not outweigh the losses.
- 15) Councillor Carol Theobald noted her own views that school fields should not be used for walking dogs, and she went on to say that the light pollution would be very bad and she objected to the loss of the elm trees; she would be voting in support of the Officer recommendation.
- 16) Councillor Duncan stated that he felt the Officer recommendation was correct and agreed that the trees should be protected.
- 17) Councillor Shanks stated that the decision was difficult, but she disagreed with Councillor Ann Norman's view that all residents were against the scheme. She added that the school was the most popular in the city and it needed proper sports facilities,

and it was necessary for schools to apply for external funding to achieve this. Councillor Shanks went on to add that it was her view that the benefits of the scheme outweighed the loss of the two elm trees and the advantages for young people in the city; she stated she would not support the Officer recommendation.

- 18) Councillor Gilbey stated that the scheme would have been acceptable if it had not proposed the loss of the two elms trees, but given the application before her she felt it appropriate to support the Officer recommendation.
- 19) Councillor Randall noted that the city had 17,000 elm trees and noted the school's good reputation and green credentials; on balance he felt that the advantages of the scheme outweighed the losses and he would not support the Officer recommendation.
- 20) Councillor Mac Cafferty noted that he had less concern in relation to the lighting on the site, but he was compelled by arguments in relation to the example this would set for young people, and accordingly he would support the Officer recommendation.
- 21) A vote was taken and the recommendation to refuse the application was agreed on a vote of 10 to 2.

117.2 **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 **REFUSE** planning permission for the reasons set out below:

Reasons for Refusal

- i. The proposed development would result in the loss of two healthy and mature Elm trees which form part of the National Elm Collection and are covered by a tree preservation order. The trees make an important contribution to the visual amenity of the area. The loss of the trees would be materially harmful to the character and appearance of the area and to the objectives of the National Elm Collection. The proposal is therefore contrary to policies QD1, QD2 and QD16 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD06: Trees & Development Sites.
- ii. Insufficient information has been submitted to demonstrate that the impact of the use of the pitch and the proposed floodlighting will not have a negative impact on the neighbouring amenity, by reason of light pollution and noise disturbance. The proposal is therefore contrary to policies QD27 and SU9 of the Brighton & Hove Local Plan.

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.

C. BH2013/01254 - 18 Wellington Road, Brighton - Full Planning - Demolition of existing building and construction of two separate 3 storey high blocks comprising 31

one, two and three bedroom flats together with associated car parking, cycle parking amenity space and bin storage.

- 1) The Senior Planning Officer, Liz Arnold, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings; reference was also made the matters on the Late List. The application site related to the eastern side of Wellington Road, and sought demolition for the existing building and construction of two separate blocks; the site currently comprised two large Victorian villas. There was vehicular access at from Wellington Road, and it was noted the surrounding area was a mixture of contemporary and period styles. In 2012 the Committee had granted an extension to limit for full planning for a part build and part conversion scheme. In respect of the current application both of the new blocks would be three storeys in height and provide 6 off-street parking spaces and cycle spaces. The site had been vacant for some time, but despite this the loss of the community facility would need to be justified in line with policy, and the applicant had failed to sufficiently do this as part of the application. It was noted that given the mix of styles in the road the scale of the new buildings was considered appropriate; however, it was considered that aspects of the roof form were contrived and poor design. It was added that 47% of the accommodation would be affordable, but some of the mitigation measures to prevent overlooking would lead to a poor standards of accommodation for future occupiers. It was also felt that the loss of the open space had not been justified, and the proposed spaces would not be usable. For the reasons set out in the report the application was recommended for refusal.

Public Speakers and Questions

- 2) Mr Paul Burgess spoke in support of the application in his capacity as the agent for the scheme; he stated that the recent examination of the City Plan had shown a shortfall in the number of proposed new homes and the Council would have to look at providing this shortfall on urban fringe sites. With this in mind it was noted that sites such as this could be key to breaching this gap, and it was also noted there were 11 other community facilities in close proximity to the site, and there was already permission in place to build across the width of the site.
- 3) In response to Councillor Shanks it was explained by Mr Burgess that the existing building did not lend itself to conversion in a very easy manner, and the proposed development would be in a similar style.
- 4) At this point the Senior Solicitor clarified matters in relation to the prior approval for demolition on the site, and explained that the property was not in a conservation area, and therefore did not need conservation area consent for demolition; however, before any demolition an application had to be made for prior approval for the method of demolition. Such an application had been granted permission in 2011 and at the present time the building could be demolished without any further consent.

Questions for Officers

- 5) In was confirmed for Councillor Carol Theobald that the loss of the community facility was still a valid reason for refusal despite the building being empty for over 10 years.

- 6) It was confirmed for Councillor Shanks that the previous approval at Committee had included an element of community facility.

Debate and Decision Making Process

- 7) Councillor Duncan noted that the issues raised by the applicant were not material to the consideration before the Committee; furthermore he was not of the view that this would justify the development. He highlighted his concerns in relation to accessibility and lifetime homes and stated he would support the Officer recommendation.
- 8) Councillor Hyde noted that permission was already in place to retain the existing building, and when the Committee had granted to time limit extension Members had supported the retention of the original building as an important feature in the local area. Non-designated heritage assets such as this should be valued and for this reason she would support the Officer recommendation.
- 9) Councillor Shanks noted her concerns that the building could still be knocked down regardless of the decision of the Committee. The Head of Development Control noted that the building was not protected and in terms of the demolition the Council were only able to consider the method of demolition; however, it was noted that the building was a candidate for the local list. The Council also remained open to talks with the applicant in relation to the future of the site.
- 10) Mr Gowans noted that the CAG had welcomed the application subject to details such as the dormers.
- 11) Councillor Gilbey noted she was concerned that open space would be lost, and as such she would support the Officer recommendation.
- 12) A vote was taken and the Officer recommendation to refuse the application was agreed on a vote of 8 to 3.

- 117.3 **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 **REFUSE** planning permission for the reasons set out below:

Reasons for Refusal:

- i. The applicant has failed to justify the loss of the community facility, which in the absence of sufficient evidence to demonstrate the contrary, is considered to have the potential to make a vital contribution to the wellbeing of the local community and quality of life of the neighbourhood. The proposal is therefore considered in conflict with Policy HO20 of the Brighton & Hove Local Plan.
- ii. The proposed development by virtue of the design and size of the proposed central dormer window on Block A, the siting of the front outer dormer windows on Block A, the poorly-articulated main entrances, the protrusion of the lift shaft above the roof of Block A and its siting and the provision of large areas of untraditional flat roof form would result in a development which would be of detriment to the visual amenities of

the Wellington Road street scene and the wider area. As such the proposal is contrary to policies QD1, QD2, QD4 and QD5 of the Brighton & Hove Local Plan.

- iii. The applicant has failed to justify the loss of the existing open space, which in the absence of sufficient evidence to the contrary is considered to have the potential to make a contribution to the well-being of the community. In addition insufficient information has been provided to demonstrate that an adequate level and quality of usable communal amenity space and usable private amenity space would be provided to meet the needs of and provide adequate living conditions for future occupiers. As such the proposal is contrary to policies HO5 and QD20 of the Brighton & Hove Local Plan and policy CP16 of the Brighton & Hove City Plan Part One.
- iv. The applicant has failed to demonstrate that a proportion of the proposed residential units would be built to a wheelchair accessible standard. The development is therefore contrary to policy HO13 of the Brighton & Hove Local Plan.
- v. Obscured glazing would be provided to the lower half of east facing bedroom windows which would prevent outlook from habitable rooms. In addition the applicant has failed to demonstrate that adequate outlook would be achievable from bedrooms within the roofspace of the blocks. As such the proposal would provide a poor standard of accommodation harmful to the amenity of future occupiers. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
- vi. The applicant has failed to demonstrate that sufficient protection would be afforded to the existing nature conservation features on the site and that suitable enhancement and compensatory measures would be provided. The development is therefore contrary to policies QD17 and QD18 of the Brighton & Hove Local Plan and SPD11 Nature Conservation and Development.

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.
- ii. The applicant is encouraged to commence discussions with the Local Planning Authority in order to identify whether there are alternatives to demolition which would preserve the building.

Note: Councillor Randall was not present during the consideration and vote on the application.

- D. BH2013/00710 - 13 - 22 North Street, 12D Meeting House Lane and 11-14 Brighton Place, Brighton - Full Planning** - Creation of new shopping lane extending from Meeting House Lane to Brighton Place. Demolition of existing ground floor stores and first floor structures at rear of North Street shops. Adaptation and extension of existing shops on North Street to create 8 shop units to north side of new lane, reconfiguration of North Street shops. Construction of 7 new 2 storey flats over shops around a

courtyard. Construction of 6 new shops to south side of new lane with 2 floors of offices over. Adaptation of 12D Meeting House Lane to provide additional shop front onto lane. Blocking up of openings in end wall of Puget's Cottage following demolition of adjoining structures (Amended description).

- (1) The Senior Planning Officer, Steven Lewis, gave a presentation by reference to plans, photographs and elevational drawings in respect of applications: BH2013/00710 - 13 - 22 North Street, 12D Meeting House Lane and 11-14 Brighton Place, Brighton for full planning; BH2013/00711 - 13 - 22 North Street, 12D Meeting House Lane and 11-14 Brighton Place, for - conservation area consent and BH2013/03589 - Puget's Cottage, Rear of 15 North Street, Brighton for listed building consent – attention was also drawn to matters on the Late List. The proposed new 'Lane' would run along the rear of North Street and connect Meeting House Lane through to Brighton Place; most of the buildings along north street formed part of Hannington's Department Store which closed in 2002. It was noted how the application connected with those already determined at Brighton Square; currently Puget's Cottage was concealed within the site. The site formed the service access to the shop on North Street and largely comprised a 'jumble' of buildings – there was also a substation to be demolished. The scheme had previously proposed a link from the new lane to North Street; however, this aspect of the scheme had been removed following the listing of Puget's Cottage by English Heritage. The new lane would consist of a mixture of cafés and shops at ground floor with residential units above, and the buildings had been designed to take on the changing vernacular of the Old Town Conservation Area, and utilised a mix of materials. It was highlighted where the development ended with the demolition of an extension to the rear of Puget's Cottage and the construction of a flint wall, and it was added there would be no changes to North Street.
- (2) The main considerations related to the design and the impact on the Old Town Conservation Area; the current condition of the site was considered to have a harmful impact and the redevelopment would be an improvement which would compliment the existing variety in the Old Town area. The proposed uses were acceptable and the location was highly sustainable. There had been some alterations to the scheme to improve light, and further conditions were sought in relation to the operation and noise. The residential accommodation would be of a good standard, and there would be outside amenity space. In relation to the listed building consent for Puget's Cottage this application related to the recently listed building located to the rear of North Street; the cottage dated from the 17th Century, and the application sought to reinstate the gable and demolish the more modern additions to the rear. The application for full planning was recommended to be minded to grant and the conservation area consent and listed building consents were recommended for approval.

Questions for Officers

- (3) In response to Councillor Hyde the building of more modern design in the scheme was highlighted, and it was noted that this building sought to tie in the different elements of the wider scheme.
- (4) Councillor Carol Theobald asked about rubbish and recycling, and it was explained there was communal bin and recycling storage area on the first floor, and all of these matters were fully managed through the conditions in the report. Following a further

query the Committee unanimously agreed to add an informative to include a blue plaque to commemorate the location of the original Hannington's Department Store.

Debate and Decision Making Process

- (5) Councillor Shanks welcomed the scheme and noted that the location was currently quite unsafe.
 - (6) Councillor Hyde also welcomed the scheme, and noted that she had not realised the extent of space there had been on the site.
 - (7) Councillor Randall welcomed the works to open up and reinstate Puget's cottage.
 - (8) Mr Gowans noted that the CAG were pleased that the developers had responded to the recent listing of Puget's Cottage, and asked that proper attention be given to the design of the new buildings.
 - (9) Councillor Mac Cafferty raised the important of materials and pallet, and it was agreed that this condition would be discharged by the Head of Development Control in consultation with the Chair, Deputy Chair and Opposition Spokespersons.
 - (10) Councillor Carol Theobald welcomed the new development, and stated she would look forward to visiting it.
 - (11) Three separate votes were taken on each application under consideration. (The outcome of each vote is listed under the appropriate minute item).
 - (12) A vote was in relation to BH2013/00710 - 13 - 22 North Street, 12D Meeting House Lane and 11-14 Brighton Place, Brighton for full planning and the Officer recommendation that the application be minded to grant was agreed by unanimously.
- 117.7 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in paragraph 11 and resolved to be **MINDED TO GRANT** planning permission subject to conditions and the agreement of a s106 agreement with details of materials to be approved by the Head of Development Control in consultation with the Chair, Deputy Chair and Opposition Spokespersons.
- E. BH2013/00711 - 13 - 22 North Street, 12D Meeting House Lane and 11-14 Brighton Place, Brighton - Conservation Area Consent** - Demolition of existing building at 11 Brighton Place and demolition of existing stores and first floor structures to rear of North Street shops.
- (1) The main presentation and consideration of this application is listed under minute item 117 (D).
 - (2) A vote was taken on the Officer recommendation that the Committee be minded to the application and this was unanimously agreed.

- 117.6 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in paragraph 11 and resolved to be **MINDED TO GRANT** conservation area consent.
- F. BH2013/00712 - 7-10, 13-16, 26-28 and 33-36 Brighton Square, Brighton - Full Planning** - Removal of existing roof structures to 7no. two storey maisonettes within Brighton Square and creation of additional floors to each dwelling to create 7no three storey town houses. Formation of new entrance stair and lift and escape stair access connecting basement to first floor level. Remodelling works to residential façade, installation of new shop fronts to existing retail A1 and A3 units at ground floor level and remodelling and renovation works to square.
- (1) The main presentation and consideration of this application is listed under minute item 117 (G).
- (2) A vote was taken on the Officer recommendation that the Committee be minded to grant the application and this was unanimously agreed.
- 117.6 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to be **MINDED TO GRANT** planning permission subject to conditions and the agreement of a s106 agreement.
- G. BH2013/00715 - 17-19, 21-23 and 37-40 Brighton Square, Brighton - Full Planning** - Demolition of existing buildings at 21, 22 and 23 Brighton Square and demolition of existing two storey apartments at 37, 38, 39 and 40 Brighton Square. Conversion of existing A1 and A3 units to create new A3 units at ground floor level to East of Brighton Square with new car park access. Construction of a 26no room boutique hotel above new A3 units with entrance at ground floor level and bedroom accommodation to 3no floors above. Erection of new 4no storey building on site of 22 Brighton Square providing A1 retail at ground floor level and 3no flats above. Reconfiguration works to lane connecting Brighton Place to Brighton Square and other associated works.
- (1) The Area Planning Manager, Nicola Hurley, gave an overview of the wider scheme that would encompass a further set of applications – had been developed by one architect with two different landowners; the master plan across the whole scheme was not formally adopted, but had been used to inform the scheme with support from the Council's Heritage Team. The objectives of the master plan were: the alterations to Brighton Square; the new 'lane' (Hannington Lane) and the listed building consent for works to Puget's Cottage.
- (2) The Case Officer, Steven Lewis, gave a presentation in respect of applications: BH2013/00715 - 17-19, 21-23 and 37-40 Brighton Square, Brighton for full planning; BH2013/00712 - 7-10, 13-16, 26-28 and 33-36 Brighton Square, Brighton for full planning and BH2013/00716 - 17-19, 21-23 and 37-40 Brighton Square, Brighton for conservation area consent. Attention was drawn to matters on the Late List. The group of applications sought consent for alterations to Brighton Square to create a new commercial premises and restaurants; new residential accommodation and a new hotel; the application site was location close to the Lanes and was part of the Old Town Conservation Area. Brighton Square was a late 1960s commercial and residential

development; the portal building to the south of the square was proposed to be demolished. The hotel would have a ground floor reception and 26 guest bedrooms across the other floors, and inset balconies on the floors above ground level. There would also be photovoltaic panels on the roof. The main issues for consideration related to the design and the impact on the conservation area, and it was added that the heads of terms required both aspects of the scheme – the hotel and the alterations to Brighton Square – to be built together. It was considered that the design and the materials were acceptable for use in this location. The hotel would be a town centre location, and based on information provided by the applicant, it was considered that the size was appropriate and would help to broaden the accommodation offer in the city – each unit would be of adequate size, outlook and floor space.

- (3) In relation to the changes to the town houses in Brighton Square the south side of the square would remain unchanged to continue to act as a source of light into the square. The shop fronts at ground floor level would be replaced to create a greater sense of continuity, and the existing maisonettes above would be changed into three storey town houses. There would be a new lift installed for better access to the first floor, and the accommodation would be arranged across three storeys with the living space and roof terrace on the top floor – the overall standard of accommodation would be improved. The main issues at Brighton Square related to design and the impact on the character and appearance of the conservation area; there should also be continuity to ensure the hotel development and the alterations would add positively to the conservation area. Some improvements had been made to the scheme to address daylight issues, but consideration was given to the historic nature of the wider area, and such greater flexibility was afforded to daylight levels. The two applications for full planning permission were recommended to be minded to grant subject to the completion of a S106 agreement, and the application for conservation area consent was recommended for approval.

Questions for Officers

- (4) In response to Councillor Duncan it was explained that there would be a net loss of one residential unit across the scheme.
- (5) In response to Councillor Randall it was confirmed that all of the residential units in Brighton Square were under the same ownership, and any issues that related to private landlord matters were not material to the application. It was also confirmed for Councillor Jones that all of the units were in the private rental sector rather than owner occupied.
- (6) It was confirmed for Councillor Shanks that all of the current commercial units would be retained; as well as the introduction of the new hotel.
- (7) In response to Councillor Gilbey it was explained that there did not appear to be any 'live in' accommodation units for staff at the proposed hotel.
- (8) It was confirmed for Councillor Carol Theobald that there was a condition that requested details of the street naming and plates, and discussions were already taking place in relation to these.

- (9) It was confirmed, in response to Councillor Gilbey, that the historic dolphin statue would be relocated within the scheme.

Debate and Decision Making Process

- (10) Councillor Carol Theobald stated that the scheme looked exciting, and despite the loss of the portal building, the overall scheme was very promising.
- (11) Councillor Hyde added that the scheme was very well thought out, and she would support the Officer recommendations on all three applications.
- (12) Councillor Duncan described the whole Lanes area as the 'jewel in the crown' in this part of the city, and welcomed the applications.
- (13) Councillor Jones noted that the arches in the portal building had been linked to design features on the University of Sussex Falmer campus, but noted that he was not opposed to the demolition of the portal building; the scheme was 'great' and he would support the Officer recommendations.
- (14) Councillor Hyde noted, as this point, that it would be very important to get the right pallet as this would be an important asset to the future of the city. The Committee agreed that the discharge of the condition in relation to the materials pallet would be agreed by the Head of Development Control in consultation with the Chair, Deputy Chair and Opposition Spokespersons.
- (15) Three separate votes were taken on each application under consideration. (The outcome of each vote is listed under the appropriate minute item).
- (16) A vote was in relation to BH2013/00715 - 17-19, 21-23 and 37-40 Brighton Square, Brighton for full planning and the Officer recommendation that the application be minded to grant was agreed by unanimously.

117.7 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to be **MINDED TO GRANT** planning permission subject to conditions and a s106 agreement.

H. BH2013/00716 - 17-19 ,21-23 and 37-40 Brighton Square, Brighton - Conservation Area Consent - Demolition of existing buildings at 21, 22, 23, 37, 38, 39 and 40 Brighton Square.

- (1) The main presentation and consideration of this application is listed under minute item 117 (G).
- (2) A vote was taken on the Officer recommendation that the Committee grant the application and this was unanimously agreed.

117.6 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** conservation area consent.

- I. **BH2013/03589 - Puget's Cottage, Rear of 15 North Street, Brighton - Listed Building Consent** - Listed building consent for alterations incorporating reinstatement of South facing gable wall and blocking up of first floor doorway (Puget's Cottage).
- (1) The main presentation and consideration of this application is listed under minute item 117 (D).
- (2) A vote was taken on the Officer recommendation that the Committee grant the application and this was unanimously agreed.
- 117.9 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** listed building consent.
- J. **BH2013/02152 - Brooke Mead, Albion Street, Brighton - Council Development** - Demolition of existing buildings and erection of a part 6no storey and part 5no storey building providing 45 Extra Care residential units, with associated communal spaces, landscaping works, cycle and scooter parking and community facilities.
- (1) The Case Officer, Adrian Smith, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings; attention was also drawn to matters on the Late List. The application was a Council development for a part five and six storey building of extra care units which would be 100% affordable housing. The site was located in the Albion Hill Estate and set on rising land with the Valley Gardens Conservation Area located to the south. The site would include a community winter garden and photovoltaic panels on the roof. All trees on the site would be removed as part of the application, and there would be new landscaping to mitigate this loss through condition. The key issues related to the principle of the development; the design and the impact on the setting of the Valley Gardens Conservation Area. There was an established need for housing for vulnerable people in the city over the next few years, and the units would be let on an affordable basis – this use was considered to carry material weight in consideration of the application. The proposed building was considered a tall building due to its height, but was not considered harmful to a significant degree. The nearest buildings were located to the north of the site on Church way, and the daylight impact was discussed in the report and it was not considered excessive or unduly harmful, and subject to conditions the overlooking was considered acceptable. There would be no onsite parking included in the scheme, and there would be contributions towards sustainable transport – as well open spaces for the wider Albion Hill Estate. The application was recommended to be minded to grant for the reasons set out in the report and subject to completion of a S106 agreement.

Questions for Officers

- (2) The Committee discussed the issue of parking for carers working with residents on the site, and it was noted that the site had been assessed as being highly sustainable location and there was parking in the surrounding area. It was also noted that this had been discussed with the applicant prior to submission, and there would be a loading bay as had been identified, and provision for blue badges users. Following on from this Members expressed their views that it was important to have some parking for carers

on or nearby the site especially given that some of the residents could be disabled. Following this the Head of Development Control highlighted that the City Council was the applicant, and the owner of the land on the wider Albion Hill Estate; with this in mind it would be possible to attached a condition to secure a parking space in the vicinity; which could be for dedicated use for staff working with residents at the development; the Committee agreed with this approach.

- (3) In response to Councillor Simson's queries in relation to the number of single units it was noted that the scheme had come forward in close consultation with Officers in Adult Social Care, and the development was a reflection of need and the number of beds. In was also confirmed that the units were fully compliant with lifetime homes standards.
- (4) In response to Councillor Carol Theobald it was noted that the applicant had undertaken preliminary consultation.

Debate and Decision Making Process

- (5) Councillor Wells said he was pleased to see the site come forward for development as it had been vacant for so many years.
- (6) A vote was taken and the Officer recommendation that the application be minded to grant was agreed on a vote of 9 in favour with 1 abstention.
- (7) **Note:** Councillors Duncan and Randall were not present during the consideration and vote on this application.

117.10 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to be **MINDED TO GRANT** planning permission subject to conditions and a s106 agreement.

Note: Councillors Duncan and Randall were not present during the consideration and vote on this application.

Minor Applications

K. BH2013/03146 - Waitrose Ltd, 130-134a Western Road, Brighton - Full Planning - Removal of trolley bay and creation of 2no trolley shelters and creation of 2no cycle racks within rear car park.

- (1) The Area Planning Manager, Nicola Hurley, introduced the application and provided an update since the application had been deferred at Committee on 20 November 2013. It was noted that there had previously been a statement of good practice in relation to matters arising from the delivery bay; this had since expired, but would not have been relevant to the application before the Committee. With this in mind the recommendation was unchanged that the Committee grant the application subject to the conditions in the report.

Questions for Officers Debate and Decision Making Process

- (2) Councillor Hyde noted that residents had asked if the trolley bay could be closer to the building, but in response it was noted the Committee had to determine the application before them.
- (3) A vote was taken and the Officer recommendation to grant the application was approved on a vote of 7 in favour with 3 against.

117.11 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reason for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions.

Note: Councillors Hamilton and Randall were not present during the consideration and vote on the application.

L. BH2013/02231 - 125 Upper Lewes Road, Brighton - Full Planning - Change of use from small House in Multiple Occupation (C4) to large House in Multiple Occupation (sui generis) and erection of first floor rear extension to create additional bedroom.

- (1) The Committee decided to forego a presentation and moved straight to the vote.
- (2) A vote was taken on the Officer recommendation that the Committee grant the application and this was agreed on with 10 in favour and 1 abstention.

117.12 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reason for the recommendation set out in paragraph 11 and resolved to **GRANT** planning permission subject to conditions.

Note: Councillor Randall was not present during the consideration and vote on this application.

M. BH2013/02492 - Land at rear of 107, 109 & 111 Cowley Drive, Woodingdean, Brighton - Full Planning - Erection of two storey, 2no. bedroom detached chalet bungalow with access from Pinfold Close.

- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevations drawings. The site was formed from back gardens and slopped to the north; it was currently fenced off and overgrown. An application on the site had been refused in 2011, and dismissed at appeal for a 2 bedroom property of contemporary design; the reasons for refusal related to the design; the footprint and the impact. Permission was sought for the creation of a two bed chalet bungalow. The main considerations related to the principle of the development; the subdivisions of the plot and sustainable transport. The scale and plot coverage was comparable to the previous scheme, but the Inspector had noted that both of these aspects were acceptable – this decision carried significant weight. In terms of design the chalet style was considered appropriate, and the relationship to the neighbouring properties was acceptable. The application was recommended for approval subject to the reasons set out in the report.

Questions for Officers Debate and Decision Making Process

- (2) In response to Councillor Duncan it was explained that the observations made by the ecologist; could be applied to the application if the Committee saw fit to do so.
- (3) In response to Councillor Simson it was explained that the roof form was the same – in terms of the side profiles – as with the previous application, and this was considered acceptable in terms of the amenity.
- (4) A vote was taken and the Officer recommendation that the application be granted was approved on a vote of 8 in favour with 3 against.

117.13 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reason for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions.

Note: Councillor Randall was not present during the consideration and vote on this application.

N. BH2013/03162 - Flat 3, 5 Preston Park Avenue, Brighton - Full Planning -
Conversion of first and second floor maisonette to form 2no self-contained flats incorporating rooflights to front and rear elevation and flat roof.

117.14 This application was deferred from the agenda.

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

118.1 There were none.

Information Items

119. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

120.1 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.]

121. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

122. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

123. APPEAL DECISIONS

123.1 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 5.00pm

Signed

Chair

Dated this

day of