

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****1.30pm 20 MARCH 2019****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Moonan, O'Quinn and Wealls

Co-opted Members: Mr Roger Amerena (Conservation Advisory Group)

Officers in attendance: Nicola Hurley, Planning Manager, David Farnham, Traffic and Transport Engineer, Nick Eagle, Senior Planning Officer, Maria Seale, Principal Planning Officer, Sarah Collins, Principal Planning Officer, Luke Austin, Principal Planning Officer, Annie Sparks, Senior Environmental Health Officer, Laura Hamlyn, Senior Planning Officer, Hilary Woodward Senior Lawyer and Penny Jennings, Democratic Services Officer.

PART ONE**118 PROCEDURAL BUSINESS****118a Declarations of substitutes**

118.1 Councillor Wealls declared that he was present in substitution for Councillor Cobb.

118b Declarations of interests

118.2 Councillors Cattell, the Chair, Gilbey, C Theobald, Miller and Moonan declared that they had received e mail and been lobbied in relation to Application A, BH2018/02126, 29-31 New Church Road, Hove and B, BH2018/02598, Longley Industrial Estate, New England Street & Elder Place, Brighton. They confirmed that they remained of a neutral mind and would remain present at the meeting and take part in the decision making process

118.3 Councillor Miller referred to Applications F BH2018/03932, Unit 1, 75-79 East Street, Brighton and G BH2018/01926, Unit 4, The Savoy Centre, 100 Pool Valley, Brighton (the applications were linked), stating that having spoken in support of his letter of objection to Application BH2018/01926, he would leave the meeting and would take no

part in the decision making process. It was also noted that he had been lobbied in respect of Applications D and E, that he remained of a neutral mind and would remain present at the meeting and take part in the decision making process.

- 118.4 Councillor Bennett stated that she had been lobbied in relation to Application A, BH2018/02126, 29-31 New Church Road, Hove by those who supported and those objecting to the scheme but that she remained of a neutral mind and would remain present and take part in the decision making process.
- 118.5 Councillor Littman referred to Application A, BH2018/02126, 29-31 New Church Road, Hove stating that he was familiar with the Synagogue site and had held his Bar Mitzvah there. He also stated that he had given general advice. He was however of a neutral mind had no pre-disposition in respect of the application and would remain present and take part in the decision making process.
- 118.6 Councillor O'Quinn referred to Applications F BH2018/03932, Unit 1, 75-79 East Street, Brighton and G BH2018/01926, Unit 4, The Savoy Centre, 100 Pool Valley, Brighton (the applications were linked), stating that she had sat on the Licensing Panel at which these applications had been determined under Licensing Legislation. It would not therefore be appropriate for her to determine the planning applications in respect of either of those sites and she would therefore leave the meeting during when they were considered and would take no part in the decision making process.

118c Exclusion of the press and public

- 118.7 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.
- 118.8 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

118d Use of mobile phones and tablets

- 118.9 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'.

119 MINUTES OF THE PREVIOUS MEETING

- 119.1 It was noted that due to the tight timeframe of meetings spaced very closely together that the minutes of the meeting held on 6 March would be circulated to a future meeting.

120 CHAIR'S COMMUNICATIONS

- 120.1 There were none.

121 PUBLIC QUESTIONS

121.1 There were none.

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

122.1 There were none.

123 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

The Democratic Services Officer, read out items 101 A – H and all of the items appearing on the agenda were called for discussion with the exception of:

Application H BH2017/02857 – 2 and 2A Barnett Road, Brighton – Full Planning which was agreed without discussion.

It was noted that Major applications and any on which there were speakers were automatically reserved for discussion.

The Chair, Councillor Cattell explained that this measure intended to expedite the business of the Committee and to avoid the necessity of those who had an interest in applications on which there were no speakers spending hours waiting for the Committee to get to their application(s). She wished to reassure the public, however, that in any instances where an application was not called for discussion members had read the officer report and any supporting information in advance of the meeting. However, having given the officer recommendation(s) their due consideration they had no questions nor required further clarification on any aspect of the application before moving to their decision.

RESOLVED – That the position be noted.

A BH2018/02126 -29-31 New Church Road, Hove - Full Planning

Demolition of existing synagogue, detached buildings providing Rabbi accommodation, synagogue social hall and children’s nursery. Erection of mixed use development comprising central single storey synagogue and four, five and six storey buildings to provide replacement children’s nursery, 2no classrooms for shared use by St Christopher’s school, offices, meeting rooms and cafe, underground car park and 45no residential dwellings (C3) comprising 35no flats and terrace of 10no houses to rear.

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

Officer Presentation

(2) Senior Planning Officer, Nick Eagle, introduced the application and gave a detailed presentation by reference to site plans, photographs, site plans elevational drawings detailing the proposed scheme. Reference was made to additional representations

received which had been referred to in the Late/Additional Representations List, these did not introduce any new issues which were not covered in the report.

- (3) It was noted that the main considerations in determining this application relate to the principle of the development, its scale, layout and access, affordable housing and viability considerations. In addition, the impact of the development on the character and appearance of the adjoining conservation areas and the setting of the nearby locally and statutorily listed buildings, impact on the street scene and wider views, neighbouring amenity, noise and anti-social behaviour/security considerations, pedestrian permeability, sustainable transport impacts including cycle parking demand, highway safety, impact on existing trees, and contribution to other objectives of the development plan.

Public Speakers

- (4) Local Residents: (x3) Mr Stairs commented that the development appeared to be a 'city' on a small site and stated that hundreds of residents disagree with the proposals. The resident felt that residents had taken second place to greed. Mr Coomber felt that the proposals were an over development of the site, resulting in loss of daylight and privacy for neighbours. Mr Coomber also felt that the affordable housing was an issue. Mr Spirou felt that the development would have an adverse effect on the neighbours and that over 700 objections had been received. The resident also felt that St Christopher's School would be overlooked, and the scheme would be overbearing and lead to a loss of privacy for neighbours. It was suggested that a smaller scheme would be more suitable for the site.
- (5) Councillor Cobb stated deep objections to the scheme with over 700 objections. It was noted that some parents at St Christopher's were concerned about the impact on pupils resulting from overlooking. The scheme is considered to be overbearing, lead to a loss of privacy and daylight for neighbours, and having an enclosed feeling for the residents. The impact on the conservation area and loss of amenities to Carmel House were a concern.
- (6) The applicant's agent, Mr Rainer, stated that the scheme was an asset to the Jewish Community and others in the area as the new synagogue will have a community café, work spaces and new housing. This will be a place of worship and more. Mr Rainer assured the committee that impact assessments had been taken place and the scheme is supported by a construction management plan.

Councillor Questions for Speakers

- (7) Councillor Joe Miller was informed by Mr Coomber that the proposals were 25 metres from closest property. Councillor Miller was also informed by the Mr Rainer that the number of affordable homes was a philanthropic driven part of the scheme to benefit the local community.
- (8) Councillor Hyde asked whether the statistics for loss of daylight did not reveal is 35% of daylight was lost everyday or one particular day.

- (9) Councillor Wealls was informed by the Mr Rainer that the impact on the school had been carefully assessed with a construction management plan in place and the design of the scheme including apartment windows facing away from the school. It was also noted that two new classrooms were to be built for the school.
- (10) Councillor Littman was informed that by Mr Rainer that the design of the synagogue was to accommodate the congregation and would be big enough to house events as a multi-function space.
- (11) Councillor Theobald was informed by the Mr Rainer that the existing stain glass would be reused in the proposed synagogue and the existing boundary wall and trees along the boundary will be retained.
- (12) Councillor O'Quinn was informed by the Mr Rainer that the nursery school will be on the ground floor of a proposed apartment block and all faiths would be welcome.
- (13) Councillor Mac Cafferty was informed by the Mr Rainer that the scheme would have an impact, however the trees are to be retained to protect the amenities of the area and reduce the visual impact. It was noted that the trees on site are to be protected during construction.
- (14) Councillor Moonan was informed by Mr Riner that there would not be a significant loss of daylight to the school or privacy as the apartment windows will not face the school.
- (15) Councillor Inkpin-Leissner was informed Mr Rainer that five affordable housing units would be included in the scheme.
- (16) Councillor Cattell was informed by Mr Rainer that a daylight impact assessment scheme had found the percentage loss of daylight for existing neighbours to be acceptable.

Questions of Officers

- (17) Mr Amerena, CAG, was informed that the forward building line was agreed as the best for the site.
- (18) Councillor Inkpin-Leissner was informed that the location of the supporters and objectors was data protected.
- (19) Councillor Mac Cafferty was informed that officers had considered that it was appropriate for some trees to be removed. The trees had been assessed by the arboricultural officer and they had raised an objection. Officers had carefully balanced the application and felt that the loss of some trees was outweighed by the other benefits of the scheme.
- (20) Councillor Littman was informed that the number of parking spaces was within standards, the floor space was within living standards, the trees on site had been assessed on balanced considerations, and the amenity space included the café, kitchen and classroom.

- (21) Councillor Theobald was informed that the loss of daylight to neighbours and the school was considered acceptable. It was noted that the proposed rear elevations would be 5 metres from the rear site boundary.
- (22) Councillor Moonan was informed that the vehicle access was to the underground parking only, any loss of daylight would be to the smaller toilet windows at the school and the window design in the scheme prevents overlooking from the proposed apartments.
- (23) Councillor O'Quinn was informed that Sussex Police had given advice on how to 'design out crime', and any further parking would be found within the surrounding area. The office space was available to all members of the public and the design massing was similar to other buildings in the area. It was noted that the minimal number of vehicle movements into and out of the underground car park was not considered to have a detrimental impact on the pupils attending the school.
- (24) Councillor Hyde was informed that there are other buildings of a similar height to the proposals in the area.
- (25) Councillor Gilbey was informed that there are other flats near the development.
- (26) Councillor Miller was informed that materials would be agreed by the officers following consultation with Members attending Chair's Briefing meeting as would the details of the trees to be planted.

Debate and Decision Making Process

- (27) Councillor Miller felt that the improvements to the scheme since pre-app were positive and the development was a good use mix. It was also considered that the development was needed in the city.
- (28) Councillor Inkipin-Leissner stated that he supported the scheme which was good for the community.
- (29) Councillor Mac Cafferty liked the design however he felt that the proposal was an overdevelopment of the site, with the removal of trees being an issue and the density to great for the area.
- (30) Councillor Hyde felt that the development could have a negative impact on Carmel House, however, offered support for the philanthropic ideals shown in the scheme and supported the scheme. It was considered that the trees were not an issue.
- (31) Councillor Littman stated there was a lot to be said for the scheme, however the bulk and massing of the development was too much.
- (32) Councillor O'Quinn welcomed the housing, however felt that the proposals were an overdevelopment of the site and objected to the removal of trees.
- (33) Councillor Moonan expressed concerns about the removal of trees on the site, however on balance the scheme was considered acceptable.

- (34) Councillor Gilbey felt that the height of the development was an issue and expressed concerns for the neighbours. The trees were not an issue and the scheme was supported.
- (35) Councillor Theobald expressed concerns regarding the height of the development, the bulk and massing, and the impact on the school and neighbours. The number of objections was noted and support for the scheme could not be given.
- (36) Councillor Bennett considered the proposals to be good in design. Concerns related to the height, the street scene appearance and the removal of trees.
- (37) A vote was taken and on a vote of 7 to 5 Members voted that minded to grant planning approval be granted.

123.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to a s106 Planning Obligation and the Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 26th June 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11.2 of the report subject to the Amendments to Conditions and Informatives set out on the Additional/Late Representations List and as set out below:

Additional conditions recommended by Environmental Health: Soundproofing of Building

Measures shall be implemented in strict accordance with the approved details and recommendations contained within the Planning Noise Assessment submitted by Anderson Acoustics, Dated, 8th June 2018 and referenced as Project No: 3773. These include the minimum acoustic performances required for the glazed elements of the façade, found on pages 16 and 17 of the assessment, specifically 'Residential - Table 3.11: Minimum sound reduction performance (dB) for the glazed elements of the façade', 'Commercial / Offices - Table 3.12: Minimum sound reduction performance (dB) for the glazed elements of the façade', 'Education / Worship - Table 3.13: Minimum sound reduction performance (dB) for the glazed elements of the façade'. It also includes the ventilation recommendations found on pages 17 and 18 of the assessment, specifically 'Residential - Table 3.14: Minimum element normalized level difference Dn,e (dB) for the trickle ventilators' and the recommended hybrid or a mechanical ventilation system for the Education units. The 'Design Criteria' found on pages 22 – 27 shall also implemented. This includes internal walls and floors within residences, reverberation in common parts, separating walls between residential units and communal corridors, doors and the separating floor between basement car park and acoustically-sensitive spaces directly above.

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

Plant & Machinery

Noise associated with any plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1 metre from

the façade of the nearest existing noise sensitive premises, shall not exceed a level of 5dB(A) below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.

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

Construction Environmental Management Plan (CEMP)

The Developer must not commence development until it has submitted to Brighton & Hove City Council's Development & Regeneration Team for prior approval a Construction Environmental Management Plan (CEMP) which should provide the following information;

(i) The phases of the Proposed Development including the forecasted completion date(s);

(ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;

(iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);

(iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site;

(v) A plan showing construction traffic routes.

On receipt of written confirmation from the Council stating approval of the CEMP the Developer shall use its reasonable endeavours to implement the commitments set out in the CEMP during the construction period.

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

B BH2018/02598 - Longley Industrial Estate, New England Street & Elder Place, Brighton-Full Planning

Demolition of existing buildings and redevelopment to provide: 3,270sqm of office/research/development floorspace (B1 (a)/(b) use), 308sqm of flexible commercial/retail floorspace fronting Elder Place (B1 (a)/(b) and A1-A4 use), 201 residential units (C3 use) in buildings ranging between 3 and 18 storeys plus roof plant level, together with associated car and cycle parking, further plant at lower ground level, supporting facilities and landscaping.

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

Officer Presentation

- (2) The Principal Planning Officer, Maria Seale, introduced the application and gave detailed presentation by reference to site plans, elevational drawings, floorplans, block plans, photographs and aerial photographs showing perspectives across the site and its typography in the context of neighbouring development in the New England Quarter and in longer views including the bottom of Ditchling Road. It was noted that 8 further letters/emails had been received in support of the scheme and objections had been received from the CAG expressing concern that the height of the proposed tower would interrupt views of the listed heritage asset, St Bartholomew's Church. Reference was also made to the proposed amendments to the s106 Heads of Terms and Conditions as set out in the Additional/Late Representations List.
- (3) The existing building on site which had a total floor area of 3000sqm was located on the east side of New England Street between New England House and Vantage Point and was the equivalent of about three domestic storeys high on New England Street (although it appeared to be two as it was set down into the site) and about four storeys high on Elder Place. There was vehicular access from Elder Place to the east and New England Street to the west.
- (4) The main considerations in determining the application related to the principle of redevelopment of the site and type and scale of uses in the proposed location, layout, mix and viability and affordable housing provision of the housing element of the scheme; design, including scale and density, impact on the character and appearance of the locality, including the setting of heritage assets; sustainable transport, parking, highway safety, sustainability, biodiversity and flood risk and accessibility of the site.
- (5) This was undoubtedly a substantial development proposal of a significant scale in its local context and reservations had been expressed regarding the proposed overall scale and height. However, on balance, for the reasons outlined in the report, the proposal was considered acceptable. The site lay within an area identified as having capacity for significant development and the proposals made effective use of an underused brownfield site. Living conditions for prospective residents were considered to be generally acceptable and internal light levels whilst not ideal were characteristic of a densely built up central location. The housing mix and servicing provision were also not ideal but were not considered to sufficient to warrant refusal and could largely be mitigated by condition. Evidence submitted with the application demonstrated that the height and massing of the proposal would not have an unduly harmful impact in wider views and would have no direct impacts on any heritage assets and limited impact to their setting. It was therefore considered that any harm caused to the setting of heritage assets would be less than substantial and could in this instance be outweighed by the public benefits which were considered to be substantial and had been given significant weight. Therefore approval was recommended subject to the proposed s106 agreement on the Heads of Terms set out in the report and to the Conditions and Informatives also set out in the report.

Questions of Officers

- (6) Councillor Theobald sought clarification of the heights of the blocks across the site.
- (7) Councillor Miller asked for clarification regarding allocation of the affordable housing, he was of the view that ideally preference in allocation should be given to those who had a local Brighton and Hove connection. Also, the criteria used when allocating social housing, whether that was based on income. The Empty Property Officer, Emma Kumar, explained that the new tenure arrangements would be set up and the units would be made available to a registered social landlord and allocations would be made in accordance with their criteria. Officer's would convey the Committee's thoughts as part of their liaison with them; there were certain specified criteria which had to be met in allocating affordable housing.
- (8) Councillor Miller also enquired regarding the balcony treatments proposed. He was concerned that depending on the materials used the appearance of a building could be detrimentally impacted when occupants personal effects could be viewed from the street below. The Planning Manager, Nicola Hurley, explained that it had been indicated that a bronze coloured treated metal would be used and that it could be conditioned that details be provided for consultation at Chair's Briefing meeting.
- (9) Councillor Wealls sought clarification in relation to the sum allocated for education by the S106 agreement. He noted that no separate allocation had been made for special needs provision. It was explained that the amount provided was assessed using an agreed formula with the education department, Councillor Wealls hoped that this could form the basis of discussions in respect of future applications. Councillor Wealls also asked whether there would be a requirement for bird boxes to be provided on site and it was confirmed that this matter was dealt with by proposed Condition 35.
- (10) Mr Amerena, CAG, requested to see slides giving perspectives of the site in longer views. He remained of the view that impact of the scheme would have a detrimental impact on the listed buildings in its vicinity.
- (11) Councillor Gilbey sought clarification of the contract period in relation to the rented housing, if known and the basis on which that accommodation would be made available, noting that it was indicated that this would be available at 75% of market rent when the council's own rented accommodation for example, was available at 65% of market rent. It was explained that Government Guidance indicated that up to 80% of market rent could be charged and that the Council would have no control over that.
- (12) Councillor Moonan stated that she appreciated that this scheme represented a new initiative but hoped that it would be possible for a requirement that preference be given to those who had a local connection could be included in the wording of the Heads of Terms. The Legal Adviser to the Committee, Hilary Woodward, stated that this could not be required.

Debate and Decision Making Process

- (13) Councillor C Theobald stated that whilst liking some elements of the scheme she considered the proposed tower to be too high, representing a retrograde step, in her view representing a 1960's tower block. In her view it would act as a wind tunnel and

very little would grow there. She was also concerned that the percentage of affordable housing was relatively low. She would have been minded to vote in support of the application minus the tower which she considered to be too high.

- (14) Councillor Miller stated that he considered the proposed scheme to be acceptable notwithstanding its height. There were some locations in the city where it was appropriate to have high density development and in his view the application site was appropriate for that. Whilst the affordable housing element was lower than he would have liked, he considered it to be acceptable. He was anxious however that a condition be added relating to final approval of the balcony materials by Members via the Chair's Briefing Meeting, also that the hours of use of the roof terraces be conditioned to avoid the potential for late night noise nuisance.
- (15) Councillor Littman concurred in that view stating that there were a few locations in the city where tall buildings were appropriate and at this location
- (16) Councillor Gilbey stated that she considered that the proposed development would be in a location where there were already a number of tall buildings including New England House which was nearby. She was also pleased that this scheme would provide for the city's broader housing needs.
- (17) Councillor Catell, the Chair commended the scheme stating that latterly the council had been criticised for providing too much "student" accommodation, this scheme represented an exciting first by providing a mix which included rented accommodation. She was not averse to tall buildings and considered that this scheme was appropriate to its location, well designed and would contribute towards an identified housing need within the city.
- (18) A vote was taken and the 8 Members who were present when the vote was taken voted on a vote of 6 to 2 that minded to grant planning approval be granted.

123.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out in the report and as amended in the Additional/Late Representations List the Conditions and Informatives as also set out in the report and also as amended in the Additional/Late Representations List **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 26th June 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11.2 of the report and the additional Condition(s) and Informatives set out below:

Additional Condition(s):

Additional Informatives:

Note: Councillors Hyde, Inkpin-Leissner, Mac Cafferty and O'Quinn were not present at the meeting during consideration or determination of the above application.

C BH2018/02699- 118-132 London Road, Brighton-Full Planning

Demolition of existing building and the erection of a five storey building with retail (A1 use class), community hub, student accommodation reception, laundry, plant room, bin store and cycle store at ground floor level, 232 student rooms (sui generis use class) at first, second, third and fourth levels, and solar PV array on the roof.

It was noted that this application was the subject of a site visit.

Officer Presentation

- (1) The Principal Planning Officer, Sarah Collins, introduced the application and gave a detailed presentation by reference to site plans, elevation drawings and photographs detailing the proposed scheme. Ms Collins informed the committee that the main considerations in determining the application relate to the impact on the development on the prime retail frontage and pedestrian environment, the design and impact on local heritage assets and street scene, the loss of the snooker hall, the proposed student accommodation and compliance with policy CP21, the amenity of future occupiers and neighbouring properties, the impact of the development on the highway and car park adjacent and the impact on the local air quality.

Public Speakers

- (2) The Democratic Services Officer, Penny Jennings read out a statement on behalf of Mr Marius, setting out his objections to the scheme.
- (3) Mr Bareham spoke as the applicant's agent. Mr Bareham stated that there had been extensive negotiation with Brighton & Hove City Council (BHCC) and felt the scheme was now of a high quality which improved the pavement, shops and buildings. The frontage is set back to allow more room. A public exhibition showed support for the scheme. The student living will be supported with an action plan.

Councillor Questions for Speakers

- (2) Councillor Littman was informed that $\frac{3}{4}$ of the 28 responses at the consultation exhibition supported the scheme.
- (3) Councillor Theobald was informed that the students would be from all countries.
- (4) Councillor Mac Cafferty was informed that there would be no loss of shops and that there were no formal agreements, although Kings College was interested. It was noted that no one under 18 would be accepted into the student accommodation and the site would have personnel to deal with issues such as anti-social behaviour and noise.

- (5) Councillor Theobald was informed that the second floor of the development would be higher than the existing and that it was proposed that blank canvasses suitable for graffiti have been designed out of the scheme.

Debate and Decision Making Process

- (6) Councillor Miller felt the scheme was good.
- (7) Councillor Hyde agreed and considered it a public realm enhancement.
- (8) Councillors Littman, Inkpin-Leissner, O’Quinn, Moonan, Gilbey and Cattell expressed support for the scheme.
- (9) Councillor Moonan was informed that trees could not be introduced along the pavement due to existing utilities in pavement.

123.3 **RESOLVED** - That 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 Planning Obligation and the conditions and informatives as set out in the report, save that should the obligation not be completed on or before 26 June 2019, the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in the final section of the report subject to the Amendments to Conditions and Informatives set out on the Additional/Late Representations List Additional informatives to be added in relation to street signage and street trees:

D BH2018/02051 -Grove Park, The Linkway, Brighton - Full Planning

Erection of three storey (plus basement) residential care home providing 88 bedrooms and 24 parking spaces and associated works.

- (1) A detailed presentation was given setting out the scheme by reference to photographs of the existing cleared site, drawings and elevational drawings detailing the proposed scheme.
- (2) A vote was taken and members voted unanimously that permission be granted.

123.4 **RESOLVED** – That That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

E BH2017/01873-45 & 47 Hollingdean Road, Brighton -Full Planning

Demolition of existing buildings and erection of a part 2,3,4 and 5 storey building including basement to form 88 student rooms (Sui Generis), communal student facilities, plant room, cycle storage, 1no disabled parking spaces, recycling and refuse facilities, vehicular access and associated works.

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

Officer Presentation

- (2) The Senior Planning Officer, Luke Austin, introduced the application and gave a detailed presentation by reference to site plans photographs, including aerial photographs and elevational drawings detailing the proposed scheme and showing views into and across the site from various perspectives.
- (3) The application related to a triangular shaped site located to the south of Hollingdean Road which currently contained a two storey hipped roof building to the east of the site, 45 Hollingdean Road and a two storey end of terrace building to the north of the site which formed 47 Hollingdean Road. Both buildings were currently vacant and had been used previously for the sale/repair of motorcycles and parts. No 47 had an extant permission for conversion to a dwelling. It was noted that the main considerations in determining this application related to the principle of development, including the loss of the former car sales/repair unit, the student accommodation, the design, the impact on street scene and wider views, heritage assets, the standard of accommodation, the impact on neighbouring amenity, environmental health issues, transport, sustainability, landscaping, and ecology/biodiversity impacts.
- (4) The proposed development would provide 88 student studios/cluster rooms which would provide a substantial contribution towards the need for purpose built student housing in the city. The site was in a good location within the city for such developments; being in close proximity to University teaching accommodation and on the sustainable transport corridor of Lewes Road. Whilst student accommodation on this site was not objected to in principle, the current proposal was considered overly scaled and would fail to address the constraints of the site. As a result, the development would impact on local dwellings from overlooking/overshadowing; in addition there was a poor standard of accommodation for a number of the units due to restricted outlook and a failure to demonstrate that a scheme of this size would not adversely impact on the local highway network. It was acknowledged that there would be a number of benefits associated with the proposal, including the provision of purpose built student accommodation in an area allocated for such development, however the benefits were not considered to outweigh the harm associated with the proposed overdevelopment of the site. Accordingly, refusal of the application was recommended.

Public Speakers

- (5) Mr Birtles spoke on behalf of the applicants in support of their application and was accompanied by Mr Chan to answer any questions on which he would be better placed to respond. Mr Birtles stated that the proposed scheme would provide much needed student accommodation which would help support local universities, being in an appropriate location and would provide for the effective re-use of a brown field site.
- (6) Councillor Moonan referred to the fact that whilst considered acceptable in principle the application was recommended for refusal asking whether/what discussions had taken place with officers to ascertain whether amendments could be made to the scheme in order for it to be recommended for approval. The applicant stated that they whilst willing to work with officers there had been limited dialogue.

Questions of Officers

- (7) Councillor Miller sought further clarification regarding dialogue which had taken place and it was explained that several potential options/designs had been discussed and it had had been indicated that a scheme not exceeding 5 storeys could be considered acceptable depending on how it was configured within the site. Pre-application discussions had taken place and piecemeal amendments had been made but not progressed.
- (8) In answer to further questions by Councillors Miller and Moonan, the Planning Manager, Nicola Hurley, advised that notwithstanding any discussions which had taken place the applicants had put forward the scheme as presented and Members needed to determine it on that basis. The Legal Adviser to the Committee concurred in that view.
- (9) Councillor C Theobald asked whether formal discussions had taken place with the Universities and it was confirmed that no formal discussions had taken place nor was any formal agreement in place with them in respect of take-up of accommodation on site.
- (10) Councillor Littman enquired regarding access/egress arrangements in relation to the site. The Development and Transport Assessment Manager, David Farnham, stated that the site was not permeable but that given its restricted nature with tall retaining walls and adjacent properties it was not considered in practical terms that the site could be made permeable. No analysis or survey had been submitted of on-street parking, taking into account the development and other recent completed development within the vicinity. The applicant's had therefore failed to demonstrate that there would not be an unacceptable increase in over-spill parking in the area.

Debate and Decision Making Process

- (11) Councillor Moonan considered that the scheme as put forward was unacceptable but considered that with more work an acceptable solution could be achieved which would satisfy an identified need for student housing in a location where such provision was appropriate given its relative proximity to university campuses.
- (12) Councillor Miller stated that having attended the site visit it was clear that this brownfield site was ripe for redevelopment. His preference would be for the application to be deferred in order to enable further discussions to take place with the applicants in order to facilitate submission of an amended scheme.
- (13) Councillors Hyde and C Theobald were of the view that the scheme as presented was unacceptable. Some of the accommodation would provide a very poor standard of accommodation for those living there as it would be permanently over shadowed with views onto tall blank walls. By virtue of the height of the proposed development there would be a detrimental impact on the adjacent terraced houses which were of a more modest height.

- (14) Councillor O'Quinn stated that she supported the officer recommendation. The application sought to cram a lot into a site which had constraints, the proposed development would be overbearing on neighbouring development.
- (15) Councillor Inkpin-Leissner considered that what was proposed would result in overdevelopment of a cramped site and would result in a very poor standard of accommodation; he would be supporting the officer recommendation.
- (16) Councillor Littman stated that whilst he supported the principle of student housing being provided on the site, he was of the view that the level of accommodation proposed combined with the fact that overspill parking issues remained to be addressed represented overdevelopment. A less ambitious scheme might be acceptable.
- (17) Councillor Wealls noted the concerns expressed but considered that it would provide for student accommodation on a redundant site with close proximity to the Universities, he was therefore minded to support it.
- (18) Councillor Gilbey stated that in her view the height of the proposed blocks and their close proximity to the neighbouring smaller scale development was overbearing.
- (19) Councillor Cattell, the Chair stated that she considered that the scheme was contrived and sought to place too much onto a constrained site. She considered that the scheme should be determined as presented, the applicants were free to submit an amended scheme which sought to address the reasons for refusal. She considered that would be the most appropriate course of action. Advice was sought and the Planning Manager and Legal Adviser to the Committee confirmed that whilst Members were being asked to determine the application as it stood, it was within their gift to defer it.
- (20) Councillors Moonan and Miller were in agreement that the scheme as currently put forward was flawed but considered that their preference would be for its determination to be deferred in order to enable the applicants to address concerns regarding the scale of the scheme and other potential reasons for refusal.
- (21) A vote was taken in respect of the amendment put forward by Councillor Miller, seconded by Councillor Moonan that consideration of the application be deferred for the reasons set out above. That was defeated on a vote of 2 to 5 with 1 abstention.
- (22) A further vote was then taken on the substantive recommendation set out in the officer report, that the application be refused. The 11 Members present when the vote was taken voted 9 to 2 that planning permission be refused.

123.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons also set out in the report.

Note: Councillor Mac Cafferty was not present at the meeting during consideration of the above application.

F BH218/03932-(Linked with BH2018/01926)Unit 1, 75 - 79 East Street, Brighton-Full Planning

Change of use from restaurant (A3) to public house/dancing/entertainment/live music venue (Sui Generis).

- (1) Due to the linkage between them this application and that following it, Application G, BH2018/01926, Unit 4, The Savoy Centre, 100 Pool Valley, Brighton formed the subject of a joint presentation but were voted on separately. Having spoken in respect of G, Councillor Miller withdrew from the meeting and took no part in the decision making process in respect of that application.

Officer Presentation

- (2) The Senior Planning Officer, Luke Austin, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed scheme. It was noted that the application site related to a commercial unit, Unit 1 (known as 75-79 East Street), fronting onto the junction of East Street and 100 Pool Valley and was located in the western rear section of a substantial mixed use building, formerly the ABC Cinema and more recently Days Restaurant, currently vacant. This application was closely linked with application G on that days agenda, BH2018/01926, for conversion of Unit 4 from a live music venue to a casino. The venue proposed within this application was a proposed relocation site of the existing venue at Unit 4. The main considerations in determining this application related to the principle of development, the loss of the existing use, the impact of the proposed use on neighbouring occupiers and the sustainable transport impacts.
- (3) It was considered that the proposed development would facilitate the retention of a live music venue within the city centre whilst improving the standard of facilities and increasing the capacity available. The proposed development was acceptable in transport and s106 requirements are recommended to secure a scheme of cycle parking within the vicinity of the site. Although there was likely to be an increased level of disturbance associated with the proposed use in comparison to the existing restaurant use, when taking the closure and relocation of the existing venue in unit 4 into account the level of additional harm was considered acceptable. Overall, it was considered that the scheme would deliver substantial benefits and planning permission is recommended subject to conditions and s106 requirements.

Questions of Officers

- (4) Councillor Miller sought clarification regarding imposition of the s106, he had concerns in relation to loss of the existing music venue which would be displaced pending works associated with the Casino application (should that be granted). In the event of a hiatus it was possible that the existing venue would become unviable and that a valuable live music venue could be lost. The Planning Manager, Nicola Hurley, confirmed that the current use would not cease until use of the new venue had been secured. Whilst the licensing regime was separate as a well-run venue there was no reason to suppose that a new licence would not be granted.
- (5) In answer to further questions relating to potential noise-breakout should permission be granted in consequence of this use being located in closer proximity to neighbouring dwellings in Pool Valley, it was explained that appropriate measures were included in

the s106. The Regulatory Services Manager, Environmental Protection, Annie Sparks, explained that the applicants had submitted a report in relation to sound penetration and that the need for adequate levels of sound proofing were subject to a pre-commencement condition.

Debate and Decision Making Process

- (6) Councillor Hyde stated that the Licensing and Planning regimes were separate. This represented relocation of a well-established and well run business, the proposed s106 sought to address any potential/ concerns and she considered this application to be acceptable.
- (7) A vote was taken and the 9 Members of the Committee who were present when the vote was taken voted unanimously that planning permission be granted.

123.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a s106 agreement on the terms set out in the report and to the Conditions and Informatives also set out in the report. Also, that the S106 be amended to ensure that the casino could not operate until the music venue had its licence as well as being fitted out.

Note: Having declared a prejudicial interest in the above application, Councillor O’Quinn left the meeting and took no part in the decision making process. Councillors Inkpin-Leissner and Mac Cafferty were not present during consideration of the above application.

G BH2018/01926-(Linked with BH2018/03932) Unit 4, The Savoy Centre, 100 Pool Valley, Brighton - Full Planning

Change of use of ground floor and mezzanine above from nightclub (Sui Generis) to casino (Sui Generis).

- (1) Due to the linkage between them this application and, the preceding application, Application F, BH2018/03932, Unit 1, 75-79 East Street, Brighton they formed the subject of a joint presentation but were voted on separately. Having spoken in respect of G, Councillor Miller withdrew from the meeting and took no part in the decision making process in respect of that application.

Officer Presentation

- (2) The Senior Planning Officer, Luke Austin, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed scheme.
- (3) The application site related to a two storey unit located within the Savoy Centre to the west of Pool Valley and the North of Grand Junction Road. The site was currently used as a night/club music venue and is located adjacent to the Grosvenor Casino. This application was seeking consent for change of use from a nightclub to a casino in order to facilitate an extension to the adjacent casino. This application seeks permission for

the conversion of Unit 4 only. It was the intension of the developer that the use operating with the site in question within this application would be relocated to Unit 1 and that this would be secured as such via a S106 agreement.

- (4) It was noted that the main considerations in determining this application related to the principal of the conversion and the associated impacts of the loss of the music venue and the associated impacts of the proposed casino on the sustainable transport network and on neighbouring amenity. Whilst loss of an established venue was regrettable however as identified above it is proposed that the existing operator is to be relocated to another unit within the building and is to be secured via a legal agreement. It is also recognized that there would be a number of benefits associated with the proposed relocation site including an improvement of the facility on offer and improved management / operation of the site. The proposed extension of the Casino was considered acceptable in terms of neighbouring amenity and the impact on the local highway network would also be less than the existing use. The proposed development was therefore recommended for approval, subject to the appropriate conditions and legal agreement set out in the report.

Public Speakers

- (5) Councillor Miller spoke having Chaired the Live Music Policy Panel in the City which had resulted in the creation of the Live Music Roundtable referring to his letter of objection which had been circulated with the agenda. Dependant on the outcome of the preceding application he was objecting to the loss/potential loss of this venue in the city. Loss of the venue would be contrary to policy CP5 and in his view none of the criteria for exceptions to policy had been met. There were few venues of a comparable size and it should therefore be retained.
- (6) Mr Derry and Mr Hepher spoke on behalf of the applicants in support of their application. They confirmed that it was intended that "The Haunt" would move into its new venue once the extended Casino use was in place, any displacement would be temporary. Both uses were well established and neither had given rise to problems. It was not anticipated that extension of the existing Casino use would give rise to additional late night noise, disturbance or have a detrimental impact on neighbours as rigorous management arrangements were in place. Whilst separate applicants and agents were associated with these two linked applications they had worked together to put forward applications which supported the needs of both and respected the amenity needs of local residents.

Questions of Officers

- (7) Councillor Moonan referred to the proposed intensification of the existing Casino use which would result in an extension of gambling/gaming activity and enquired whether objections or concern had been raised by the Police or other statutory consultees. It was explained that there had been none although they would not constitute a planning consideration. There were no objections on policy grounds, a statement had also been provided by the applicants detailing robust management arrangements which would be in place.

Debate and Decision Making Process

- (8) The Chair, Councillor Cattell, stated that she was aware that “The Haunt” was a well-managed small venue and was pleased to note that it would not be lost. The Casino had also been in situ as a well-run establishment for a number of years and she would be voting in support of the application.
- (9) A vote was taken and the 8 Members present when the vote was taken voted by 7 with 1 Abstention to grant planning permission.

123.7 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a s106 agreement in the terms set out in the report and subject to the Conditions and Informatives also set out in the report. The s106 to be amended to ensure that the casino could not operate until the music venue had its licence as well as being fitted out.

Note: Having spoken in respect of the above application Councillor Miller then withdrew from the meeting and took no part in the discussion or decision making process. Having declared a prejudicial interest in the above application, Councillor O’Quinn left the meeting and took no part in the decision making process. Councillors Inkipin-Leissner and Mac Cafferty were not present during consideration of the above application.

H BH2017/02857-2 and 2A Barnett Road, Brighton -Full Planning

Demolition of existing dwelling and erection of three storey building comprising of 6no flats with associated landscaping.

- (1) It was noted that Members observed this site during the course of their site visits.

123.8 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

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

124.1 There were none.

125 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

126 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

127 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

128 APPEAL DECISIONS

128.1 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 8.25pm

Signed

Chair

Dated this

day of

