

**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 16 SEPTEMBER 2015****THE RONUK HALL, PORTSLADE TOWN HALL****MINUTES**

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

**Officers in attendance:** Nicola Hurley (Planning Manager – Applications); Paul Vidler (Planning Manager – Major Applications); Maria Seale (Senior Planning Officer); Andrew Renaut (Head of Transport Policy & Strategy); Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Manager).

**PART ONE****65 PROCEDURAL BUSINESS****(A) Declarations of substitutes**

65.1 Councillor Taylor was present in substitution for Councillor Miller, and Councillor Allen was present in substitution for Councillor Inkpin-Leissner.

**(B) Declarations of interests**

65.2 Councillor Mac Cafferty declared an interest in respect of application B) – BH2015/02431 – Land at and Adjacent to West Pier and 62-73 Kings Road Arches, Kings Road, Brighton as he had been in email correspondence with the Chief Executive of the i360 about the proposals; however, he was of the view that he had not pre-determined the application, having discussed this with the Legal Advisor to the Committee; he remained of a neutral mind and would remain for the discussion and vote on the application.

65.3 Councillor Bennett declared a pecuniary interest in respect of application D) – BH2015/01781 – 27 Hill Brow, Hove as the property was in her ownership as her family home.

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

65.4 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.

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

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

65.6 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to ‘aeroplane mode’.

**66 MINUTES OF THE PREVIOUS MEETING**

66.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 26 August 2015 as a correct record.

**67 CHAIR'S COMMUNICATIONS**

67.1 There were none.

**68 PUBLIC QUESTIONS**

68.1 There were none.

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

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

**70 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2015/02004 - Land Adjacent to Watts Building, University of Brighton, Lewes Road, Brighton - Full Planning**

Demolition of existing buildings and construction of a part two, part three storey building providing a new Advanced Engineering Centre (D1), incorporating landscaping, access works and other associated alterations.

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

(2) The Planning Manager (Major Applications) introduced the report with reference to plans, photographs and elevational drawings. The application sought permission for the demolition of the existing buildings on the site and the erection of a two and three

storey engineering centre. The site was located on the western side of Lewes Road between the Cockcroft building and the Watts building, and currently in use as a car park. The smaller lodge building on the site was to be demolished as part of the application and landscaping would be provided instead. It was also noted that there was a belt of trees that would screen the development from Lewes Road when they were in leaf.

- (3) The building would be used as a science centre and teaching facility – which a focus of research into internal combustion engines. The university had secured funding from the local enterprise partnership. The ground floor would be used for research and meeting rooms; the first floor for teaching and the third would contain plant a room.
- (4) In relation to landscaping there would be new pedestrian access from the Lewes Road. The ground floor of the building would be predominantly glazed, and the areas of the building in which research would be undertaken would have a concrete finish to show that the design would relate to the function of the building. On the first floor there would be metallic panels in a brass finish. The building was designed to be flexible and allow for internal alterations as the demands on the space changed.
- (5) The scale of the building between those neighbouring it would be smaller, but the design was considered exciting and would match the nature of the use. Policy supported the expansion of university buildings along the Lewes Roads corridor, and the s106 would seek to achieve 20% local labour during the construction period.
- (6) In terms of amenity the nearest buildings were 50 metres across the Lewes Road and 130 metres on Preston Way. Environmental Protection officers were recommending controls for noise and chimneys, and these had been included as conditions. In relation to transport there would be 565 remaining spaces on the wider campus and the proposals would relocate 11 disabled spaces to the south car park. The applicant had submitted information which forecast the demand for parking and the availability on the surrounding streets – this indicated there was sufficient space for the loss on the site. In sustainability terms the building would meet BREEAM excellent, and would have the potential to be connected to a future district heat network along the Lewes Road corridor.
- (7) In relation to matters raised at the site visit the access to the new parking spaces were confirmed using a site plan. In terms of the park and ride facilities provided on the campus for staff at the Falmer campus – the facility would be re-provided in the south carpark. In terms of the lodge building to be demolished, this was used for storage and some offices and would be located within the campus. In relation to level changes it was confirmed there would be no change between landscaped area, the hard-surfacing and the entrance to the site. For the reasons set out in the report the application was recommended to be minded to grant.

### **Questions for Officers**

- (8) In response to Councillor Barradell the width of the access to the new car park was confirmed; it was also explained that this space would be shared pedestrian and vehicular and finished with granite. The main entrance could be managed to only allow pedestrian access out in the pedestrian area, rather than the shared vehicular access.

In terms of under-development of the site it was clarified that given the density of the neighbouring buildings, and the likely densities when the nearby Preston Barracks was developed this level of development was considered appropriate.

- (9) In response to Councillor Morris it noted that the Committee could add an additional informative that the discharge of the materials condition be delegated to the Planning & Building Control Applications Manager in consultation with the Chair, Deputy Chair and Opposition Spokespersons.
- (10) In response to Councillor Littman it was explained that the park and ride facility for 350 spaces on match days for the Amex Stadium was currently provided on the south car park and there would be no impact.
- (11) In response to Councillor C. Theobald it was confirmed that the Planning Authority did not currently have details of refuse, but a condition could be attached requiring these to be agreed a later date.
- (12) In response to Councillor Gilbey the Head of Transport Policy & Strategy confirmed the numbers of parking spaces on the site.
- (13) In response to Councillor Bennett, Officers stated that they could not be certain if the metallic cladding would fade; however, if treated properly the material should be capable of maintaining the striking finish which was integral to the design of the building.
- (14) In response to Councillor Gilbey it was clarified that the methodology used for the parking survey was nationally recognised; the streets used for the survey were clarified, as were the general expectations of a travel plan.
- (15) In response to Councillor Morris it was confirmed there was no contribution in the application towards arts projects.

**Debate and Decision Making Process**

- (16) Councillor Littman stated he did have concerns in relation to parking when the park and ride was in operation; however, he was very supportive of the scheme; felt it added to the architecture offer of the area and would support the Officer recommendation.
- (17) Councillor Mac Cafferty noted his agreement with the comments made by Councillor Littman and added that the design was 'stunning and visionary'; he also welcomed the high sustainability offer.
- (18) Councillor C. Theobald noted her concerns in relation to the loss of parking, and felt there was a lost opportunity to provide underground parking on the site; however, she felt the facility was excellent; the design was interesting and exciting and she would support the Officer recommendation.
- (19) Councillor Taylor echoed the support expressed by other Members, and added that this was an exciting opportunity for the city. He expressed some concerns in relation to

the parking at the site, in particular potential overspill into neighbouring roads, but ultimately would support the scheme.

- (20) Councillor Gilbey stated this was an exciting scheme, but she had some reservations about the parking on the site; however, she would support the Officer recommendation.
- (21) Councillor Barradell highlighted her reservations in relation to the shared space; she also was concerned about underdevelopment; however, she felt the building was very attractive and would support the Officer recommendation.
- (22) Councillor Bennett stated the building was fit for purpose, and she particularly liked the metallic cladding.
- (23) Councillor Wares welcomed the design and felt it would make a positive contribution to the local area.
- (24) Councillor Mac Cafferty proposed an informative that the discharge of the materials condition be delegated to the Planning & Building Control Applications Manager in consultation with the Chair, Deputy Chair and Opposition Spokespersons; this was seconded by Councillor Barradell; and agreed by the Committee.
- (25) Councillor Littman added that the location was highly sustainable in terms of transport, and modular changes in transport usage could lead to less staff accessing the site by car.
- (26) The Chair noted that she had confidence in the travel plan; she felt the design was exciting and felt it would raise the bar for design in the city.
- (27) A vote was taken and the Officer recommendation that the Committee be minded to grant planning permission was carried unanimously by the twelve Members present at the meeting.

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

#### Amended Conditions

Amend Condition 5: Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all hard surfacing;
- b) Details of all boundary treatments;
- c) Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees
- d) Details of levels including sections showing adjoining land levels.

Amend Condition 10: Delete 'pupils' replace with 'students'

Additional Condition

Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

Additional informative

The details submitted in relation to materials condition 4 are delegated to the Planning and Building Control Applications Manager for agreement in consultation with the Chair, the Deputy Chair and the Opposition spokesperson.

**B BH2015/02431 - Land at and Adjacent to West Pier and 62-73 Kings Road Arches, Kings Road, Brighton - Removal or Variation of Condition**

Application for removal of conditions 19 and 36 of application BH2014/04167 (i360 observation tower scheme originally approved under application BH2006/02369). Condition 19 to be removed relates to the requirement for grey and rainwater recycling and condition 36 to be removed relates to the requirement for a wind turbine at the head of the tower.

- (1) The Principal Planning Officer, Maria Seale, introduced the application and gave a presentation by reference to photos, plans and elevational drawings. The site was located south of Regency Square and next to the remnants of the West Pier. Permission was sought to remove conditions 19 and 36 which related to rain water recycling and wind turbines. There was encouragement nationally for sustainable development, and a number of measures were proposed with the permission for the i360 observation tower; however, it was not until the detailed build stage that it had been considered necessary to remove the relevant conditions. In relation to the wind turbines it was now apparent that they affected the performance of the observation tower and were liable to wind damage. However, the scheme now proposed using energy generated by the pod during descent which could be used within the operation of the tower – this feature provided a better sustainable solution in terms of the amount of energy it could provide, and Officers were satisfied with the proposed deletion of condition.
- (2) In terms of the rainwater condition, the areas where this could be gathered were open to possible contamination as they were predominantly public spaces. A new British standard for rainwater harvesting had been introduced three years after permission was granted which recommended such public spaces were not suitable for rainwater harvesting. A number of different treatments would be needed including chemical process, which was difficult to undertake on site. The removal of these conditions was not opposed by the Sustainability Officer. In both cases it was considered that the

applicant had made a robust case, and the application was recommended to be minded to grant, subject to an amended s106 agreement.

**Questions for Officers**

- (3) In response to Councillor Barradell it was explained that the issues had only become apparent at the detailed design stage of the application; the proposals had also been robustly tested with the Sustainability Officer.
- (4) In response to Councillor Littman it was explained that the site was not suitable for greywater harvesting as it would not use much water; it was also clarified that the condition proposed for deletion related to rainwater, not greywater.
- (5) In response to Councillor Mac Cafferty it was clarified that it would require purification and chemical process to treat rainwater on site; this would also use additional energy.
- (6) In response to points raised by the Committee it was agreed that the applicant could come forward to answer technical questions. It was clarified that the use rainwater would require numerous stages of filtration. It was not practical to use greywater recycling on the site as the levels of water used were low, and the toilets and washbasins were efficient in terms of their water consumption. It was also clarified that the proposed new measures would actually be a better sustainability solution.
- (7) In response to Councillor Wares the Senior Solicitor clarified that the Committee were being asked to remove conditions; they could do this and add new ones if they were considered to be reasonable.
- (8) In response to Councillor Littman it was confirmed that the applicant had already undertaken a feasibility study in relation to greywater harvesting.
- (9) In response to Councillor Morris it was confirmed that the applicant had the right to apply for changes at any point in the build process.

**Debate and Decision Making Process**

- (10) Councillor C. Theobald stated that the appearance of the tower would be better without the wind turbines; she welcomed the new sustainability proposals and would support the Officer recommendation.
- (11) Councillor Taylor noted his support for the Officer recommendation, and he felt the applicant should be applauded for finding sustainability alternatives; he felt it would be onerous to ask the applicant to consider greywater recycling at this stage of the development.
- (12) Councillor Littman stated that it was important not to halt the progression of the scheme, and he recognised that rainwater harvesting would not be efficient on the site; on balance he would support the Officers recommendation.
- (13) Councillor Hamilton noted that he had been Chair of the Committee when the original application had been approved; he highlighted that Officers were satisfied with the

proposal before the Committee and for this reason he would support the recommendation.

- (14) Councillor Barradell noted her support for the removal of the condition that related to the wind turbine, but she had reservations in relation to the water recycling and was of the view some greywater recycling could be achieved at the site.
- (15) Councillor Mac Cafferty stated his disappointment that aspects of sustainability on the site were being removed; however, he noted that to oppose the scheme would be impractical and he would support the Officer recommendation.
- (16) In response to Councillor Barradell the Senior Solicitor highlighted that any additional conditions in relation to greywater recycling would have to be evidenced; as this option had not been identified by the Council's Sustainability Officer it would be difficult to justify were such a condition appealed by the applicant.
- (17) Councillor Wares stated that the scheme was better without the turbines and he felt the applicant was offering a better solution.
- (18) The Committee voted separately on the removal of the two conditions as set out in the report. In each instance the Officer recommendation that the condition be removed was unanimously carried.
- (19) The Committee then voted on an additional informatives that the applicant undertake a greywater recycling feasibility study; this was not carried on a vote of 4 in support and 6 against.

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

**Note:** Councillor Allen had left the Chamber during the vote on the additional informative.

### **C BH2015/01454 - Block D Kingsmere, London Road, Brighton - Full Planning**

Erection of additional storey to block D to create 2no one bedroom and 2no two bedroom flats (C3) with roof gardens.

- (1) The Planning Manager (Major Applications) gave a presentation by reference to plans, photographs and drawings. The application sought permission for an extra storey on Block D; similar schemes had been approved on blocks A&B and E&F; this scheme sought permission for two 2 bedroom, and two 1 bedrooms units, the design would also be set back to include balconies. Attention was drawn to a scheme at the Priory further along London Road that had been approved at appeal, and had served as the benchmark for these types of schemes. There was no significant impact on amenity; the new flats would be code level 4 for sustainability. No additional parking was proposed as part of the application. The application was recommended for approval for the reasons set out in the report.



**Questions for Officers**

- (2) In response to Councillor Wares it was noted that the permissions on the other blocks on the site expired three years from the date of the permission.
- (3) In response to Councillor Wares the Senior Solicitor clarified that were the application to be refused it would likely be difficult to uphold at appeal as policy had changed little since the previous permissions.
- (4) In response to a further query it was clarified that the parking had been assessed and Officers were of the view there was sufficient space on the network, and this did not warrant a reason for refusal.
- (5) In response to Councillor C. Theobald it was clarified that issues relating to sound proofing would be considered under Building Regulations.
- (6) It was clarified for Councillor Barradell that it would not be possible to condition social housing retrospectively on the applications for all the blocks in the Kingsmere site.
- (7) It was clarified for Councillor Taylor that Officers were not of the view that the cumulative impact of parking was sufficient to warrant refusal.
- (8) It was confirmed for Councillor Gilbey that there was a separate access to the school.
- (9) It was confirmed for the Chair that previous applications to develop straight up, without an inset, had been refused.
- (10) It was confirmed for Councillor Bennett that the proposed materials would be largely the same as the permissions on the other blocks.
- (11) In response to the Chair it was clarified that previous proposed reasons for refusal had related to the felling of trees to provide additional parking.

**Debate and Decision Making Process**

- (12) Councillor C. Theobald stated the scheme was not in keeping, and she would not support the Officer recommendation.
- (13) Councillor Taylor felt that not enough consideration had been given to potential displacement parking, and he would not support the Officer recommendation.
- (14) Councillor Barradell noted that she would support the scheme as the city needed additional housing.
- (15) Councillor Allen noted there was parking pressure in the area, but stated he would support the application.
- (16) Councillor Hamilton noted that any other decision than to approve would likely be overturned at appeal and he would support the Officer recommendation.

- (17) Councillor Mac Cafferty noted how stressful these types of applications could be for residents, he could see little justification to refuse the application given the planning history in the report.
- (18) The Chair stated that she was not against additional storeys, and noted that the city needed to additional housing; with this in mind she would support the application.
- (19) A vote was taken and the Officer recommendation that permission be granted was carried on a vote of 10 in support with 2 against.

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

Amended Condition

Amend condition 4 No development above fourth floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) samples of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 & QD14 of the Brighton & Hove Local Plan.

**D BH2015/01781 - 27 Hill Brow, Hove - Removal or Variation of Condition**

Application for variation of condition 3 of application BH2012/03379 (Erection of first floor extension to create a two storey house (Revisions to BH2010/01488)) to permit alterations including balcony to south elevation, alterations to window frames, installation of rooflights on side and rear elevations, and installation of slate roof tiles (amended plans).

- (1) The Planning Manager (Major Applications) introduced the report and gave a presentation by reference to plans, photos and elevational drawings. The site was on the northern side of the road and was on higher ground than the southern side. The application was for minor amendments to an approved scheme; this was largely to achieve additional accommodation within the roof space. The changes on each elevational were highlighted and these included a Juliet balcony to the south; additional roof lights; and changes to some of the fenestration configuration. Where the new

windows faced out onto a neighbouring property there was a condition that these be obscurely glazed which was consistent with the original applications. The application was recommended for approval for the reasons set out in the report.

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

- (2) It was confirmed for Councillor Hamilton that the application was only before the Committee as the applicant was a councillor.
- (3) In response to Councillor Barradell the location of the garage was confirmed.
- (4) Councillor C. Theobald noted there were few single storey properties left in the street.
- (5) A vote was taken and the Officer recommendation that permission was granted was carried unanimously.

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

Amended Condition

Amend condition 4: No development above first floor slab level of any part of the development hereby permitted shall take place until samples of the roof slates, and further information of the balcony railings and windows have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 & QD14 of the Brighton & Hove Local Plan.

**Note:** Councillor Bennett withdrew from the consideration of this application as out at minute item 65 (B).

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

71.1 There were no further requests for site visits.

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

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

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

- 73.1 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.]

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

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

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

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

**76 APPEAL DECISIONS**

- 76.1 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 4.40pm

Signed

Chair

Dated this

day of