



**Brighton & Hove  
City Council**

# **PLANNING COMMITTEE ADDENDUM**

**2.00PM, WEDNESDAY, 15 JULY 2015**

**THE RONUK HALL, PORTSLADE TOWN HALL**



# ADDENDUM

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<b>Subject:</b>	<b>University of Sussex Planning Appeal</b>
<b>Date of Meeting:</b>	<b>15 July 2015</b>
<b>Report of:</b>	<b>Executive Director Environment, Development &amp; Housing and Head of Legal &amp; Democratic Services</b>
<b>Contact Officer:</b>	<b>Hilary Woodward Tel: 291514  Jeanette Walsh Tel: 292195</b>
<b>Ward affected:</b>	<b>Hollingdean and Stanmer</b>

**FOR GENERAL RELEASE**

By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency for the following reason:

It is considered that the Executive Director Environment, Development & Housing's decision that the Council's objections to the University of Sussex's planning appeal should be withdrawn should be reported to Planning Committee at the earliest opportunity.

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of the Report is to advise Planning Committee Members of the decision of the Executive Director Environment, Development & Housing that the Council's objection to the University of Sussex's planning appeal be withdrawn and the reasons therefor.

**2. RECOMMENDATIONS:**

- 2.1 That the Report be noted.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 On the 25 June 2014 Members of the Planning Committee considered a report relating to the University of Sussex's planning application reference BH2013/04337. This was an outline application for demolition of buildings, construction of new academic facilities (circa 59,571 sqm), 4,022 student accommodation bedrooms and a new mixed use building (circa 2,000 sqm) providing A1, A3, A4, C1 and D1 uses. Matters for approval included layout, access and scale, leaving appearance and landscaping as reserved matters.

- 3.2 The officer's recommendation was "Minded to Grant" subject to a s106 Planning Agreement. However, following debate, Members voted to refuse the application for the following reasons:
1. *The proposed development would result in the loss of a significant number of trees which would have a negative impact on the amenity of the campus both in terms of its users and its ecology contrary to policies QD16 and QD18 of the Brighton & Hove Local Plan 2005;*
  2. *The outline application, by virtue of its overall masterplanning approach, does not make a positive contribution to the existing visual quality of the environment by virtue of its proposed scale and height resulting in the creation of a more dense urban environment to the detriment of the existing character of this edge of city location contrary to policy QD1 of the Brighton & Hove Local Plan 2005 and policy CP21 (5) of the Submission City Plan Part One;*
  3. *The application fails to demonstrate that it would not result in a negative impact on the city's existing housing stock as a result of the proposed increase in student numbers contrary to the sustainable objectives within the National Planning Policy Framework;*
  4. *The proposed development will overwhelm the composition and setting of the campus and its listed buildings as envisaged by Sir Basil Spence contrary to policies HE3 and QD3 of the Brighton & Hove Local Plan 2005.*
- 3.3 The University appealed, with the appeal to be heard by way of public inquiry. Counsel was instructed to appear on behalf of the Council and consultants employed to give evidence in relation to the four reasons for refusal. In May, on Counsel's advice, reference to "ecology" was deleted from the first reason for refusal as there was no evidence base to support a refusal on this ground.
- 3.4 The inquiry opened on 30 June and the Council gave its evidence on reasons for refusal 1. 2. and 4. Its evidence on reason 3. was to be given during the second week of the inquiry.
- 3.5 Regarding reasons for refusal 2. and 4. Counsel advanced a case that the application amounted to harmful overdevelopment. However, it became apparent that the Inspector hearing the appeal was unlikely to accept this contention and, in particular, that in identifying "scale and height" meant that the Council must be taken to have accepted the "amount" and "layout" of the development in the proposal. This caused major difficulties for the Council's case in relation to reasons for refusal 1., 2. and 4. because variations in height and scale (ie height, width and length of individual buildings) was likely to have a minimal impact on landscape character, heritage interests or tree loss. Thus, if amount and layout was not in dispute, then it must follow that there would be a reasonable degree of urbanisation to the campus, with the height and scale of individual buildings only affecting that urbanisation to a relatively limited degree.

- 3.6 With regards to reason for refusal 1., whilst 592 trees were proposed to be removed this represented 7% of the trees in the University's grounds. 70% of the trees to be removed were "Early Mature" or younger. The Council's arboricultural witness accepted that trees up to "Early Mature" in status could be replaced on a like for like basis. Moreover, the University's latest indicative plans showed very limited loss to trees having a heritage interest.
- 3.7 So far as reason for refusal 3. was concerned there was an inherent tension between the Council's argument that the masterplan provided too much onsite student accommodation and that it not do enough to ameliorate the impact on the local housing stock. In addition, there was no development plan policy prohibiting the University having a net effect on the Council's housing stock and the emerging City Plan actively encourages the University's growth. Moreover, the University provided updated evidence regarding the availability of the "Falmer Released Land" site for the University's use and, furthermore, there was updated government guidance indicating that the Council must plan for sufficient student accommodation as part of its housing needs assessment. Finally, the University brought forward evidence to show that even were the application to be refused its population would continue to grow. If this was the case then, without the student accommodation provided by the development, the impact of refusal on the City's housing stock may well be greater than if permission were allowed.
- 3.8 In view of the above Counsel advised that the Council faced a very real risk of an award of costs, and perhaps a full award of costs. Considering the size of the University's team (a QC, junior barrister, solicitor and seven witnesses) the costs could be substantial.
- 3.9 At the end of the first week of the Inquiry an offer was received from the University to treat the layout of the scheme as a reserved matter, enabling the Council further to consider effects on heritage and landscaping at a reserved matters stage.

#### **4. DECISION TO WITHDRAW**

- 4.1 In view of the above Geoff Raw, as Executive Director Environment, Development & Housing, was asked if he would exercise his delegated urgency powers and agree to withdraw the Council's objection to the appeal. Under the terms of the Council's Constitution the exercise of the urgency powers required consultation with the Chair of Planning Committee and this took place on 6 July, following which the decision was taken to withdraw the objection to the appeal. This was communicated to the Inquiry the following day.
- 4.2 The Council's withdrawal does not mean that the application will necessarily be granted. The decision is expected within the next five weeks.





15<sup>th</sup> July 2015 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
45	251-253 Preston Road, Brighton	BH2015/00395	<p>The applicants have submitted a Statement of Heritage Significance to support their proposals. The Statement argues that the proposals would enhance the appearance of the historic buildings, stating that the design and scale of the floor levels, windows, balconies to the link building have been carefully considered to enhance the historic buildings rather than detract. It states that the seven houses to the rear would relate in scale to the houses on Clermont Road and Clermont Terrace</p> <p><b>Officer response:</b>  The Statement of Heritage Significance focusses on the architectural quality of the villa buildings and pays little regard to the importance of the previously undeveloped gardens in reflecting the historic development of the wider Preston Park Conservation Area. It is also noted that the Statement fails to acknowledge the local and national policy context of the site.</p> <p>The Statement does not alter the recommendation as set out in the report. Officers remain of the view that the proposed development would appreciably and permanently harm the appearance of the site and the Preston Park Conservation Area contrary to local and national policy, and Section 72 of the Act. The addition of a larger and more visually dominant link extension and the addition of houses centrally within a previously undeveloped rear garden in the manner proposed would erode the historic interest of the site and fail to enhance or better reveal the significance of the Conservation Area contrary to paragraph 137 of the NPPF. The gardens are original, previously undeveloped and key in informing the development pattern of the Conservation Area, thereby contributing positively to its character and appearance.</p> <p><b>Housing Strategy</b> have updated their comments to welcome the proposed tenure mix of 10 Affordable Rent (77%) and 3 Shared Ownership (23%) units which includes one of the affordable rent homes (1 x 3 bed flat) being built to fully wheelchair accessible standards</p>

125	Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House, Clarendon Road & Garages 1-48 Ellen Street, Hove	BH2015/01472	<p>The <b>Conservation Advisory Group (CAG)</b> have provided the following <u>comments</u>:</p> <p>The group wished to repeat its previous advice that independent external advice should be obtained concerning the likely durability of the proposed cladding before a decision is made on this scheme. The group also suggested that officers consider a lighter cream colour, specifically BS10B 15 as the current proposal may be too strong. It is difficult to judge colour differences from visualisation so planning officers should perhaps look at sample colours before making a decision.</p> <p>Additional representations have been received from <b>26 Ellen House, no. 13 Clarendon House, Flat 5 49 The Drive, 39 Goldstone House, 74 The Crescent Southwick (leaseholder of 25 Clarendon House), and TJ Parker of Abelia Management Ltd (re. 47/48 Goldstone House and 53 Ellen House)</b> <u>objecting</u> to the proposed development for the following reasons:</p> <ul style="list-style-type: none"> <li>• Letters have been sent to residents which state that a building conditions survey is to be carried out in the near future; such a survey should have been carried out before the formulation of plans for future works to the buildings.</li> <li>• No details have been submitted regarding the storage of materials or the protection of plants and trees. The works have and will cause harm to trees and planting.</li> <li>• Very little details of the proposed re-roofing of the buildings has been submitted. The information submitted is in general insufficient and lacks detail.</li> <li>• The proposed insulation could result in overheating of rooms in summer months.</li> <li>• What will happen when water gets in to the insulation and soaks it?</li> <li>• Some of the rendered finishes applied to other properties in the city are not great.</li> <li>• The submitted application form has been completed in error in some instances.</li> <li>• The information submitted states that bins will not be stored alongside the building, but does not confirm where they will go.</li> <li>• The windows proposed are not triple glazed.</li> <li>• Insufficient structural test have been carried out to demonstrate that the proposed system would be appropriate.</li> <li>• The buildings have not been adequately maintained in the past; no re-pointing has been performed in the last 50 years.</li> </ul>
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		<ul style="list-style-type: none"> <li>• The blocks are dominant in view of Hove from the South Downs.</li> <li>• The rendered cladding will weather poorly.</li> <li>• Most of the exterior of the flats are glass anyway; insulating the walls will not make a significant difference.</li> <li>• At 5.9 of the report Clarendon Road is referred to, should this be Cromwell Road?</li> <li>• The existing roofs do not leak.</li> <li>• The existing windows do not require replacement.</li> <li>• The flats are warm and comfortable and do not require further insulation.</li> <li>• The proposed works would substantially alter the appearance of the blocks.</li> <li>• £6.2 million represents a scandalous waste of public funds.</li> <li>• A surveyor has visited 7 flats in Clarendon House and concluded that there was no sign of significant damp in all but one of the flats, and that the windows of the flats do not require replacement.</li> <li>• Budgeting information relating to 3 options for the repair and maintenance of the buildings has been obtained through a Freedom of Information request and has been submitted.</li> </ul> <p><b>Officer response:</b> The reference of Clarendon road at 5.9 of the report is correct; the comment refers to views from the conservation Area towards and down Clarendon Road. The comments relating to the appearance of the proposed works, the impacts of the proposed construction works, and the practicalities of the proposed cladding are noted; these matters are addressed in the committee report. Matters relating to the costs of the proposed works are not considered to be material planning considerations in this case.</p> <p>A letter has been received from <b>Councillors Jackie O’Quinn and Saoirse Horan</b> <u>supporting</u> the application. The letter is attached.</p> <p><b>Officer response:</b> All planning matters raised in this representation are addressed in the committee report.</p> <p>An additional statement from the <b>applicants</b> has been submitted which makes the following points:</p>
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		<ul style="list-style-type: none"> <li>• The 48 low rise blocks (Ellen Street) are programmed as stage 2 of this project and included in the Housing Major Repairs Budget for 2017-18. These will be subject to Section 20 leaseholder consultation. The lower blocks are included in this application.</li> <li>• The proposed cladding and other measures will improve insulation and reduce carbon emissions associated with the energy requirements of the flats.</li> <li>• Whilst the proposed works will result in high costs for leaseholders, options for payments are offered. The proposed works will increase the life of the buildings to the benefit of leaseholders.</li> <li>• The Alsecco cladding system proposed comes with a maximum 60 year British Board of Agreement certificate. This is based on the fact that Alsecco systems have been installed monitored and maintained successfully in Europe for this period of time and were found to be performing well in accordance with their design parameters following this period of time.</li> <li>• The system itself is a silicone render and so whilst not self-cleaning it does tend to stay cleaner and shed dirt during normal rainfall over other systems that are not silicone based. In our experience the systems will not fade significantly as they are a through colour render rather than a surface finish, they may however suffer some light soiling over prolonged periods of time, however, it is a relatively simple process to clean this from the building with jet washers. In the unfortunate event of graffiti proprietary paint can be applied on top of the render without compromising the 25 year insurance backed guarantee.</li> <li>• Condensation is proven to be a considerable problem for the higher rise blocks in the estate in particular. We believe this to be due in part to a lack of thermal insulation within the fabric of the building itself, but also poor heating, air circulation and the occasional plumbing issue. At internal survey our surveyors inspected a sample of flats across the five blocks and found condensation issues and mould growth issues in various dwellings. The proposed works would either eradicate or significantly reduce the instances of condensation and subsequent mould growth.</li> </ul>
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			<ul style="list-style-type: none"> <li>• We have no evidence of summer overheating of any of our blocks treated in this way with Alsecco cladding. On the contrary, residents in Essex Place and the Bristol Estate report cooler flats in summer while enjoying lower heating bills in the winter months. The pale choices of cladding colours will have contributed to this.</li> <li>• We use approved fixing methods for our cladding and use approved contractors for the work, who have been trained by Alsecco. All work is carried out to the manufacturer's specifications.</li> </ul> <p><b>Officer response:</b> All planning matters raised in this representation are addressed in the committee report.</p>
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NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 23 February 2005).

COUNCILLOR REPRESENTATION

Dear Sir/Madam,

**Application Bh2015/01472, Clarendon Road Estate, Clarendon Road, Hove**

**Installation of insulated rendering**

Councillor Horan and I wish to support this application which we believe will be a major improvement to this area of Hove. The rendered cladding will make a significant difference to the look of the buildings, which at present are rather drab and dreary in appearance. As the buildings dominate the landscape in the area it is important to give them the crisper, more modern look which the cladding will provide. The blocks are obviously not going to be demolished any time soon and provide vital housing for residents of the city, thus it is fitting that they be given a new lease of life via repairs and the application of the rendered cladding.

During our frequent visits to the Clarendon estate whilst campaigning, we met a large number of residents complaining of damp and mould and the health issues that arose as a result of this situation. We understand that the cladding will virtually eradicate this issue and also stop the problem of 'cold bridging' which causes damp in some of the flats. Thus the residents are keen to have the work done, especially as it will also bring major energy savings to them. A number of residents are in a 'fuel poverty' situation and would greatly welcome much reduced energy bills. Less fuel used would also mean fewer carbon emissions, so surely this makes sense from an ecological viewpoint.

We note that previously comments have been made that other buildings in the city which have had rendered cladding applied have suffered from staining issues on the render. This issue has now been solved by having silicone as a component of the render mix, which means that the render is self-cleaning. Therefore the blocks will continue to look more attractive for many years to come.

Thus, we urge the council to approve this application, as it would add immeasurably to the general appearance of the neighbourhood, which has a somewhat sadly neglected air about it at the moment.

Regards

Jackie O'Quinn

Saoirse Horan