

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 25 MAY 2022**

**COUNCIL CHAMBER - BRIGHTON TOWN HALL**

**MINUTES**

**Present:** Councillors Littman (Chair), Ebel (Deputy Chair), Childs (Opposition Spokesperson), Barnett, Fishleigh, Moonan, Shanks and C Theobald and Yates

**Officers in attendance:** Nicola Hurley (Planning Manager), Alison Gatherer (Legal Officer), Emma Kumar (Housing Enabling Officer), Andrew Renaut (Head of Transport Policy & Strategy), Marie Seale (Planning Team Leader), Shaun Hughes (Democratic Services Officer)

**PART ONE**

**121 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

121.1 There were none for this meeting.

**b) Declarations of interests**

121.2 Councillor Yates declared they were leader when the application outline plans were first submitted however, they remained of an open mind on the application. Councillor Yates and Littman stated they had received a number of representations from residents, however they remained of an open mind.

**c) Exclusion of the press and public**

121.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

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

**122 MINUTES OF THE PREVIOUS MEETING**

122.1 **RESOLVED:** That the minutes for 4 May 2022 were accepted as a true record of the meeting.

**123 CHAIR'S COMMUNICATIONS**

123.1 Welcome everybody to another special meeting of Planning Committee, called to consider applications in relation to Toads Hole Valley. Although this is the second such meeting, in many ways we are in uncharted territory. In March, we were asked our opinion on the application currently under appeal due to non-determination. We concluded that, had we been presented with it earlier, we would have rejected it on two grounds, highways and air quality. Both grounds related to the fact neither National Highways or our own Highways Department had been able to give their considered views, as the traffic modelling had not yet gone through the final transport audit. We found that all other elements of this outline application were acceptable.

We are now faced with re-evaluating the application in the light of the submission of the transport audit and the resultant withdrawal of objections by both National Highways and our Highways Department. We are also being asked our opinion on an exact duplicate application.

As ever, we are required to exercise our Democratic rights to judge these applications on their merits. As ever, this needs to be done in terms of material planning considerations. As ever, as a Local Planning Authority, we must be both consistent and reasonable.

Here's where it becomes more complicated. Since the first application we are hearing today is the subject of an ongoing appeal, our position on it will go straight to the appeal inquiry. Usually, if we as a committee overturn an Officer recommendation, Officers will then support us in making arguments in favour of our position. As I understand it, in this case, our Officers have already given their opinions to the ongoing appeal inquiry, so this cannot be the case this time. Were we to choose to refuse this application, at least one of us would need to be prepared to appear before the inquiry and defend our position, with supporting evidence.

Also, since the second application we are going to hear today is an exact duplicate of the first, although we are democratically allowed to consider it fully in the usual way, in the absence of any change in circumstances, any outcome other than that which we reach with the first application, would leave us open to accusations of inconsistency. This is a very unfortunate position for us to find ourselves in. We are always limited in how much we can pursue policy goals, either those of our political parties or those of the Council as a whole, due to the quasi-judicial nature of this Committee, and the fact we have to make decisions within the overarching national planning legislative framework. On this occasion, we may consider ourselves to be even more tightly bound due to the additional restrictions placed on us by the ongoing appeal inquiry.

Nonetheless, I am happy for debate to be as broad as usual. I think this is the best way for us to come to the possible outcome for the city. That is, as ever, our overriding goal.

**124 PUBLIC QUESTIONS**

124.1 There were none.

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

125.1 There were none.

**126 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS****A BH2018/03633 - Land at King George VI Avenue (Toads Hole Valley), Hove - Outline Application**

1. The Planning Manager introduced the application to the committee with information from the case officer and Head of Transport Policy & Strategy.

## Answers to Committee Member Questions

2. Councillor Childs was informed that the selling of units as second homes was not a planning matter and there was no requirement for the developer to not sell units as second homes.
3. Councillor Shanks was informed by the Head of Transport Policy & Strategy that a number of scenarios had been assessed in the traffic modelling which covered the whole development.
4. Councillor Yates was informed by the Planning Manager that second home ownership was not covered by City Plan and under use class second homes count as a dwelling. The case officer informed the councillor that under policy three bed plus homes were family units.
5. Councillor Fishleigh was informed by the case officer that if a change of use were proposed it would be outside scope of this application. If a second home policy were to be introduced, it would be a consideration on a reserved matters application, but greater weight would be given to the existing permission. This item A was to consider the highway and transport impact only. It was noted that the local bus services have been reviewed and the most optimised services will be sought.
6. Councillor Ebel was informed by the Head of Transport Policy & Strategy that bus services are to be reviewed to enhance the existing service and the frequency will be the best optimised with 10/20 minute gaps. The bus service will be commercial and will not be subsidised. It was noted that there was no time limit on the when the budget would be spent on the bus services. The Council Lawyer noted that receipt of the Bus Contribution would be phased. The case officer informed the councillor that the first phase of the development was located near existing bus services and the phasing had been considered carefully as it needs to be feasible.
7. Councillor Moonan was informed by the Head of Transport Policy & Strategy that the four entrances onto the development were taken into consideration. The case officer informed the councillor that the school would remain in the development even though pupil numbers were dropping. This will be reviewed in 2023/24 and if no school is provided the sports facilities will still form part of the development with 3G football pitch and games area. It was noted that only the land for the school was sought under policy.

Substantial public engagement has taken place and demand has been identified for the city in general as there are a lack of football pitches. The Planning Manager noted that under City Plan future consultations will take place and the results form part of the emerging City Plan review. It was noted that the reserved matters applications are likely to come to committee. The scheme of delegation sets out when an application goes to committee. The Chair noted the details did not necessarily need to come to committee however, it was most likely.

8. Councillor Barnett was informed by the case officer that as this was an outline application there no details of how many flats, houses and affordable homes would be built. The Housing Enabling Officer informed the councillor that they would be looking at the mix of housing.
9. Councillor Theobald was informed by the Head of Transport Policy & Strategy that discussions have been held with the bus companies on how to serve the site, and the access points onto the site have been assessed and no problems found. The case officer noted that there were no objections in principle regarding the South Downs National Park to the roundabout changes proposed. It was noted that the majority of trees were on Highways England land, were mostly Ash and were not on the development site.
10. Councillor Yates was informed by the case officer that cycleways and footways to the school would be through the Site of Nature Conservation Interest, with low level lighting and that the site will attract a Community Infrastructure Levy (CIL).
11. Councillor Shanks was informed by the case officer that the sports facilities were included in the strategy and that the parking would be dealt with under reserved matters and any overspill issues would be dealt with at that time.
12. Councillor Childs was informed that connections to centres of activity and public transport interchanges was a key consideration for potential routes.
13. Councillor Littman was informed by the Head of Transport Policy & Strategy that the discussions took into account national standards regarding an 8% increase in traffic in the area and the council will be looking at the core test.

#### Debate

14. Councillor Shanks considered the application had taken too long to come forward and the council were now trying to reduce traffic and car usage. The councillor considered a parking permit scheme would be appropriate for the site with electric points for cars and bikes on site as well. The councillor considered the committee needed to agree the development.
15. Councillor Yates stated they were not at the original meeting; however, they noted the significant supporting evidence from the officers and supported the application.
16. Councillor Theobald considered that 880 homes was a lot, starting and stopping of cars on the road next to the development would increase pollution, and traffic will increase at the already busy roundabouts with a knock-on effect on the surrounding roads, the

development would have a negative impact on the nearby National Park, the roundabout would become more dangerous for pedestrians and there would be general traffic chaos. The councillor did not support the application.

17. Councillor Littman considered the committee were not in a position to take issue with experts on a technical level. The development was not perfect and could be more ambitious. The councillor supported the application.

Vote

18. A vote was taken, and by 7 to 2 the committee agreed the recommendation.
19. **RESOLVED:** That the two reasons for refusal (relating to insufficient information concerning transport and air quality impacts) as set out in the Planning Committee resolution of 21/3/22 be withdrawn and that the council no longer defends the appeal on the basis of these reasons at the forthcoming public inquiry, for reasons outlined in the report.

**B BH2022/00203 - Land at King George VI Avenue (Toads Hole Valley), Hove - Outline application**

1. The case officer introduced the application to the committee with information from the Principal Planning Officer on policy.

Speakers

2. Ward Councillor Brown addressed the committee and stated that they felt compelled to speak as the development would have a serious detrimental effect on the wider Hove area and were therefore against the application which is considered to be an over development of the site with two to three times the density compared to the surrounding area. The councillor questioned if the 40% affordable housing would be constructed as the land is to be split up and sold. The piecemeal approach could take 10 years with no overarching control on the site. It was noted that pollution will increase, and the water aquifer needs protecting from contamination. A major concern is traffic especially the impact on King George VI Avenue. The residents will need a choice of transport, however the 21A bus only runs once per hour and not in the evenings. Bus services need to be in place from the start of the development with bus/cycle gates. The proposed office space will require parking in this already crowded area. Drivers will look for other routes due to congestion and 'rat runs' will be created in the area. The proposed traffic lights at junction of A27 and King George VI Avenue will be very challenging. If the application is approved, it will be a loss to the city as traffic will swamp this area and rest of the city.
3. Gareth Hall addressed the committee as an objecting resident and stated that the council has had four years to cover traffic issues with a predicted 80% increase. It was not considered that the developer was taking onboard residents' comments. The proposed four way traffic signal will increase traffic on Goldstone Crescent, details of the increase are needed. The conditions could have timescales to achieve this. Residents feel the impact of the development is not understood and the committee should refuse the application.

4. Martin Carpenter addressed the committee as the agent acting on behalf of the applicant and stated that the development meets policy and density requirements. The 40% affordable housing standard was set by the council and the developer would not provide less. Projected traffic pollution was found to be within acceptable limits.
5. David Bird addressed the committee as the transport consultant for the applicant and stated that the scheme had a well balanced approach to cars and transport. The proposed cycle routes will reduce road congestion as will the improvements to the A27 junction. New bus routes are proposed from the site which could include a route to Hove station and Hove Town Hall every 20 minutes. The service should be financially viable with 5-600 homes and the S106 will provide funds. A travel plan has been provided. It is not possible to enforce a no car use, however, the use of sustainable modes can be encouraged. The core traffic growth assessment covers the whole site. The average speed of traffic will be reduced at peak times by the traffic signals.

#### Answers to Committee Member Questions

6. Councillor Yates was informed that the proposals for alternative uses of the 5 hectares of land allocated to school would come forward if the school were not constructed. This could be discussed through the City Plan Part 1 review.
7. Councillor Theobald was informed that the school would be Secondary level. This could be changed through the City Plan Part 1 review.
8. Councillor Childs was informed by the Applicant's legal advisor that there was no current policy against how market houses are disposed of and they would not volunteer to exclude second home buyers.
9. Councillor Shanks was informed by the Housing Enabling Officer that the council preferred affordable housing to be with registered providers. The case officer noted it was not within planning's control to request stores on the site provide fresh food.
10. Councillor Theobald was informed that this is an outline application with no site layout yet, archaeological research would be required by condition and 10% of the units will be wheelchair accessible. The Housing Enabling officer stated that 55% of affordable homes would be for rent and 45% would be affordable ownership units 25% of all affordable housing would be first homes. The case officer noted that the proposed surgery would be in phase three of the site development and built to shell and core. The properties will be no closer than 12 metres with reference to pollution.

#### Debate

11. Councillor Yates considered the development was more fitting for the 20<sup>th</sup> Century than the 21<sup>st</sup> as the development had taken too long. The development feels more 1980s with lots of tarmac and housing. The councillor did not feel that could vote against and that their hands were tied. The councillor considered the development was not right for the city.

12. Councillor Moonan considered the site needed developing and noted that the application was policy compliant with the maximum number of homes and there were lots of details to come. The councillor was concerned about the next step as the site will be broken down into three phases, with the school in the last phase. The councillor was also concerned about the 5 hectares for the school/community sport and wanted this area not to be used for housing. The councillor requested a review of City Plan part 1 and to work with local residents. The councillor considered their hands were tied as there was a need for housing and there was the chance to work on the detail.
13. Councillor Theobald considered the sports and leisure should be protected, that 880 was an over development of the site, 700 would be more appropriate and noted that many units were flats. The councillor expressed concerns regarding the impact on the South Downs National Park, noise pollution for residents of the new development, construction traffic impact on existing neighbours and traffic congestion resulting from the development. The councillor considered the proposals to be an overdevelopment of the site.
14. Councillor Barnett considered the development to be too much, the traffic issues to be lethal, and the flats to be boxes. The councillor did not support the application.
15. Councillor Fishleigh noted that Ward Councillor Brown had addressed the committee, however the remaining two ward councillors had not.
16. Councillor Shanks considered a sustainable model development should have come forward and that traffic should be on a downward trend, not up. The councillor supported the application.
17. Councillor Childs stated they were disappointed that the applicant did not agree to voluntarily restrict second home ownership at the site and considered the council needs to look at policies regarding second homes, also the council should hold onto the affordable housing and not give over to a registered provider. The councillor considered the proposals to be an overdevelopment of the site, however, the city did not have enough homes and the council needs to build more. The councillor supported the application.
18. Councillor Ebel considered the plan was not ideal but was policy compliant. The existing bus services were not sufficient, and the community should be supported, and there would be an improvement once the development was built. Family housing is urgently needed, and the development includes family homes. The councillor supported the application as it was policy compliant.
19. Councillor Littman considered that local policies need to be seen in light of national policy. The development will provide 880 homes and the city is not able to supply enough homes. The councillor noted that the government carbon neutral date was 2050 and considered the city should be doing this earlier. The site has been highly scrutinised, and it is considered that sustainability is wanted in the urban fringe. The councillor considered they had no choice and supported the application.

Vote

20. A vote was taken, and by 7 to 2 the committee agreed to grant planning permission.

21. **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 legal agreement and conditions as set out in Appendix A (S106 Heads of Term) and B (Conditions & Informatives), **SAVE THAT** should the s106 agreement not be completed on or before 25 September 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Appendix E of the report.

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

127.1 There were none for this agenda.

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

128.1 There were none for this agenda.

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

129.1 There were none for this agenda.

**130 APPEAL DECISIONS**

130.1 There were none for this agenda.

The meeting concluded at 5.02pm

Signed

Chair

Dated this      day of