

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 9 NOVEMBER 2016****COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ****MINUTES**

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Hyde, Inkpin-Leissner, Littman, Miller, Morris, Moonan, Russell-Moyle and Wares.

Co-opted Members:

Officers in attendance: Nicola Hurley (Planning Manager), Adrian Smith (Principal Planning Officer), Paul Vidler (Planning Manager), Stewart Glassar (Principal Planning Officer), Steven Shaw (Development and Transport Assessment Manager), Tim Jefferies (Principal Planning Officer), Hilary Woodward (Solicitor), and Cliona May (Democratic Services Officer).

PART ONE**63 PROCEDURAL BUSINESS****a Declarations of substitutes**

63.1 Councillor Wares was present in substitution for Councillor Bennett.

b Declarations of interests

63.2 Councillor Russell-Moyle declared a personal interest in relation to Item A) BH2016/03040 - Jubilee Car Park, Arts Road, University Of Sussex, Brighton, as he was a post graduate student from the university; however, he had an open mind and would remain present for the discussion and vote on the application.

63.3 The Chair declared a direct personal interest in relation to Item E) BH2016/01879 - Land to The Rear of 73 North Road, Brighton, because the architect for the scheme was known to her and she had worked as a planning agent on the site in the recent past. The Chair explained that she would vacate the Chair which would be taken by the

Deputy Chair, Councillor Gilbey, would leave the meeting during consideration of this application and would take no part in the discussion or voting thereon.

c Exclusion of the press and public

63.4 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.

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

d Use of mobile phones and tablets

63.6 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 ‘airplane mode’.

64 MINUTES OF THE PREVIOUS MEETING

64.1 The Chair noted that the minutes from the previous meeting would be agreed and signed at the next Committee on 14 December 2016.

65 CHAIR'S COMMUNICATIONS

65.1 The Chair noted that Adrian Smith, Principal Planning Officer, was leaving the Council and it would be his last Planning Committee. She noted appreciation for his hard work and wished him good luck on behalf of the Planning Members.

66 PUBLIC QUESTIONS

66.1 There were none.

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

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

68 121-123 DAVIDDOR ROAD, HOVE - REQUEST TO VARY THE HEADS OF TERMS OF SECTION 106 AGREEMENT IN CONNECTION WITH PLANNING PERMISSION BH2015/02917 FOR A MIXED USE BUILDING COMPRISING 47 RESIDENTIAL UNITS AND D1 COMMUNITY SPACE.

68.1 Adrian Smith, Principal Planning Officer, introduced the report and explained that the original application for full planning permission was approved in 2015. In order to secure affordable housing from the development, a commuted sum, of £1,218,000, would be provided rather than onsite provision.

- 68.2 The developer had advising the Planning Department that their chosen Registered Social Landlord and the under bidder had both withdrawn their deals to purchase the affordable units within the development.
- 68.3 In response to Councillor Mac Cafferty it was clarified that the sum had been calculated to ensure the contribution made to offsite affordable housing would be equal to the previously agreed amount.
- 68.4 It was clarified to Councillor Wares that the money would contribute towards new affordable homes in the city.
- 68.5 Councillor C. Theobald noted that she was disappointed that there was not any affordable housing on the site and queried whether there was a proposed site for the units. The Officer clarified that there was not a specific site in mind.
- 68.6 The Officer noted to Councillor Littman that there were not any restrictions on the location that the units could be developed. The only restriction would be that the money must contribute to affordable housing.
- 68.7 In response to Councillor Gilbey the Officer explained that the contribution would be tracked and the spending would be recorded.
- 68.8 Councillor Russell-Moyle questioned why the affordable units that were previously agreed could not be rented and managed by the Council. The Officer noted that he was unable to answer the question and would have to ask the Housing department. Councillor Littman suggested the report was deferred until the Housing department could provide an answer. Councillor Inkipin-Leissner seconded the proposal of the report being deferred.
- 68.9 **RESOLVED** – That the Committee agreed to defer the report to a future Planning Committee.

69 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2016/03040 - Jubilee Car Park, Arts Road, University of Sussex, Brighton - Full Planning

Erection of a 4no storey carpark with associated landscaping and improved pedestrian and vehicle access.

Officer Introduction

- 1) The Planning Manager, Paul Vidler, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. The site was part of the Sussex University on the West side of campus. Planning permission had been granted in 2015 for additional bed spaces and this included a proposed car park for 117 spaces. An application was required because the car park building would be 2.2 metres higher than previously proposed and the structure required excavation.
- 2) The proposed car park was four storeys; however, there would be eight split levels. The building would be well screened by the trees from most angles. The proposal would be a

concrete and cladding design and the metal cladding would be applied at angles. The Officers considered the design to be appropriate and the introduction of different materials to the area was suitable. Additional onsite parking on campus was needed and the proposed car park would provide 362 spaces, including 14 disabled spaces at ground floor level.

- 3) The Planning Manager explained that the recommendation had changed to minded to grant as it was subject to a s106 agreement. He added that had been a correction on condition 4 and that it should state "the concrete feature wall to the east elevation", rather than north-east.

Questions for Officers

- 4) Councillor Mac Cafferty raised concerns for potential contamination from WW2 onsite. The Planning Manager noted that the archaeology reports did not raise concern regarding this.
- 5) It was clarified to Councillor Morris that the application was not presented at a design panel.
- 6) In response to Councillor Morris it was explained that the replacement footpath was west to the proposed car park and it would not be lit at night. The existing footpath was not lit; therefore, the applicant did not feel it was necessary to light the proposed one.
- 7) In response to Councillor C. Theobald it was confirmed that the concrete stairwell would be a natural concrete colour.
- 8) In response to Councillor Miller it was confirmed that there would not be any loss of trees from the library square view towards the car park and there would be 65 new trees planted.
- 9) In response to Councillor Moonan it was noted that the stairwell on the proposed car park was outside of the building because otherwise it would affect the spaces inside and was necessary for access into the car park. The stairwell would not be as prominent as the elevational drawings were showing.
- 10) In response to Councillor Russell-Moyle it was explained the most impacted view would be from the Library Square. There would not be a significant impact from other directions.
- 11) The Principal Planning Officer, Tim Jefferies, explained to Councillor Russell-Moyle that the prominent material for the proposal would be the metal cladding, rather than the concrete stairwell. It was felt that using red brick and concrete would have been inappropriate and lose the distinction between the two listed buildings.
- 12) In response to Councillor Mac Cafferty it was confirmed that none of the trees to be removed had preservation orders.
- 13) In response to Councillor C. Theobald it was noted that the disabled parking spaces were on the ground floor.

Debate and Decision Making Programme

- 14) Councillor Morris noted that the application should have been discussed and modified at a Design Panel as the immediate surrounding area contained Grade II* and Grade I listed buildings. He added that the cladding did not follow the design of the neighbouring buildings. He noted that he would not be supporting the Officer recommendation.
- 15) Councillor Miller explained that having sufficient parking on site was important and agreed with the Heritage Officers that red brick or render would not be appropriate because it would blend into the listed buildings. He noted he would be supporting the Officer recommendation.
- 16) Councillor Hyde agreed with the objections highlighted by CAG and echoed that the stairwell should be made in brick, rather than concrete. She explained the view walking towards the proposed car park would not be aesthetically pleasing and it was important to consider the views when one was closer to the car park and not just long distance views.
- 17) Councillor Inkpin-Leissner agreed with Councillor Hyde and added that the stairwell would deflect the effect from the cladding and the reflection of light; therefore would not be supporting the Officer recommendation.
- 18) Councillor Theobald noted that it was shame the trees were being lost; however, onsite parking was needed. She added the stairwell in cladding would have improved the application; however, she would be supporting this Officer recommendation.
- 19) Councillor Moonan stated that she welcomed additional parking onsite, believed the cladding was aesthetically pleasing; however, explained the stairwell was bulky and would stand proud. She noted that the stairwell inside the building would have been a better design, despite losing spaces. She added that she was undecided whether she would support the Officer recommendation.
- 20) Councillor Russell-Moyle believed the views from Jubilee Square and Bramber House would be ruined by the proposed car park. The concrete would be imposing and there was not any architectural detailing. He noted that car parking was needed; however, he would not be supporting the Officer recommendation.
- 21) Councillor Littman explained that he did not dislike the design and that there were not any grounds for refusal; therefore, would be supporting the Officer recommendation.
- 22) Councillor Wares stated that he liked the design and thought the grey concrete would blend with the cladding better than red brick and would; therefore, be supporting the Officer recommendation.
- 23) Councillor Miller noted that the proposal would be a significant improvement on what was currently there. He requested that the materials be approved by Officers in consultation with the Chair, Deputy Chair and Opposition Spokespersons.

- 24) Councillor Mac Cafferty noted that he liked the metal cladding design; however was unsure about the concrete stairwell. He stated that he would be supporting the Officer recommendation.
- 25) Councillor Morris noted that there were Grade I and Grade II* listed buildings on campus; therefore, the proposal should have been discussed at a Design Panel. The Chair noted that applicants can choose to go to Design Panels and it is not the Officer choice.
- 26) The Chair noted that it was a good design and she would be supporting the Officer recommendation.
- 27) A vote was taken by the 12 Members present and the Officer recommendation that the Committee be minded to grant planning permission was carried with 7 votes for and 5 against.

69.1 **RESOLVED** – That the Committee resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement, the conditions, informative set out in section 1 and the amended conditions set out below:

Amended condition 4:

Should read east elevation, rather than north-east.

Amended condition 11:

Should read condition 10 rather than condition 9.

Amended informative 2:

Should read condition 5 rather than condition 4.

B BH2016/01020 - 4-7,9 & 15-20 Kensington Street, Brighton - Full Planning

Erection of 12no residential units comprising of 2no one bedroom houses, 1no two bedroom house and 9no one bedroom flats (C3).

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

Officer Introduction

- 2) The Planning Officer, Stewart Glassar, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. The site included three separate sites that would include 12 residential units. The three sites were used for car parking and covered 22 parking spaces and 14 were currently used.
- 3) It was explained that site one would contain two units, site two would contain two units and site three would contain six units. Site three would include a wheelchair accessible one bedroom flat on ground floor level.
- 4) The design would be white brick with a dark roof and coloured panelling. The Planning Officers considered the materials to be appropriate for the area and the applicant had amended the application after comments at the pre-application stage. The roofs on the proposals would be slightly higher than the existing buildings in Kensington Street; however, there was variation of the roof heights in the area.

- 5) Sites one and three had previously been granted planning permission for residential units and these proposals were very similar in size and scale to the currently proposed units. The rear elevations of the proposed units were minimalistic to protect the amenity of the neighbouring properties. It was noted that developing on the site was difficult as it was a small space; however, the Officers felt that the privacy of neighbours would not be compromised. It was noted that the proposed units would supply affordable housing and therefore; the Officer's recommendation was to be minded to grant.

Questions for Officers

- 6) In response to Councillor Mac Cafferty it was noted that there had been discussion regarding the graffiti walls on the current sites and it would be recorded. The Chair noted that it could be discussed at the Economic Development & Culture Committee.
- 7) The Officer clarified to Councillor C. Theobald that there was not any parking proposed and it would have been hard to incorporate parking in the application. There was parking nearby and disabled blue badge holders would have the right to park temporarily in other places close to the properties. It was added that if a disabled person moved in, they could apply for a disabled parking bay.
- 8) In response to Councillor C. Theobald it was explained that discussion had happened internally with the heritage officers regarding the height of the roofs. It was explained that if the roof height was reduced, it would impact on the eaves.
- 9) In response to Councillor Morris it was clarified that the distance from the proposed dwelling and 18 Kensington Gardens was approximately two metres from the boundary to the proposed site and 2.5 metres from the window at the rear of the proposal and the existing dwelling.
- 10) In response to Councillor Inkipin-Leissner it was confirmed that the previously application that was granted planning permission had slightly lower roofs and matched the existing neighbouring properties.

Debate and Decision Making

- 11) Councillor Inkipin-Leissner noted he was satisfied with the solution for the graffiti. He was pleased with the design and the materials; however, noted concern for the white material may look dirty from pollution in the near future. He noted that he would be supporting the Officer recommendation.
- 12) Councillor Morris noted that the Economic Development & Culture Committee should discuss the recording of the graffiti as it was unique in the area.
- 13) Councillor C. Theobald noted concern for the roof height; however, explained it was an improvement on the current sites and it was positive to have additional housing in the city centre. She added that she would be supporting the Officer recommendation.
- 14) Councillor Miller agreed with Councillor C. Theobald that housing was needed and praised the architect on the design.

- 15) Councillor Hyde noted that she agreed with Councillor C. Theobald.
 - 16) Councillor Wares agreed with Councillor Miller and thought the scheme was well designed for a small space.
 - 17) Councillor Gilbey noted at the site visit she had noticed the different heights of the neighbouring properties and did not have concern for the proposed roof heights. She stated that she would be supporting the Officer recommendation.
 - 18) The Chair noted she was pleased with the design, that it reflected the quirkiness of the area, and that the units were in the city centre.
 - 19) The Committee agreed that an additional condition should be added requiring the graffiti on the current sites to be recorded.
 - 20) A vote was taken by the 12 Members present and the Officer recommendation that the Committee be minded to grant planning permission was carried unanimously.
- 62.2 **RESOLVED** – That the Committee resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement, the conditions and informative set out in section 1 and to a condition requiring the graffiti to be recorded.

- C BH2016/02379 - The Royal Pavilion, Pavilion Buildings, Brighton - Full Planning**
Temporary ice rink on Royal Pavilion Eastern Lawns annually during winter months. Structure to include ancillary buildings for a restaurant, cafe, toilet facilities, skate hire, learners ice rink and associated plant and lighting. (1 year consent).

Questions for Officers

- 1) Councillor C. Theobald questioned whether the application should be retrospective. The Planning Manager explained that it was not a retrospective application when the applicant applied for planning permission and when the reports were produced. It was explained that the application had been subject to negotiation and it was being presented at the Planning Committee as soon as possible.
- 2) In response to Councillor Morris, Councillor Wares noted that the application was valid from 7 July 2016; therefore, had applied 4 months prior to the applicant wishing to erect the rink.
- 3) Councillor Inkpin-Leissner explained the war memorial was expensive to maintain and requested that the ice rink had a s106 agreement to keep this maintained. The Chair explained that a s106 could only be negotiated when there was a direct impact from the property.
- 4) The Planning Manager clarified to Councillor Littman that application was for one year, rather than the previous five, because it was a larger structure and the Officer's wished to assess the impact.

Debate and Decision Making

- 5) Councillor Morris noted that he had received objections from local residents regarding the obstructive view of the Royal Pavilion because of the presence of the ice skating rink. He noted that there should be a gap between the marquees; therefore, the Royal Pavilion and the rink could be seen from the road.
 - 6) Councillor Hyde agreed with Councillor Morris that a gap between the marquees would be an improvement; however, she explained it was an improved application from the previous years. She added the smaller rink for younger children was positive.
 - 7) Councillor Miller noted that he fully supported the scheme and thought it was a good facility. He agreed that it could be improved next year by moving the marquees to create a gap from the street view.
 - 8) Councillor Inkipin-Leissner explained that he would be supporting the Officer recommendation but believed that there should be a s106 to restore the war memorial.
 - 9) Councillor C. Theobald explained that she welcomed the scheme and it added an attraction to the city. She noted that the beginners rink and the increase of the main rink were an improvement.
 - 10) Councillor Russell-Moyle noted that it was an asset to the city and it could be extended. He added that there were exciting opportunities with the scheme.
 - 11) Councillor Gilbey noted that she would be supporting the Officer recommendation.
 - 12) A vote was taken by the 12 Members present and the Officer recommendation that the Committee grant planning permission for a temporary period of one year was carried unanimously.
- 69.2 **RESOLVED** – That the Committee resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 1.

D BH2016/01478 - 23 Ainsworth Avenue, Brighton - Full Planning
Erection of 1no two storey four bedroom house (C3).

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

Officer Introduction

- 2) Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. The design of the proposed dwelling was split level and a storey would be at lower ground floor level; therefore, would appear to be a single storey building from the street scene. The property would be brick and the roofs would be a combination of flat and pitched.
- 3) The proposed dwelling would be 18.5 metres from the neighbouring property and there would be screening on the front terrace to protect the neighbours and occupants. The Officers considered the concerns that were raised but believed these were not significant and recommended that the application be granted.

Questions for the Officers

- 4) In response to Councillor Hyde it was explained that the terrace would have glazed screening and would be approximately 1.5 metres high; therefore, the neighbours would not be affected by overlooking unless the residents were standing. The intention of the glazed screening was that it would not be clear glass; it would be a dark tinted glass.
- 5) In response to Councillor Morris it was clarified that the terrace was originally proposed to be at the rear of the building.
- 6) Councillor Hyde clarified to Councillor Inkpin-Leissner that the majority of the roofs in the area were pitched and made in red brick.
- 7) The Officer noted to Councillor Moonan that the trees, about which concerns had been raised, had already been removed.

Debate and Decision Making

- 8) Councillor Miller noted that it was a difficult decision and he did not like the design of the front elevation that faced Ainsworth Close. He stated that the design could be improved significantly.
- 9) Councillor Russell-Moyle agreed with Councillor Miller and added that the side view of the elevation was more attractive than the front. He added that it was a good site, had available parking and would be a good sized property; therefore, he would be supporting the Officer recommendation.
- 10) Councillor C. Theobald explained that she did not like the design of the terrace and it would overlook the neighbouring property. She stated that the design of the property was out of place in the area and therefore would not be supporting the Officer recommendation.
- 11) Councillor Wares noted that he liked the design; however, the existing street scene had character and the proposed dwelling would not blend well with it. He noted concerns that it was a "back garden development" as it could encourage others to apply for similar permission. He explained that he would not be supporting the Officer recommendation.
- 12) Councillor Inkpin-Leissner noted that he agreed with Councillor Wares and would not be supporting the Officer recommendation.
- 13) Councillor Littman noted that he was indifferent with the design; however, agreed with Councillor Wares that there was character in the area. He believed that overlooking neighbouring properties would not be an issue and did not believe there were grounds to refuse the application.
- 14) Councillor Hyde requested that if the application was granted, that the Committee agreed to condition the balcony screening being obscure glazing. She added that she did not like the design of the dwelling and was therefore undecided whether to support the Officer recommendation.

- 15) Councillor Moonan explained that she supported the principle of development in the area and it was a big plot; however, she did not like the design of the proposed dwelling. She added that additional housing was needed in the city and would therefore be supporting the Officer recommendation.
 - 16) Councillor Morris noted that he was undecided if to support the Officer recommendation.
 - 17) Councillor Mac Cafferty noted that the proposed dwelling was not situated in a conservation area or identified as an urban fringe site and in a suburban area, a degree of overlooking was expected. There were different designed houses and footprints in the area and having a bold design in the area would not be significant; therefore, he would be supporting the Officer recommendation.
 - 18) Councillor Miller proposed an alternative to the Officer recommendation to refuse the application on the grounds of overlooking or perceived overlooking, impact on amenity of no. 4 Ainsworth Close and design. Councillor Miller's alternative recommendation was seconded by Councillor Hyde.
 - 19) A recorded vote was taken on the proposed alternative recommendation by the 12 Members present. This was **not carried** with Councillors C. Theobald, Hyde, Inkpin-Leissner, Miller and Wares in support, Councillors Gilbey, Mac Cafferty, Littman, Moonan, Morris, Russell-Moyle and Cattell against.
 - 20) A vote was taken by the 12 Members present on the substantive Officer recommendation that the Committee grant planning permission; this was **carried** with 7 in support and 5 against.
- 56.7 **RESOLVED** – That the Committee resolves to **GRANT** planning permission subject to the conditions and informatives set out in section one and a condition requiring that the screening be obscurely glazed.

E BH2016/01879 - Land to the Rear of 73 North Road, Brighton - Full Planning Permission

- 1) It was noted that the application had been the subject of a site visit prior to the meeting.
 - 2) The Chair vacated the Chair during consideration of this application and Councillor Gilbey, the Deputy Chair, took the Chair.
 - 3) The Planning Manager noted that a letter of objection had been received from Councillor Deane in June 2016; however, this had been sent to an email address that was no longer in use. It had, therefore; not been published in the agenda.
 - 4) Councillor Inkpin-Leissner proposed that the application was deferred to ensure Councillor Deane and the applicant were able to speak on the application. Councillor Inkpin-Leissner's proposal was seconded by Councillor Wares.
- 56.4 **RESOLVED** – That the Committee agreed to defer the application to the next Planning Committee on 14 December 2016.

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

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

71 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

71.1 This information was not included in the agenda.

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

72.1 This information was not included in the agenda.

73 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

74 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

74.1 This information was not included in the agenda.

75 APPEAL DECISIONS

75.1 This information was not included in the agenda.

The meeting concluded at 5.50pm

Signed

Chair

Dated this

day of