

PLANNING COMMITTEE ADDENDUM

2.00PM, WEDNESDAY, 10 JUNE 2020

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ADDENDUM

ITEM

Page

2(b) Minutes, 20 May 2020 (copy attached)

Item A : Councillor Letter (copy attached)

Item I : Councillor Letter (copy attached)

PLANNING COMMITTEE	Agenda Item 2 (b) Brighton and Hove City Council
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BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 20 MAY 2020

SKYPE MEETING

MINUTES

Present: Councillors Hill (Chair), Henry (Deputy Chair), Littman (Opposition Spokesperson), C Theobald (Group Spokesperson), Fishleigh, Janio, Mac Cafferty, Miller, Shanks and Yates

Officers in attendance: Nicola Hurley (Planning Manager), David Farnham (Development and Transport Assessment Manager), Henrietta Ashun (Senior Planning Officer), Hilary Woodward (Senior Solicitor) and Shaun Hughes (Democratic Services Officer).

PART ONE

134 PROCEDURAL BUSINESS

a) Declarations of substitutes

134.1 None

b) Declarations of interests

134.2 Councillor Hill declared that they had received a number of emails regarding the Planning Application Item A - BH2020/00011 and that they remained of a neutral mind and would remain present at the meeting during consideration and determination of the application. Councillor Fishleigh declared that they had been shown around the application site and stated that they had a son wishing to attend the University of Sussex in the near future and they would want their son to live on campus and that they were not therefore of a neutral mind and would withdraw from the meeting during consideration and determination of the application.

c) Exclusion of the press and public

134.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded

from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

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

135 MINUTES OF THE PREVIOUS MEETING

- 135.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 22 April 2020 as a correct record.

136 CHAIR'S COMMUNICATIONS

- 136.1 Councillor Hill informed the Committee that the Deed of Variation report for Anston House, 137-147 Preston Road, Brighton, published in addendum 1 - had been deferred to the next Planning Committee meeting as the Members of the Committee had not had sufficient time to read the report and ask any questions.

137 PUBLIC QUESTIONS

- 137.1 There were none.

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

- 138.1 There were no site visit requests.

139 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2020/00011 - West Slope, University of Sussex, Falmer - Full Planning

1. Nicola Hurley (Planning Manager) informed the Committee that following finalising of the report, the applicant has submitted additional information in respect of the cycle storage and accessible parking provided. The additional information has been reviewed by the transport team who maintain their objection. They considered that insufficient information has been submitted in respect of the disabled parking and that the cycle parking provision has not increased. Whilst the objection of the transport team is noted, the recommendation of minded to grant remains. The accessible parking provision is similar to the previous outline application. In addition, the University is required to separately meet the Equality Act which is separate to planning. Also, SPD14 does allow for flexibility. In terms of cycle provision, the late list includes an amended Heads of Term to include monitoring and review for the travel plan to include cycle parking. The information submitted by the applicant warrants a flexible approach which is allowed by SPD14. The benefits of the scheme overall outweigh the objection of the transport team.

Public Speakers

2. There were no public speakers on item A (the agenda contained only one planning application).

Member Questions

3. Councillor Shanks was informed by Allan Spencer, the applicant's representative, that the heating to be installed would match the existing onsite system and the launderettes would use gas fired heating.
4. The Senior Solicitor advised the committee that the Mr Spencer was on hand to answer questions only when the case officer was not able to supply the answers to Member questions and that questions should be asked of the case officer first. The Chair agreed, and the meeting proceeded.
5. Councillor Theobald was informed by the case officer that should planning permission be granted the applicant had a period of time set by the decision notice in which to commence the development. The Senior Solicitor advised the Committee that the amount of rent that students would pay and the projected number of students from other countries were not relevant to the planning application. The case officer went on to inform Councillor Theobald that the proposed units would mostly be for first year and post grad students. The scheme reduced the number of rooms available in the family units by two. The campus supermarket is to be enlarged as part of the scheme and the onsite bank will remain with no alterations. Mr Spencer informed the Members that the University of Sussex understood the need for affordable rents for students. The rents would be same as the East Slope development. The high demand for ensuite units had been noted and informed the design of the development. The development is likely to be delayed by one year as a result of the current COVID-19 guidelines.
6. Councillor Yates was informed by the case officer that the family units conformed to space standards and were intended for students with families. Following the Councillor's request, it was noted that a condition to restrict the units for students and their families only, to prevent letting of units to non-student families, could be added to the decision notice. The Councillor was also informed that the family units did not attract any monies for the community under the S106 agreement. The external family play area was considered to be safe and within guidelines for proximity to the family dwellings. The family rooms in the family units would be family use only.
7. Councillor Mac Cafferty was informed that the Environment Agency had been consulted and that relevant conditions had been agreed by the case officer. Cycle parking at the development was considered sufficient with 481 spaces on the site meeting the standard for a small town. It was noted that a large number of cycle spaces are currently not used. A review of usage could result in more being created in the future. The landscaping has been agreed with the spaces provided in the scheme.
8. The Planning Manager informed the Committee that under policy SPD14 - 1400 cycle parking spaces would be needed. The policy allows for a flexible approach

by case officers. The Planning Manager stated that a review mechanism was in place through the s106.

9. The Senior Solicitor stated that the Highway Authority was a statutory consultee and their response needed to be taken into account by the case officer and the Committee. However, the weight to be attached to the consultation response was part of the planning balance.
10. Councillor Mac Cafferty was informed by Mr Spencer that only enabling works have been suspended at this time. Ground works were to have been started this summer, however, the current COVID-19 pandemic guidelines have result in a stoppage of works. Meetings are continuing between the developer and the construction company and are ongoing. The project has not been entirely suspended. It is hoped to restart the works in March 2021.
11. Councillor Littman was informed by the case officer that the functions currently covered by Kulukundis House would be incorporated into other buildings across the new campus buildings. 5% of the scheme will be for students with severe disabilities with 2% for wheelchair users and 3% for students with other needs such as visual impairment. The services in Kulukundis House will be reprovided. Accessible paths, lifts and walkways will be provided across the site. Mr Spencer reiterated the case officer's comments that the services currently at Kulukundis House would be spread across campus.
12. The Development & Transport Assessment Manager informed the Committee that the quantity and quality of the existing cycle parking was not up to standard and this may lead to less usage. Updates on cycle parking provision have not been received from the University of Sussex so the Transport Team objections are still in place. It has not been clarified how the proposed cycle parking will be accessed as they are accessible via pedestrian areas only. Under Policy SPD14 cyclists should be able to ride to parking spaces. Long stay cycle parking should be secure and preferably under cover. If the cycle parking is not accessible it will be underused. The Transport Team have requested more disabled parking spaces and informed the developer that the spaces need to be close to buildings. The University of Sussex have not been forthcoming on this matter. Mr Spencer has cited the existing need.
13. The Planning Manager informed the Committee that there was no agreement in place to secure monitoring fees in the s106 at the current time. A paper is currently been prepared to take this to the relevant committee for members to agree this in due course.
14. Councillor Shanks was informed that the s106 monies for art projects off campus would not need a condition as this would be covered by the Heads of Terms.
15. Councillor Janio was informed that the playground proposed formed part of the landscaping scheme which was to be agreed by condition. It was noted that diversity of accommodation formed part of the University's requirements. The scheme includes town houses and cluster accommodation which will have lower rents. The Transport Team comments on cycle parking have been considered in

detail by the case officer and considered adequate as uplifts would be possible in the future following the conditioned review of cycle parking.

16. The Development & Transport Assessment Manager agreed that the Transport comments submitted to the case officer had been understood.
17. Councillor Henry expressed concerns that there appeared to be a shortfall in cycle parking spaces. The Councillor was informed that Bike Share are already on campus. The number of spaces was considered sufficient with over 400 secure spaces and a further 200 on Sheffield stands.
18. Debate
19. Councillor Theobald noted that public art would be an important element of any development, let alone this campus in the current sylvan setting. The development was not fitting to the setting although the need for good quality accommodation was understood. The loss of trees was a concern, as were the rents, which may be higher than existing. The Councillor expressed that they were impressed with other development on the campus and would support the scheme.
20. Councillor Littman agreed that the previous development on the East Slope of the campus was of good quality and wanted this scheme to be the same. The existing sylvan setting created by the original architect Sir Basil Spence should be retained. It was noted that the Master Plan for the university was approved on appeal. The plans before the Committee were considered to be an improvement on previous submissions. It was a concern that sufficient information had not been provided by the University relating to disabled parking and cycle parking spaces. The Member was not sure whether to support or not.
21. Councillor Mac Cafferty was pleased that the developers had learnt from the appeal process and wished the original campus to be retained where possible. Cycle parking was a concern as this should be an aspirational development for the city. Periodic reviews of the cycle parking were welcomed. The scheme is not perfect, however the Committee need to look at the whole development. The Member supported the scheme and requested an informative regarding boring and piling on site.
22. Councillor Shanks supported the scheme and hoped that the scheme would lead to a reduction of Houses of Multiple Occupancy (HMO) in the city.
23. Councillor Janio felt the development was excellent although the cycle parking could be an issue. Student usage of bikes should be encouraged. The Member supported the scheme.
24. Councillor Yates supported the scheme and felt the developers had learnt from past Committee comments, although the lack of cycle parking was a concern. The cycle parking reviews would be good. A condition restricting the family units to student use only was requested.

25. The Planning Manager confirmed that an informative did not need a Committee vote and the wording would be agreed later, and the proposed condition would need a Committee vote.
26. Councillor Yates proposed the condition which was seconded by Councillor Janio that: At least one tenant of each of the family units to be a registered student at the University of Sussex.
27. Vote: The Committee voted and unanimously agreed to accept the additional condition. (Councillor Fishleigh did not take part in the vote as they had left the meeting).
28. Vote: The Committee voted unanimously to grant planning permission. (Councillor Fishleigh did not take part in the vote as they had left the meeting).
29. **Resolved:** The Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed **on or before 20th August 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13.1 of the report.

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

140.1 There were none.

141 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

142 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

142.1 There were none.

143 APPEAL DECISIONS

143.1 There were none.

The meeting concluded at 3.39pm

Chair

Signed

Dated this

day of

Cllr. Clare Rainey

BH2020/00442 – Black Rock Site And Surroundings, Madeira Drive

14th April 2020:

Stance: Customer made comments in support of the Planning Application

Comment: I fully agree that the Black Rock area needs to be rejuvenated but have the following concerns:

Parking is already amply provided at the Asda car park and the multi storey car park. Will car drivers be able to get through from Madeira Drive to the marina to park once the new access is in? Recommend removing all but absolutely necessary car parking spaces for disabled user vehicles, and electric charging points from the plan.

Disappointed that the end use for Black Rock is not identified. The site would lend itself to a permanent events space, which would allow the city to have purpose-built world class facilities. Transport services could be provided in conjunction with the Bus Company and Volks Railway. Recommend exploring the above option. The current habitat for wintering and migrating birds at Black Rock should not be unnecessarily destroyed.

This development will involve major construction work. Recommend that best practice in terms of carbon neutral construction is demonstrated for this project.

The vegetated shingle is a rare ecological habitat, according to the ecological impact assessment "one of only three remaining areas of this internationally rare habitat in Brighton & Hove". Natural England states that "Because of its rarity vegetated shingle is recorded as a priority habitat under the UK's Biodiversity Action Plan". Recommend that examples of successful relocation of vegetated shingle are researched and consultation/advice sought to avoid the loss of this habitat.

Necessary further discussion is needed to tie down the Marina's future needs and how they can best link in with the rejuvenation of Black Rock. Recommend arranging a meeting with Marina Leaseholders and all relevant stakeholders to discuss how their needs can be integrated with the plans.

The plans for landscaping/planting Kemptown Lawns are welcome but should include the cost of ongoing management and identify who will do this. Recommend costing up management and setting aside funds.

Cllr. Carmen Appich
BH2020/00776 - 6 Princes Crescent

22nd May 2020:

The applicants submitted a planning application for a substantial refurbishment and new extension in early September 2018. (BH2018/02760)

After suggested changes as a result of consultation with the Conservation Officer and CAG (Conservation Advisory Group) the application was approved on 25th October 2018. Several minor changes were made to the original plan, in consultation with Council officers, that resulted in the final approval for all changes being granted on 23 January 2020 (BH2019/03533)

Work was scheduled to start early in 2020. Further consultations with the contractor prior to the preparation of the site, and an additional inspection from the structural engineer at this time, found that the building is not suitable for refurbishment due to its poor structural condition and the senior structural engineer recommended it should be demolished and rebuilt based on the approved plan.

He also stated the additional benefits of doing so, including an opportunity to use enhanced modern materials, better insulation and energy saving measures. At this time they removed the approved basement parking from the scheme to reduce the budget and site disturbance and the contractor submitted the demolition application on the 10th March.

The structural engineer's report and a report on the viability of the project from the applicants' contract administrator were also submitted to the Council. The Heritage Officer had concerns about building a new garage in the front in place of the underground parking so this garage was removed from the new scheme.

The Urban Design Officer also commented that there was an opportunity to make the building more contemporary so once again the applicant made some suggested changes to seek to take into account the suggestions made.

There were a few objections and comments from close neighbours in Westbourne Place, but these have been addressed by reducing the size of originally planned dormers and removing the rear building, thus increasing the distance between their amenity spaces and the applicants' property.

The other objection is from the CAG , but this does not seem to take account of the modifications to the design following consultations with Heritage, and appears to contradict its earlier support of the 2018 application. The central chimney breast they refer to was, I understand, an outlet for a fuel boiler and built in the 1970s , so not part of the original design.

I have visited the property, and discussed the scheme with the applicants and their contractor. I have been impressed by the applicants' desire to engage with Council officers and neighbours – for example in offering to rebuild the existing flint walls at the rear of the property.

I have looked at neighbouring buildings, particularly Barford Court, and it seems to me that the proposed fenestration and brick elevations will bring the building more in line with the architecture of that building than it is now.

The existing building has extensive damage, and, even if it were to be restored, would require an almost total rebuild.

In summary, I cannot see what substantial changes there are between the application already approved referred to above, and this new application, other than improvements to the design and footprint of the building agreed with Heritage and Urban Design officers.

I therefore urge the Committee to approve the application.