

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 26 AUGUST 2015

THE RONUK HALL, PORTSLADE TOWN HALL

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Miller, Morris and Wares

Co-opted Members: Mr Jim Gowans

Officers in attendance: Jeanette Walsh (Planning & Building Control Applications Manager); Nicola Hurley (Planning Manager – Applications); Steven Shaw (Principal Transport Officer); Alison Gatherer (Solicitor) and Ross Keatley (Democratic Services Manager).

PART ONE

52 PROCEDURAL BUSINESS

(A) Declarations of substitutes

52.1 Councillor A. Norman was present in substitution for Councillor C. Theobald, and Councillor Gibson was present in substitution for Councillor Mac Cafferty.

(B) Declarations of interests

52.2 Councillor Gibson declared a personal interest in respect of application BH2015/01974 Hanover Mews, Brighton as he had a pre-determined view in relation to gated communities; for these reasons he would withdraw from the meeting during the consideration and vote on this application.

52.3 Councillor Wares declared a personal interest in respect of application BH2015/01475 Spa Court, Kings Esplanade, Hove as he had worked with the applicant in private capacity in the past, for these reasons he would withdraw from the meeting during the consideration and vote on this application.

52.4 Councillor Miller declared a personal interest in application BH2015/01121 119 Lewes Road, Brighton as he lived in close proximity to the site; however, he remained of an open and would remain present for the consideration and vote on this application.

(C) Exclusion of the press and public

52.5 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.

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

(D) Use of mobile phones and tablets

52.7 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’.

53 MINUTES OF THE PREVIOUS MEETING

53.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 5 August 2015 as a correct record.

54 CHAIR'S COMMUNICATIONS

54.1 A minute silence was held by the Committee and all those present at the meeting in memory and respect of the victims of the Shoreham air crash on 22 August 2015.

55 PUBLIC QUESTIONS

55.1 There were none.

56 PLANNING INSPECTION AND ENFORCEMENT TEAM YEARLY REPORT: APRIL 2014- MARCH 2015

56.1 The Committee considered a report and presentation from the Planning Manager – Enforcement in relation to the Planning Inspection and Enforcement Team Yearly Report: April 2014 – March 2015.

56.2 **RESOLVED** – That the Committee note the report.

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

57.1 There were no requests for site visits for items listed on the agenda.

58 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2015/01121 - 119 Lewes Road, Brighton - Full Planning - Demolition of existing buildings and erection of a part 3/part 4 storey building (plus basement) comprising 51 self-contained studio flats for student occupation, plant room, communal areas, cycle parking, recycling/refuse facilities and associated works.

- (1) It was noted that the application had been the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Mick Anson, introduced the application by reference the photographs, plans, elevational drawings and some concept images; reference was also made to matters on the Late List. The site was currently a car wash and fronted onto Lewes Road at Gladstone Place. A previous scheme had been refused by the Committee in February 2015 for reasons in relation to: scale and bulk; intensity of use and lack of enhancement or improvement to the townscape and the Lewes Road corridor. The accommodation would consist of 51 self-contained studios; three of these on the ground floor would be accessible. The frontage to the building at Gladstone Place stepped back, and there would be storage for 24 cycles inside, with further storage to the side of the building. The scheme also proposed photovoltaic panels and a green roof. The windows which directly faced the neighbouring building on Gladstone Place would be obscurely glazed and only served corridors. The application was recommended for approval subject to a s106 agreement which included a management plan.

Questions for Officers

- (3) In response to Councillor A. Norman it was explained that there was not a dedicated storage area for wheelchairs for disabled occupants; however, there were some storage areas that could potentially be used.
- (4) In response to Councillor Barradell it was explained that the entire building had mechanical ventilation; whilst the windows could be opened they were not needed for air quality and sound insulation. It was also confirmed that the access on the ground floor to the side of the building was not intended for use as a fire escape.
- (5) In response to Councillor Morris it was clarified that there was a requirement for a construction environmental management plan to be submitted before works commenced; there would also be consultation with the local action team, and residents would need to be notified of any work outside of normal hours. In terms of the student management plan a standard, familiar approach was expected.
- (6) In response to a further query from Councillor Barradell the Planning & Building Control Application Manager explained to the Committee that Officers were of the view that the concept image provided by the application with a view down Gladstone Place was slightly inaccurate and showed a more detrimental position than the actual plans.
- (7) In response to queries from Councillor Miller it was explained that the development could not be car free as it was outside of a controlled parking zone; the comparison data that had been used to project the likely occupancy had been taken from the three wards with the highest number of students. In relation to security at the site; whilst the application proposed 24 hour security, it was not certain if this would in the form of a

member of staff permanently on site; Officers noted that if the Committee were of the view that this should be the case then an informative could be attached to this extent. In relation to the materials it was noted that an informative could be attached that this be discharged by the Planning & Building Control Applications Manager in consultation with the Chair, Deputy Chair and Opposition Spokespersons Persons.

- (8) In response to Councillor Wares the Principal Planning Officer explained he was aware there were negotiations ongoing with the two universities in the city; however, neither had entered in formal agreement with the applicant for use of the accommodation.
- (9) In response to further questions from Councillor Wares the Principal Transport Officer explained that when assessing the pressure proposals would put on parking the Local Planning Authority would consider parking surveys around the site at different times of the day; there had also been informal site visits by the applicant and Officers.
- (10) In response to Councillor Gibson it was explained that Officers had no further information on the reasons why the University of Brighton had withdrawn their formal interest in the scheme. It was also confirmed that when undertaking parking assessments Officers would consider existing planning permissions.
- (11) In response to Councillor Gilbey Officers confirmed that the accessible rooms were larger, and there was space to manoeuvre and keep a wheelchair in the room.
- (12) In response to further queries from Councillor Barradell it was confirmed that Officers had requested additional cycle storage on the site and this was the reason for using the alleyway to the side of the building. The rationale for creating the space between the proposed development and the neighbouring building was to reduce the potential for nuisance; any amenity issues had to be balanced against the need for cycle storage. In relation to daylight and sunlight it was confirmed that full assessments had been undertaken and the impact was negligible and within guidelines.

Debate and Decision Making Process

- (13) Councillor Wares stated that in principle he welcomed this type of development and felt that the scale and bulk were appropriate; however, he had concerns in relation to the impact of the parking in an area that already had high parking stress, for these reasons he felt it was unlikely he would be able to support the scheme.
- (14) Councillor Miller stated he was in two minds in relation to the application and he was in support of the design and the proposed materials. On the other hand he noted his concerns in relation to parking in the area and noted that there was no support from either local university; he stated he was more minded to refuse the application.
- (15) Councillor Littman noted that, like colleagues, he was in two minds in relation to the application, but he would support the scheme as this type of accommodation was critical for the city's housing need and felt they were no overwhelming reasons to refuse the application.
- (16) Councillor Gilbey noted that she agreed with Councillor Littman, and added that the applicant had clearly addressed the previous reasons for refusal and she was satisfied

with the proposed solution in relation to the disabled units. She was not as concerned as other Members with issue in relation to the alleyway at the side, and she would support the application.

- (17) Councillor A. Norman noted her support for the scheme and added that this type of student housing was not using family homes in the city. She still had some concerns in relation to storage for wheelchairs, but welcomed the ethos on encouraging those with disability to be part of the wider community of students in the building. It was noted that issues in relation to emergency evacuation were a matter for Building Control.
- (18) Councillor Gibson stated that he recognised the need for this type of student accommodation in the city, but had concerns in relation to Policy CP12 and the need to create balanced communities. He was not sure that all of the previous reasons for refusal had been addressed, and still had concerns in relation to the management plan. He felt the application should be deferred to investigate how the similar site at 112 Lewes Road was managed. The Planning & Building Control Applications Manager confirmed that the local planning authority had a duty to determine applications, a deferral could be requested, but this would need to be explicitly justified.
- (19) Councillor Barradell noted the need for student housing in the city and stated that the location was appropriate; despite the lack of support from either university she was minded to support the scheme.
- (20) Councillor Morris noted that he was minded to support the scheme and added that potential issues in relation to the cycle storage at the side of development should form part of the management plan.
- (21) Councillor Bennett noted her concerns in relation to parking, and added that the scheme proposed a lot of development on the site.
- (22) Before the vote was taken the Planning & Building Control Applications Manager clarified that the authority had received a letter from Brighton University to confirm they were not in discussions with the applicant. There were four main education providers in the city that were recognise and it was the position of the authority was to encourage relationships with these providers and developers.
- (23) A vote, with the additional informatives in relation to the discharge of materials the management plan, was taken and the recommendation that the Committee be minded to grant the application was carried on a vote of 7 in support with 5 against.

- 58.1 **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 and resolves to **GRANT** planning permission subject to the conditions and informatives in section 11 and the additional and amended conditions and informatives set out below:

Amended Conditions

- Amend Condition 3 by substituting BS10175:2001+A1:2013 for BS10175:2001. Add omitted Reason: As this matter is fundamental to the acceptable delivery of

the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- Amend Condition 2 –Revised site plan (08)204 Rev 02 Date Received 11.08.15
- Amend Condition 10 – “energy centre” to be replaced with “plant room” (as agreed by Sustainability Adviser).
- Amend Condition 13 –to refer to ‘brown/green roof’ rather than ‘green walling’ (Plans show green/brown roof not walling).
- Amend Condition 14 by inserting:
 - a) The soundproofing shall achieve an airborne and impact sound insulation value of 5dB better than that specified in Approved Document E of the Building Regulations.
 - b) Prior to occupation, results of tests showing that the standard required by this condition has been achieved, shall be submitted to and approved in writing by the Local Planning Authority. The written report shall contain details of what if any additional mitigation measures are necessary to achieve the required standard in a).

Reason: as per the report.

Additional Conditions

- Prior to commencement samples of either the recommended: Velfac Triple and Double Glazing or the Pilkington Glass double glazing specifications, as outlined in the Discussion and Conclusions of The Acoustic Associates Sussex Ltd letter report, dated 13th July 2015, Reference J1521 to Stace LLP shall be submitted for approval to the Local Planning Authority and thereafter used in the development.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- Prior to commencement a written scheme for the ventilation of the residential units shall be submitted to and approved in writing by the Local Authority designed to ensure that the internal noise conditions with the windows shut, shall comply with BS8233:2014. The ventilation shall be installed in accordance with the approved details and thereby retained.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

Additional Informatives

- No.9: The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site

rests with the developer. The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on the Environment Agency website.

- The details submitted in relation to materials condition xx are delegated to the Planning and Building Control Applications Manager for agreement in consultation with the Chair, the Deputy Chair and the Opposition spokesperson.
- The details to be agreed under the s106 Head of Term for the Student Accommodation Management Plan are delegated to the Planning and Building Control Applications Manager in consultation with the Chair, the Deputy Chair and the Opposition Spokesperson.

B BH2015/01562 - 70 Barnett Road, Brighton-Full Planning - Change of use from four bedroom single dwelling (C3) into five bedroom small house in multiple occupation (C4).

58.2 The application was deferred.

C BH2015/01974 - Hanover Mews, Brighton -Full Planning - Installation of automatic gates across vehicular entrance into Hanover Mews and adjoining pedestrian gate across existing path.

(1) The Planning Manager – Applications (Nicola Hurley) gave a presentation by reference to photographs plans and elevational drawings. The application site related to Hanover Mews; the application had been considered by the Conservation Advisory Group who maintained a recommendation of refusal on the basis the gates were 'too grand'.

Questions for Officers, Debate and Decision Making Process

(2) Mr Gowans noted that the CAG felt gates of a more simple rectangular design would be more appropriate.

(3) It was confirmed for Councillor Gilbey that the gates would be steel plated.

(4) It was confirmed for Councillor Barradell that the gates were set back from the highway so would not cause traffic congestion whilst users waited for them open.

(5) Councillor Littman maintained there would be a loss of amenity for the resident that had objection to the principle of the Mews being gated. It was confirmed that the application had been submitted by the management company responsible for the mews, and it was highlighted that matters relating to landownership were not a material consideration.

(6) Councillor Barradell noted she objected on the basis that the design was inappropriate.

- (7) Councillor A. Norman noted that despite the single objection from a resident of the mews should could not see any reason to refuse the application. Officers confirmed the objection related to the principle of gated communities and read a copy of the objection to the Committee.
- (8) A vote was taken by the eleven Members presented and the Officer recommendation that the application be granted was carried on a vote of 8 in support with 3 against.

58.3 **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 set out in section 11.

Note: Councillor Gibson withdrew from the consideration of the application in line with his declaration of interest listed at Item 52 (A).

D BH2015/01548, Glebe Villas Playing Field, Chelston Avenue, Hove - Removal or variation of condition - Application for variation of condition 3 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to change the hours of usage to 08.00 to 21:00 Monday to Friday and 10:00 to 19:00 on Saturdays for a maximum of 10 days throughout the year.

- (1) The Planning Manager – Applications (Nicola Hurley) gave a presentation by reference to photographs plans and elevational drawings; attention was also drawn to matters on the Late List. The application related to the newly constructed pavilion on the playing field, which contained changing and catering facilities. The application sought variation of conditions the allow increased hours of use during the week and use on Saturdays for a maximum of 10 days throughout the year. The main considerations related to appropriateness of the variation and the impact on amenity, highways and transport. The surrounding area was largely residential; there was no objection from Environmental Protection and the application was recommended for approval for the reasons set out in the report.

Public Speaker(s) and Questions

- (2) Councillor Nemeth spoke in his capacity as a Local Ward Councillor. He stated that the current arrangements had worked well for all parties for some years; an application for unlimited use was refused in 2013 for reason in relation to the impact on amenity – a second application was also refused in 2014 for similar reasons. Residents were of the view that smaller incremental changes to the operation would be more appropriate to maintain trust with the operation of the playing field. The Committee were asked to reject the application and allow for less hours to come forward.
- (3) In response to Councillor Barradell the Ward Councillor stated he was unsure if residents were currently able to use the field.
- (4) Mr Julian Withers spoke in support of the application in his capacity as the applicant and Headteacher at the school. He stated that the extended hours would cause no additional disruption or disturbance. There were currently no hours of restriction in

relation to the use of the playing field – only the pavilion, which had little use during the four winter months of the year. The school were mindful to limit use to ensure they maintained good relations with local residents. When the field was used children were dropped off nearby and walked there to reduce congestion. Currently when the field was used on Saturday portable toilet facilities had to be brought to the site which currently caused additional disruption.

- (5) In response to Councillor Morris it was confirmed that the extension of hours was sought for use during open evenings and sports days. It was also confirmed that no smoking was allowed anywhere on the school grounds.
- (6) In response to Councillor Wares the speaker confirmed the additional hours would support existing event, not new ones.

Questions for Officers, Debate and Decision Making Process

- (7) It was confirmed for Councillor Inkpin-Leissner there had not been no noise complaints.
- (8) In response to Councillor Wares it was confirmed that a temporary permission for 1 year could be appropriate to assess the impact.
- (9) Councillor Barradell noted she was happy to second this proposal.
- (10) Councillor Miller stated he had some concerns in relation to amenity impact, but would support the proposal for a 1 year permission.
- (11) Councillor Littman, Inkpin-Leissner and Barradell noted they were happy with the proposed 1 year permission.
- (12) Councillor A. Norman noted she had concerns with the proposed use until 2100 hours, but would support the temporary permission to assess the impact.
- (13) Councillor Hamilton highlighted that use of the field itself was unrestricted and to limit the use of the pavilion was unreasonable; for these reasons he would support the temporary consent.
- (14) The Committee agreed to amend the Officer recommendation to grant a 12 month consent to assess amenity impact. This amended recommendation was carried by the twelve Members present unanimously.

58.4 **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 set out in section 11, and an additional condition to limit the consent to 12 months.

E BH2015/01475, Spa Court, Kings Esplanade, Hove- Full Planning

Installation of 2no gas risers to front and rear elevations.

- (1) It was confirmed for Councillor Barradell that there was supporting information to justify the external fitting of the gas risers.
- (2) A vote was taken by the eleven Members present and the Officer recommendation that the Committee grant planning permission was unanimously carried.

58.5 **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 set out in section 11.

Note: Councillor Wares withdrew from the consideration of the application in line with his declaration of interest listed at Item 52 (A).

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

59.1 There were no further requests for site visits for items listed on the agenda.

60 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

61.1 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.]

62 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

63 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

64 APPEAL DECISIONS

64.1 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 5.30pm

Signed

Chair

Dated this

day of