

**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 4 JUNE 2014****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

**Present:** Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Davey, Gilbey, Hamilton, Littman, Phillips, Simson, C Theobald and Wells

**Co-opted Members:** Mrs Selma Montford

**Officers in attendance:** Jeanette Walsh (Head of Development Control); Aidan Thatcher (Investigations and Enforcement Manager), Nicola Hurley (Area Planning Manager); Kathryn Boggiano (Senior Planning Officer); Steven Shaw (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Ross Keatley (Acting Democratic Services Manager).

**PART ONE****1. PROCEDURAL BUSINESS****1a Declarations of substitutes**

1.1 Councillor Simson was present in substitution for Councillor Cox, and Selma Montford was present in substitution for Jim Gowans.

**1b Declarations of interests**

1.2 There were no declarations of interests and lobbying in matters listed on the agenda.

**1c Exclusion of the press and public**

1.3 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.

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

**1d Use of mobile phones and tablets**

- 1.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

**2. MINUTES OF THE PREVIOUS MEETING**

- 2.1 The Acting Democratic Services Manager, noted an additional paragraph had been inserted in relation to Item 201 (A) as paragraph (31) detailed the breakdown of the vote in relation to BH2014/00697 – Dorothy Stringer High School, Loder Road, Brighton.

- 2.2 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 14 May 2014 as a correct record.

**3. CHAIR'S COMMUNICATIONS**

- 3.1 The Chair noted the next 6 monthly training session would be held on Wednesday 15 October at 10:00 hours in the Council Chamber, Hove Town Hall and would cover matters in relation to materials.

**4. PUBLIC QUESTIONS**

- 4.1 There were no public questions.

**5. PLANNING INVESTIGATIONS AND ENFORCEMENT TEAM YEARLY REPORT APRIL 2013-MARCH 2014**

- 5.1 The Committee considered a report of the Executive Director of Environment, Development & Housing in relation to the Planning Investigations and Enforcement Team Yearly Report April 2013 to March 2014. The Report took the form of the annual monitoring report presented to the Committee in order to update on the work of the Investigation and Enforcement Team. The Investigations and Enforcement Manager introduced the report, and provided a series of 'before and after' photos detailing some of the work of the team. It was also highlighted that the focus of proactive work in 2014/15 would be on the seafront, following the bad winter weather, and in the London Road area as part of the regeneration works.

- 5.2 Councillor C. Theobald welcomed the report and the work of the team as important to improving the city. She made particular reference to two sites on which the Enforcement Manager provided an update, and a further which it was agreed would be picked up outside of the meeting.

- 5.3 Councillor Littman noted the good work of the team and stated he was pleased to see the focus on the London Road area.

- 5.4 Councillor Davey commended the work of the team, and noted he was pleased to see improvements already happening in the London Road area. He made particular reference to 84 to 86 London Road and the substantial impact the improvements had in the area. London Road was a gateway to the city and it was agreed that work should continue to be focused there.
- 5.5 Councillor Hamilton queried a site in Portslade Village and Officers agreed this could be picked up outside of the meeting.
- 5.6 Councillor Gilbey thanked Officers for the report and expressed her gratitude for the efforts of the team with some works that had been undertaken in her ward, and stated that Enforcement Team had been very effective.
- 5.7 Councillor Hyde thanked the team for all their good work.
- 5.8 The Chair noted the difficult judgement calls that Officers sometimes had to make, and welcomed the proactive work that was planned in the next 12 months.
- 5.9 **RESOLVED** – That Committee note the contents of the report.

## **6. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

- 6.1 There were no requests for site visits.

## **7. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

- A. BH2014/00922 - Hove Park Depot, The Droveaway, Hove - Full Planning -**  
Demolition of existing buildings and construction of a new two storey primary school building with solar panels and wind catchers, associated access works and hard and soft landscaping.
- (1) It was noted that the application had been the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager, Nicola Hurley, introduced the item and gave a presentation by reference to plans, photographs, elevational drawings, matters on the Late List and information received since the closure of the Late List. An error was noted in the report such that a letter from 12 Orchard Gardens should be listed as objecting to the application, not supporting. The application site was located between the Droveaway, Hove Park, and the site of the Engineerium. The site was currently used as a Council depot; whilst some of the activities had moved to Stanmer Nursery it had not been possible to relocate them all there and an alternate site was being sought. Some long views of the site were provided to give context; as well as long views that had been taken during winter. The site was located in the Engineerium Conservation Area and the Engineerium site itself contained Grade II and Grade II\* listed buildings. It was noted that a previous application had been withdrawn in September 2013 for a new three–storey primary school on the site.
- (3) Permission was now sought for the demolition of the existing buildings on the site and the construction of a 2-storey school. The design was simple and functional, and the

building would have a 'slab-like' appearance and be partially excavated. The finish would include two different colour bricks, and rendering; details of these were shown to the Committee using a sample board. The site would have 12 parking spaces – 3 of which would be for disabled users with vehicular access from the Droveaway. Parents dropping off their children would be encouraged to park on Goldstone Crescent and walk across the park to the site. At this point in the presentation it was noted that a number of late letters had been received in support including a letter from the Lead Member for Children & Young People, Councillor Shanks, that did not raise any new material considerations. There was also late letters of objection received, and it was also added that these did not raise any new material considerations.

- (4) The considerations related to: the principle of the development; the impact of on the Engineerium Conservation Area; the impact on the setting of the listed buildings; neighbouring amenity; transport and ecology. The established use at the site was sui generis, and whilst policy sought to protect employment sites in the city this did not relate specifically to sui generis sites. Many of the functions at the site had been transferred to Stanmer Nursery, and an alternate location was being sought for the remainder of the services – as such there was no objection to the change of use. Policy also encouraged the provision of new schools within the city to meet the growing demand which was acute in the west of the city. The proposed school would be a three form entry, and whilst there would be limits on the amount of play space it was noted there was no requirement for free schools to have such space. The limit on the amount of space was due to the reduction in height of the previous scheme, and the necessity to retain a portion of land for the badger habitat.
- (5) In relation to amenity it was noted the building was a considerable distance from residential properties which was considered sufficient to protect against light loss and additional noise, and the site would only be in operation during daytimes and weekdays. In relation to the heritage and visual impact on the conservation area and neighbouring listed buildings, the Heritage Team were of the view the design would be excessive in bulk and the scale and mass would harm the open character of the site; however, in terms of the NPPF the harm was less than substantial and should be weighed against the public benefits of the scheme. In these circumstances it was considered that the public benefits justified the site and the outweighed the harm that would be caused.
- (6) In terms of transport the site was accessed from the Droveaway on the junction with the Waitrose Store with a route for cycle and pedestrian access. As previously stated parents would be asked to park in Goldstone Crescent, and the application had referred to the operator of Waitrose allowing parents to park in their car park; however there was no formal agreement and this did not form part of the assessment of the application. The 12 car parking spaces on the site would be allocated on the basis of need, and this would be accommodated in the scope of the travel plan. It was affirmed there would be no parking on the site for parents to pick up and drop off. Transport was considered a key issue as part of this application, and there was a concern about an increased risk to highway safety. The school's admission policy would not be based upon the pupils home to school distance and as such it was acknowledged that a greater number of parents might drive their children to school; however, the Sustainable Transport Team had advised that the information submitted by the applicant confirmed that the proposed measures would mitigate the impacts

- (7) In relation to ecology the detailed survey had advised that there would not be an adverse impact on wildlife. There would be some changes to the pre-commencement conditions, and the sustainability conditions would be amended to allow for 'very good'. In summary the principle of the development was considered acceptable. Whilst there would be some harm to the setting of the listed building this was outweighed by the public benefits of the scheme and was in accordance with the NPPF. The proposals would adequately address transport concerns and for the reasons set out in the report the Committee were recommended to be minded to grant the application subject to a S106 planning obligation and the amended wording of conditions.

### **Public Speaker(s) and Questions**

- (8) Before the first speaker, Mr Roger Crouch, delivered his submission to the Committee the Chair confirmed that the late information Mr Crouch had sent had been read and considered by the appropriate Officers.
- (9) Mr Roger Crouch spoke in objection to the Committee in his capacity as a local resident. He stated that the main problems related to the increase in traffic that would be caused by the application – particularly in the morning. The applicant's transport consultants had stated that the number of car journeys would be low and the activity on Goldstone Crescent would be at off peak times when the traffic would be low. Mr Crouch then went on to query some of the assumptions put forward by the traffic consultants, and stressed his view that there would not be sufficient spaces on Goldstone Crescent to accommodate the increased use. Mr Crouch queried if the current assumptions could be maintained when the school was operating at the full 630 capacity, and noted the school was untypical of any other in the city as it had no defined catchment area, and would lead to a higher car use. In the previously withdrawn application the car usage levels had been lower and this had been queried by Officers; it was Mr Crouch's view that these figures should also be queried. Reference was also made to development at Toad's Hole Valley which would generate additional traffic, and would have a fundamental impact on the area. In closing Mr Crouch made reference to the grounds for refusal in relation to traffic measures listed in the NPPF.
- (10) Councillor Mac Cafferty asked Mr Crouch for more information in relation to the severity of problems on Goldstone Road and it was explained that there were problems when the park was busy, and there were concerns this would be much more severe when Toad's Hole Valley was developed.
- (11) Councillor Bennett spoke in opposition to the application in her capacity as the Local Ward Councillor. She stated that she sympathised with the problems that the school had encountered finding a suitable site; however, this location was not appropriate. The design was like a 'warehouse' and was inappropriate in the context of the conservation area; there was also concern that the school would be freely able to apply for an additional storey in future – the site also had very limited play space. The traffic problems were now considered to be worse as she felt the new Waitrose store attracted more car users than the previous operators had, and the transport study had not given consideration to this. Accessing Nevill Road was dangerous as there were already two large secondary schools and a primary in the immediate area. The travel

plans that had been put in place for the City Park Office development had been ineffectual, and it was added that the school would not have a local catchment. Councillor Bennett highlighted that the letters of support had not been from local addresses. Reference was made to the Highway Officer's report and that this report stated the highway authority could not recommend approval as the S106 had not been agreed to mitigate the proposals. The Committee were invited to refuse the application.

- (12) Ms Carolina Gopal, the Principal at the Bilingual Primary School, addressed the Committee supported by Mr Chris Barker (Planning Consultant) and Mr Roger New (Transport Consultant) to assist with questions. Ms Gopal stated that she wanted to address some of the concerns that had been expressed; the school was currently entering its third year and had been very successful to date and it was important it had its own site in the city. The school had worked closely with the Council to find an appropriate site, and had withdrawn the previous application to properly address the concerns of local residents. The start time of the school would be staggered from 09:20 hours to fall outside of rush hour, and the school would take an a further 10 years to reach its full capacity. Parents at the school were committed to sustainable transport, and those that did park would only need to for very short period of time. Ms Gopal noted that she had spoken with the Waitrose operators and they were content to allow parents to use the car park to drop off and she had a letter to this extent. In relation to sports space Ms Gopal had reached agreement that the school could use the facilities of the nearby secondary schools, and wildlife at the site would be properly protected. This was considered an appropriate use of a brownfield site and the new school would have significant public benefits. The Committee were invited to approve the application.
- (13) In response to Councillor Hyde it was explained by Ms Gopal the range of drop off times in the morning would be between 09:20 and 09:40 hours, and the pick up time would be between 15:20 and 15:45 hours.
- (14) In response to Councillor Jones it was clarified by Ms Gopal that the break and lunch time would be staggered due to the space restrictions and there was the potential to use space at the nearby large secondary schools.
- (15) Councillor Simson asked for more information in relation to the potential to park at the Waitrose Supermarket and Ms Gopal answered that she had initially spoken to the previous operators, and reached an agreement with the current occupiers three weeks ago which she had in writing with her at the meeting. Ms Gopal also added that she was in discussion with the dog racing track operators about a similar arrangement.
- (16) In response to Councillor C. Theobald the following responses were provided: there would only be one access to the site from the Droveaway; the staggered drop off times was currently used and this worked well, and break and lunch times would be staggered.
- (17) Councillor Davey asked about the arrangements at the school's current site – which was also constrained. Ms Gopal explained that the school did not use the main BACA School frontage and parents dropped of in the AMEX Stadium overspill car park.

- (18) Ms Gopal explained in response to Councillor Hamilton that the school was currently considered using a minibus to pick up staff due to the restricted number of parking spaces. Councillor Gilbey followed this line of questioning and asked about buses for the children at the school; Ms Gopal explained that this had not been considered necessary as the majority of the children at the school came from Hove and Portslade area and the school would potentially look at walking buses.
- (19) Ms Gopal explained, in response to Councillor Jones, that the site had been picked as it had designation for a school.
- (20) The Chair asked about the design, noting that this had been raised during the pre-application presentation. Mr Barker explained that the design was constrained by the size of the site and necessity to reduce the height from three-storeys to two. There were also constraints in relation to the badgers on the site; level changes; access as well as budgetary restraints. The design had come on since the withdrawn three-storey proposal and it was felt the design before the Committee was functional and attractive with an interesting entrance. It was also added that views of the school from the Engineerium would be 'near impossible'.
- (21) In response to Councillor Simson it was explained by Ms Gopal that the play space would accommodate approximately 200 children at one time. Following further queries Ms Gopal explained that lunchtime was important to the ethos of the school and they would be considering creative uses of the space to maximise its potential.
- (22) Councillor Carden asked about the protection of the badgers on the site and Mr Barker explained that the development had been focused away from the badger sets, and was further than the necessary exclusion distance. There would also be a full badger mitigation strategy. The Area Planning Manger demonstrated this distance using the plans.
- (23) In response to Councillor C. Theobald it was explained by Mr Barker that the school had to be three-form entry to as the Department for Education would not fund a two-form entry school.

#### **Questions for Officer (Planning)**

- (24) In response to Councillor Carden it was explained that relocation of Council facilities from the site was a matter for the Council as the Parks Department and was not material to the application.
- (25) Councillor Phillips raised specific queries in relation to the trees on the site, and it was explained that there would be conditions in relation to the species and maturity of the replacement trees. The elm that was to be felled was described as a 'fair specimen with some decay' which was being felled to facilitate site access. The location of the Norway Maples to be felled was confirmed using the plans. Councillor Phillips noted she could not understand why it was necessary to fell all of the trees, and would like a full response from Officer as to why they could not be retained.
- (26) With the assistance of the applicant it was explained to Councillor Davey that a 'wind catcher' was roof mounted ventilation.

- (27) Councillor Gilbey asked about the final materials, and the Head of Development Control, Jeanette Walsh, suggested that the final details of material be delegated to her in consultation with the Chair, Deputy Chair and Opposition Spokespersons.

### **Questions for Officers (Transport)**

- (28) In response to Councillor Gilbey it was explained that it would not be appropriate for parents to walk directly across the park in winter as the ground would be saturated; however, S106 monies had been secured to help support pedestrian movement through the park.
- (29) In response to Councillor C. Theobald it was explained that it would be unlikely that staff would park on Goldstone Crescent as there were '3 hour no return' restrictions there. There would also be a travel plan encouraging activity such as car sharing to limit the impact.
- (30) It was confirmed for Councillor Gilbey that the informal parking arrangements with nearby businesses could not be included in the travel plan, and they had also not formed part of the assessment of the application.
- (31) In response to Councillor Davey it was explained that the S106 monies would be spent on: improvements to the Droeway; some improvements in the park and wider pedestrian improvements in the area. Councillor Davey went on to ask about the parking capacity on Goldstone Crescent and it was noted there would be slightly more capacity in the mornings; with all matters factored in the highest use would be 85% of capacity, and this would not be enough to warrant refusal. It was also confirmed there were two bus routes on the road. In relation to cycle parking it was acknowledged that the number was low, but this in line with the Council's standards.
- (32) It was confirmed for Councillor C. Theobald that any S106 monies used in the park would have to be part of mitigation measures.
- (33) Before the Committee moved into debate the Area Planning Manager confirmed the size of the play space, and noted there was no requirement for open space as this was not a residential scheme.

### **Debate and Decision Making Process**

- (34) Councillor Hyde noted that this was a very controversial application, and she sympathised with the concerns raised by residents and the Local Ward Councillors. She stated she had had initial concerns in relation to the traffic; she felt reassured with some of the mitigations such as the staggered start times and the S106 monies; however, she acknowledged that the situation 'would not be perfect' and she noted the informal arrangements with local business car parks. Whilst she felt there were still problems with the travel plan at the City Park site it was acknowledged that the additional journeys would only be in the morning and the afternoon weekdays during the approximate 9 months the school would be open each year. Her original concerns in relation to the materials had been mitigated and she welcomed some of the earthy and green tones that were suggested, and it was acknowledged that there would be

minimal views of the site from the Engineerium. Councillor Hyde welcomed the additional of a bilingual school in the city, and noted that whilst the school would be limited in terms of play space it did directly abut a park which could be used. On balance whilst the situation was not perfect there were clear mitigation measures in place and the scheme would address the shortage of school places in the west of the city; for these reasons she would support the Officer recommendation.

- (35) Councillor Wells noted that from the site visit he did feel the building height would interfere with the neighbouring buildings, and he felt the scheme would be 'snug'. He welcomed the use of the park by the children at the school; whilst he had concerns in relation to traffic these were not considered significant to vote against the application. For these reasons he would support the Officer recommendation.
- (36) Councillor Davey noted the citywide challenge in relation to school places, and noted that this area of Hove was very popular with young families. Trying to find a new site for a school would always be challenging, but he considered the consequences of refusing the application outweighed concerns and he would support the Officer recommendation. He noted that the parents were happy with the education at the school, and hoped this would become a popular school in the area. Transport would be a challenge at the site, but this was in the context of a challenging situation across the whole city; however, many would be able to walk to the school and the area was very well serviced by buses. It was hoped the school would work positively with the School Transport Team.
- (37) Councillor Littman stated he had initially been undecided about the application, but he agreed with the comments made by Councillor Hyde that the benefits of the scheme outweighed the potential harm. There were mitigation measures in places and the school still had another nine years before it would reach capacity during which time emerging issues could be addressed.
- (38) Councillor Phillips echoed the comments made by others on the Committee and she noted it was a functional building. She welcomed its location next to the park and the children at the school using this facility. A lot of queries in relation to transport had been answered and she hoped the school would partner with the 'Cycle Schools' in the city. She noted her personal views about free schools, but welcomed the consideration given by the applicant for the Council's difficult position and added that this school would potential serve families in her own neighbouring ward. Councillor Phillips added that her concerns about the trees had not been addressed in full, but on balance she would support the Officer recommendation.
- (39) Councillor C. Theobald noted that many of her questions had been answered and she felt reassured about the application. She felt the school could warrant a larger site with a smaller development and more outdoor space. The situation with parking was not ideal, but there was some mitigation to address this. The design was acceptable and a bilingual school in the city would be a welcome addition and she would be supporting the Officer recommendation.
- (40) Councillor Jones stated he was mindful of the concerns of local residents and the local Councillors as well as the suitability of the site; the size of the scheme and the design. On balance many of his concerns had been addressed, and he felt the bilingual facility

was a progressive approach to education. Councillor Jones noted he did not agree with concerns about the children using the park and on balance he would support the application as the benefits outweighed his concerns.

- (41) Councillor Hamilton stated he felt the same as many other Members on the Committee, and noted there were gains and losses in relation to the application. He felt the informal parking arrangements with the local businesses would aid the situation, and he felt there would no negative impact from the school using the park. He stated he had initially been undecided, but he had been persuaded and felt the scheme was very good given the constraints and he would support the Officer recommendation.
- (42) Councillor Gilbey noted she still had concerns in relation to parents dropping off and picking up, and she would prefer direct buses to the site. She noted that the situation at the site would be very different in winter, and it would impact on the Engineerium. She added she had concerns with the longevity of the building and was not happy with the design, but on balance she was leaning towards supporting the Officer recommendation.
- (43) The Chair noted he had listened very carefully to the points made by the residents and the Local Ward Councillors, and he had very serious concerns in relation to transport. He noted at the pre-application presentation he had pushed the applicant in relation to design, but felt it was a functional approach. He reiterated his concerns, but stated that on balance the public benefit of the scheme was the overriding factor.
- (44) Before the vote was taken the Chair suggested that Condition 8 be amended to delegate the agreement of the details to the Head of Development Control in consultation with the Chair, Deputy Chair and Opposition Spokesperson. The Head of Development Control also noted that the recommendation was minded the grant with the amendments that had been discussed and laid round for the Committee.

- 7.1 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 planning obligation, conditions and informatives and the amended conditions set out below:

Amended pre-commencement Conditions 8, 9, 10, 11, 15, 16, 20 & 21

No work shall take place above ground floor slab level of any part of the development hereby approved until...

Additional informative to be added:

Details of materials to be agreed in accordance with conditions shall be agreed by the Head of Development Control in consultation with the Chair, Deputy Chair and Opposition Spokespersons.

- B. BH2014/00459 - City College Campus, Wilson Avenue, Brighton - Full Planning -** Demolition of the eastern two storey section of the existing building and erection of a three storey building to accommodate a new Construction Skills Centre. Erection of a two storey entrance extension to the south west corner of the building. Change of use

of the tennis courts to a car park and a multi-use games area, other on-site parking and servicing amendments and hard and soft landscaping. Refurbishment of remaining existing buildings including replacement aluminium windows and profiled metal roofs.

- (1) It was noted that the application site had been the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Kathryn Boggiano, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings; attention was also drawn to matter on the Late List. It was noted that the floodlights had been removed from the scheme, and an informative added such that any floodlighting would need to be the subject of a future planning application. The application site related to the east campus of City College which was accessed from Wilson Avenue; the site had formally been a school and had been taken over by the college in 2005. The site sloped steeply, and this significant difference in ground level was demonstrated using sectional drawings. It was currently quite difficult to navigate around the site and to find the main entrance. The proposed areas for demolition were highlighted on an aerial photograph and there would be changes to the materials of the roofs and windows frames on some of the existing buildings.
- (3) There would a new two and three-storey extension for the construction skills trades at the college, and a new two storey front entrance; the scheme would formalise some of the existing parking arrangements with 62 spaces on the site and a new multi use games area (MUGA) would be built for the college. The new design was highlighted with elevational drawings; the proposed materials would be grey brick and wooden cladding, and on the west elevation there would a mixture of render and timber cladding. On the south and north elevation there would be a mixture of materials, and it was reiterated there were proposals to change some of the roofs to grey linking colours.
- (4) The site could be seen from the national park, and visual comparisons were used to demonstrate this. There would be a landscaping scheme for the site. The transport matters were detailed in the report and whilst there would be a net gain of 52 parking spaces across the site this was still below the threshold. The MUGA facility would improve the sports offer at the site, and in relation to sustainability and ecology the new build would be BREEAM excellent and a bat licence would be required. It was considered the proposals would significantly increase the teaching quality at the site and the application was recommended for approval.

### **Questions for Officers**

- (5) In response to Councillor Simson it was explained that the existing car parking spaces for the leisure centre would remain; it was not proposed there would be any temporary accommodation during the build although there were certain measures the college could take under permitted development rights. There was a condition requesting a full construction environmental management plan, and this would secure mitigation measures such as the use of a site on Preston Road.

- (6) In response to Councillor Gilbey it was explained that there was no specific requirement for outdoor sports facilities, but the site when completed would have the new MUGA as well as use of the neighbouring artificial pitches.

#### **Debate and Decision Making Process**

- (7) Councillor Carden welcomed the facility and in particular this type of technical college; he wished the college future success.
- (8) Councillor Littman noted that he agreed with these comments and his previous concerns in relation to the materials had been addressed at the site visit.
- (9) Councillor Wells welcomed all the facilities being in one location, and was pleased to support the application.

- 7.2 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **GRANT** planning permission subject to conditions and informatives, and the amended conditions set out below:

#### **Condition 4**

The Multi Use Games Area hereby approved shall be solely used by staff and students of Brighton & Hove City College and shall not be hired or leased out to the general public. The MUGA shall only be used between the hours of 8.00 and 20.00 Monday to Friday and between the hours of 09.00 and 18.00 Saturdays, Sundays and Bank Holidays.

**Reason:** To safeguard the amenities of the local transport network, local residents and local ecology and to comply with policies QD27, TR1 and TR19 of the Brighton & Hove Local Plan.

#### **Condition 5**

Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall be carried out entirely in accordance with the bat mitigation details contained within section 4.5.3 of the Extended Ecological Enhancement Assessment Final Document Rev.1 February 2014 which was received on the 12 February 2014.

**Reason:** To ensure that bats are protected during the demolition stages and to comply with policy QD18 of the Brighton & Hove Local Plan.

#### **Condition 12**

Add low level lighting

The new car parking area including the access widening hereby approved shall be laid out fully in accordance with the details shown on plan P101 G received on the 19 May 2014, prior to the Construction Skills Centre being first brought into use. Prior to the Construction Skills Centre being brought into use, a scheme for the low level external lighting of the car park shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and unless otherwise agreed in writing with the Local Planning Authority shall be retained as such there after.

**Reason:** To ensure that the new parking area is laid out in accordance with the approved details and to safeguard the amenities of the occupiers of adjoining properties and ecology and to comply with policies WD18, QD27, TR1 and TR7 of the Brighton & Hove Local Plan.

**Condition 13**

Unless otherwise agreed in writing with the Local Planning Authority, the surface water drainage system shall be fully installed in accordance with the details contained within the Flood Risk Assessment July 2013 and Drainage Layout Plan referenced Dr01 which were received on the 12 February 2014.

**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding and to comply with policies SU3 and SU15 of the Brighton & Hove Local Plan.

**Condition 23**

Remove in its entirety

**Condition 28**

Notwithstanding the submitted plans, prior to the Construction Skills Centre above being first brought into use full details of all proposed gates, fencing and walls and the smoking shelter have been submitted to and approved in writing by the Local Planning Authority. The details shall include elevational plans and shall also include details of the replacement fence on the western boundary of the site with Wilson Avenue. All proposed gates, fencing and walls shall be fully installed within the approved details prior to the Construction Skills Centre being first brought into use.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

**New informative**

This permission does not permit floodlighting. If the applicant wishes to install floodlighting in the future then this would need to be the subject of a separate planning application.

**Condition 30**

Prior to the Construction Skills Centre being first occupied, details and evidence regarding the installation of the rainwater harvesting system detailed within the Rainwater Harvesting & Grey Water Recycling Systems Feasibility Study received on the 27 May 2014, shall be submitted to and approved in writing by the Local Planning Authority. The Rainwater Harvesting System shall be implemented fully in accordance with the approved details prior to the Construction Skills Centre first being brought into use and unless otherwise agreed in writing with the Local Planning Authority shall be retained as such thereafter.

**Reason:** to ensure that the Rainwater Harvesting System is installed and to comply with policies SU2, SU3 and SU15 of the Brighton & Hove Local Plan.

**C. BH2013/01646 - 18, 24, 28 & 30 Kingsthorpe Road, Hove - Outline Application All Matters (save scale) Reserved** - Outline application for demolition of existing building and erection of part three storey and part four storey building comprising of B1 use at ground floor level and 26no residential units with associated works, and approval of reserved matters for scale.

- (1) It was noted the application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager introduced the application, and gave a presentation by reference to plans, photographs and elevational drawings. The application site related to a depot site with two main buildings and brick built boundary walls that abutted the railway line to the north with residential properties to the south. Much of the surrounding area was characterised by two-storey terrace dwellings. Outline permission was sought for the demolition of the existing buildings and the erection of a part 3 part 4 storey development with all matters reserved aside from scale; plans were shown to the Committee and it was noted that these were illustrative. The plans proposed a mixed use development with 26 two and three bedroom residential units; the main considerations related to the principle of the development and if the scale could be accommodated on the site. The commercial space would be of a modern standard and provide twice as much employment as the current usage and would be a more intensive use.
- (3) The application proposed a greater level of development, but on balance was considered acceptable. In relation to the visual impact whilst much of the surrounding development was two-storey there was a five-storey block of flats in close proximity. Although the indicative plans were not considered acceptable Officers were of the views that a mixed three and four-storey development could be accommodated on the site, and an appropriate design could follow the outline permission. The indicative plans proposed that the affordable units would be two-bedroom and it would be preferable if some of these could be three-bedroom, but this could be dealt with as part of the reserved matters application. Appropriate soundproofing could be secured to mitigate the harm from the railway line and the site could contain a scheme to meet with acceptable standards of accommodation. Whilst a development of this scale would have some overshadowing it was considered that the impact would be acceptable and mitigation measures could be secured at the reserved stage. In terms of transport the increased trips were acceptable and there were no concerns in relation to sustainable transport. The indicative plans showed 6 spaces, but there was no indication how these would be allocated. For the reasons set out in the report the Committee were recommended to be minded to grant permission, subject to conditions, informatives, a S106 agreement and an additional condition in relation to the height of the development.

#### **Questions for Officers**

- (4) In response to Councillor C. Theobald it was confirmed that the commercial use would be B1 which was compatible with residential, and it was proposed that the development be car free.
- (5) In response to Councillor Simson the distance to the railway line was clarified.

- (6) Following queries raised by Councillor Gilbey in relation to the land it was confirmed that there would be a suggested condition for the submission of the land levels.
- (7) Councillor Simson had specific questions in relation to parking and the access to parking for the commercial units. In response it was explained that Officers had considered the potential transport impacts of the outline application in terms of the scale; it was important to note there was an existing number of trips as the site was currently in use, and any increase would only be a net increase – it was not felt that this warranted a reason for refusal.

### **Debate and Decision Making Process**

- (8) Councillor Hyde stated that this was a large area to develop, and the nearby five-storey block of flats was not typical to the area. The development would be much higher than the remaining housing and the site could be laid up much better than the indicative plans proposed; this application could 'ruin' the road and she would not support the Officer recommendation.
- (9) Councillor Simson stated she had concerns in relation to B1 use with residential units and that they could be operated as one very large single unit – which would not be appropriate for the street. The more commercial space at the site the more pressure would be placed on transport and the scale of the plans was not appropriate; for these reasons Councillor Simson stated she would not support the Officer recommendation.
- (10) Councillor Wells stated that the bulk and height were not appropriate for the street, and he could be minded to support a scheme that was one storey lower. He felt the indicative plans could be better laid out to facilitate more parking at the rear of the site. He welcomed the mixed use, but had concerns about the density and as such would not be supporting the Officer recommendation.
- (11) Councillor Phillips noted that her initial concerns had been alleviated following the site visit. She felt the indicative plans were appropriate and took into account the gradient of the road. She was pleased that both cycling and tree protection could be secured and she noted the highly sustainable nature of the location in relation to transport. For these reasons she would support the Officer recommendation.
- (12) Councillor Hyde referenced her view that the B1 units would need parking to realistically be able to operate, and that the some of the spaces on the site should be allocated for this purpose.
- (13) Councillor Littman noted the difficulty of the decision; in particular due to outline nature of the application. He stated the area historically had mixed use, and it was excellent in terms of sustainable transport. On balance he felt the need for housing and the positives outweighed the harm and for this reason he would support the Officer recommendation.
- (14) Councillor C. Theobald noted that the scale was excessive for the site and the indicative plans would be over dominant in the street scene. The building line would come forward and be overbearing on the housing opposite, and the site needed proper

car parking spaces. For these reasons she would not support the Officer recommendation.

- (15) Councillor Phillips noted that the Committee should only be considering matters in relation to scale.
- (16) Councillor Jones noted that he welcomed the principle of the application, but had concerns – he was currently undecided.
- (17) Councillor Gilbey stated that the development was too high for the road and the mass too great. She noted the nearby flats were not typical of the area, and the overlooking would be unacceptable, and she would not support the Officer recommendation.
- (18) Councillor Davey referenced the need for housing and employment sites within the city – as well as the highly sustainable location in terms of transport. The residents would also have access to the Car Club, and he felt this was a potentially good application and he would support the Officers recommendation.
- (19) In response to further queries from the Committee it was explained by Officers that the car free conditions would prevent overspill into the existing residential bays. A car parking management plan would consider the use of the any proposed spaces, and residents would be offered 2 years free membership to the Car Club; it was also added that two of the spaces in the indicative plans were proposed to be disabled bays.
- (20) In response to Councillor Hyde it was explained that the two disabled bays formed part of the six proposed in the indicative plans, and there were two or three Car Club bays in the area.
- (21) By means of the clarification the Head of Development Control and the Senior Solicitor, Hilary Woodward, explained that the reserved matters would not be delegated to the Committee for decision, and procedures in relation to requests to refer items to the Committee by Ward Councillors and the number of representations did not apply to the determination of reserved matters applications. Whilst the Committee expressed some concern to this determination process it was clarified this was a fully appropriate manner to determine the application and the delegation of the reserved matters would not form a reason for refusal.
- (22) In response to Councillor Davey it was noted that it would be not be appropriate to condition use of the Car Club for commercial units.
- (23) Councillor C. Theobald expressed her concern that if the application were approved the reserved matters would not be delegated to the Committee for approval.
- (24) The Senior Solicitor confirmed that the reserved matters application would have to follow an approved outline permission within three years, and the applicant would still have the option to bring forward an application for full planning permission.
- (25) Before the vote was taken the Head of Development Control noted that a condition had been added in relation to range of height that would be expected in the reserved matters application.

(26) A vote was taken and the Officer recommendation that the Committee be minded to approve planning permission was not carried on a of 3 in support, 5 against and 4 abstentions. Reasons were then proposed and seconded to refuse the application by Councillors Hyde and Wells. A short adjournment was then held to allow the Chair, Councillor Hyde, Councillor Wells, the Head of Development Control, the Area Planning Manager and the Senior Solicitor to draft the reasons in full. These reasons were then read to the Committee and it was agreed that they accurately reflected what had been put forward. A recorded vote was then taken and Councillors: Hyde, Simson, Gilbey, C. Theobald and Wells voted that permission be refused; Councillors: Mac Cafferty, Carden and Phillips voted that permission not be refused and Councillors: Jones, Davey and Littman abstained from the vote. It was noted that between the initial vote and the recorded vote Councillor Hamilton had left the meeting, but this had not affected the outcome of the vote.

7.3 **RESOLVED** – That the Committee has taken into account the Officer recommendation, but resolves to refuse planning permission for the reasons set out below:

- i The scale of the proposed development is overbearing, overlarge, out of scale with neighbouring buildings and excessive in its immediate context and would therefore have a negative impact on the street scene contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan 2005.
- ii The proposed development by reason of its excessive scale would result in an overbearing and unneighbourly development having a direct and adverse impact on neighbouring residential properties contrary to policies QD1 and QD27 of the Brighton & Hove Local Plan 2005.

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

8.1 There were no further requests for site visits in matters listed on the agenda.

**9. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

10.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. The register complies with legislative requirements.]

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

**11. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**12. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**13. APPEAL DECISIONS**

13.1 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 6.25pm

Signed

Chair

Dated this

day of