

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 6 OCTOBER 2021**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

**Co-opted Members:** Jim Gowans (Conservation Advisory Group)

**Officers in attendance:** Jane Moseley, Planning Manager, Ben Daines, Planning Team Leader, Sonia Gillam, Senior Planning Officer, Mike Sansom, Building Control Manager, Lesley Jefferies, Senior Conservation Officer, Alison Gatherer, Lawyer and Penny Jennings, Democratic Services Officer

**PART ONE**

**31 PROCEDURAL BUSINESS**

**31a Declarations of substitutes**

31.1 Councillor Bagaeen was in attendance in substitution for Councillor Theobald.

**31b Declarations of interests**

31.2 Councillor Fishleigh declared a prejudicial interest in Application A, BH2021/01845, Brighton College, Eastern Road, Brighton, explaining that she would leave the meeting and would take no part in the decision making process.

**31c Exclusion of the press and public**

31.3 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.

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

**31d Use of mobile phones and tablets**

- 31.5 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'.

## 32 MINUTES OF THE PREVIOUS MEETING

- 32.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 1 September 2021 as a correct record.

## 33 CHAIR'S COMMUNICATIONS

- 33.1 The Chair explained that Item D on the agenda has been withdrawn, temporarily, It was anticipated that it would now be considered at the next scheduled meeting on the Committee on 3 November 2021. Item B is here thanks to a new protocol whereby applications technically classed as 'major' can, if apparently uncontroversial, be determined under delegated powers, but can still be called to Committee if any of the parties' Lead Councillors deem it necessary. In this case, both Cllr Theobald and himself had felt it would benefit from a debate here.
- 33.2 Much more excitingly; on 30 September, Brighton & Hove City Council launched a joint consultation on two important plans which we were currently developing. These were our fifth Local Transport Plan, known as LTP5, and our Local Cycling and Walking Infrastructure Plan, the so called LCWIP. LTP5 sets out our vision and priorities for transport and travel across the city, up to 2030, and what steps needed to be taken in order to deliver them. The LCWIP presents our plans for the development of strategic walking and cycling networks, and active travel improvements across the city. Resident and other stakeholder participation in the consultation is crucial, and we are promoting involvement in various ways; inviting everyone to have their say. This will include drop-in public information sessions at Jubilee Library. Outlines of the LTP5 and LCWIP proposals and the consultation process are available at: [www.brighton-hove.gov.uk/onejourneybetter](http://www.brighton-hove.gov.uk/onejourneybetter). This page also includes a link to the online survey and information on how to order paper copies. The consultation was open until 15<sup>th</sup> November 2021.

- 33.3 **RESOLVED** – That the Chair's Communications be received and noted.

## 34 PUBLIC QUESTIONS

- 34.1 It was noted that one question had been received from Ms Hodge who was invited to put her question to the Committee which is set out below:

"With reference to BH2021/01999 Part Retrospective Planning for the Promenade to Roof Terrace lift at Rockwater Hove, BADGE notes that Committee have allowed a further 6 months leeway for Rockwater to install a lift. Please can Officers explain how they are allowing a venue to have been open since December 2020, whilst continuing to contravene SA6 and CP5 of Brighton & Hove's City Plan, & the Equalities Act (2010) & what will be done in future by Officers and this Committee to prevent clear breaches. The Law is clear that Access is a requirement and should have been a condition of use

of the Roof Terrace. Why do disabled people's needs continue to be last to be addressed?"

34.2 The Chair, Councillor Littman responded in the following terms:

“Planning permission BH2020/02211, which allowed the initial alterations to Rockwater, was granted on 13th January. This permission contained no condition in relation to the installation or availability of the lift to the terrace.

A further planning application, allowing minor amendments to some of the drawings in BH2020/02211, was subsequently submitted. This permission was granted on 5th August. Officers took the opportunity to attach a condition to BH2021/01999, requiring the passenger lift to be implemented and made available for use within 6 months of the date of the decision – so by 5th February next year. If the lift is not made available, operation of the venue must cease until it is.

While it is, of course, disappointing that the venue does not yet have full access for those with disabilities, this is being addressed by the condition in the new permission. As noted in the question, the Equalities requirements are covered in other legislation, so can be enforced by other means if they are breached.”

34.3 Ms Hodge was invited to put a supplementary question and in so doing referred to the need for Members to be aware of the issues which this application had brought to the fore and for the need for Members to receive training individually and collectively to ensure that legally and morally the city was a city for all.

34.4 The Chair, Councillor Littman, stated that training on this matter would be valuable and whilst he could not compel colleagues to attend he would support it being delivered as he considered that it would provide a useful contribution for Members of the Planning Committee.

34.5 **RESOLVED** – That the question and response to it be noted and received.

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

35.1 There were none.

**36 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

The Democratic Services Officer called over the applications appearing in the agenda, it was noted that all major applications were automatically called for discussion. All applications were called for discussion with the exception of:

Application C, BH2021/02376, 2 Blackthorn Close, Brighton.

It was also noted that Application D, BH2021/02310, 83 Mile Oak Road, Portslade, had been withdrawn in order to enable further consultation to take place. It was anticipated that it would be brought forward for consideration at the next scheduled meeting of the Committee on 3 November 2021.

**A BH2021/01845 - Brighton College, Eastern Road, Brighton - Full Planning****MAJOR APPLICATIONS**

1. The Planning Manager introduced the application by reference to photographs, plans and elevational drawings. A presentation was given setting out the rationale for the officer report recommendation.
2. It was noted that there was a substantial volume of historic planning and listed building applications associated with Brighton College, the surrounding area of which was predominantly residential in character. The application site extended to 0.45 ha and incorporated the Lester Building, Science Block and existing performing arts centre at the centre of the site. These buildings were 20th century additions and were not listed. A planning application and listed building application to demolish these buildings to accommodate the new performing arts centre (PAC) had been approved on 10 August 2021.
3. The principle of providing a new PAC building on site had been established by the earlier consents which had permitted the demolition of the existing PAC, science block and part of the Lester building and the erection of new music and drama school buildings. These had only been partially implemented, the new music building had been constructed but the PAC, science block and Lester building had not been demolished and a new drama building had not been erected, therefore, these were considered to be extant and represented a fall-back position for the college. Reference was also made to the most recent 2021 permissions, so the principle of demolition of these buildings had also already been established.
4. This application proposed the construction of a new performing arts building (following the proposed demolition of the existing buildings on the site, approved under consents BH2021/00843 & BH2021/00844) comprising the following:
  - A 400 seat multi-functional theatre
  - Multiple dance and drama studios
  - A new 6<sup>th</sup> Form Centre
  - Space for social gathering incorporating a café/dining area
  - Classrooms for English and Drama
5. The principle of a replacement performing arts building was considered acceptable and had been established by the previous planning consents relating to the site. The proposed performing arts building was considered to be of a high architectural quality, and the design and materials take cues from adjacent buildings. The scale of the proposed building was considerable and would have a strong presence on the campus. However, the fact that the proposal would open up physical and visual links between the Home Ground and the Grade II Listed Main Building would be a considerable heritage benefit. It was therefore considered that the proposal would result in less than substantial harm and when this limited harm is weighed against the (albeit limited) community benefits, on balance the scheme was considered to be acceptable. A robust justification of the size requirements of the building has also been submitted by the applicant. Therefore, approval was recommended.

Questions

6. Councillor Ebel sought clarification regarding whether the stage area was fully accessible. It was confirmed that the backstage area provided for disabled access, the only area which was not accessible was the balcony area where to do so would have required additional volume to the roof.
7. Councillor Yates stated that he was confused as whilst the most recent approval had indicated that the open ground within the site was to be retained, what was now proposed indicated an intensification of the site. He sought clarification regarding arrangements to be put into place to accommodate 200 – 300 people attending for performances and the impact this could have on the neighbouring area. Even if the number of events during the year were limited he considered that appropriate travel plan arrangements needed to be in place. Detail regarding the number of nights that the theatre would be in operation would also be helpful.
8. Councillor Bagaeen referred to the proposed design of the replacement buildings which were bound to increase the ecological footprint of the site. Whilst there were elements of the scheme which were to be commended he considered that more information was required in order for Members to be assured that the resultant building was fit for purpose and, regarding the potential use of the theatre.
9. The Senior Planning Officer explained that the proposals would meet BREAM excellent standards. The long-term benefits of the buildings environmental performance had been assessed in considering the scheme.
10. Councillor Shanks sought clarification whether any Community Infrastructure Levy was being sought. Councillor Moonan sought confirmation regarding local community use. Earlier permissions had referenced this and in her view more detail was required, this theatre building seemed to have significantly greater capacity than the previously approved scheme. Councillor Moonan also considered that more detail was also required regarding the impact of additional activity in the neighbouring vicinity generated by those attending performances at the college. Councillor Moonan considered that it would be appropriate for the final Travel Plan to go to the Members' Working Group for approval. Also, stating that it would be helpful for images to be made available indicating the impact of the theatre when viewed from the neighbouring street scene.
11. The Planning Manager explained that it was anticipated that revised access arrangements would replace rather than increase existing highway movements.
12. Councillor Childs stated that the site was in his ward referring to disruption that residents had suffered over the years in consequence of building works and movements associated with the construction process. He sought confirmation whether restrictions could be placed on times when activity could take place. The Planning Manager confirmed that Condition 5 referred to requirements in this respect. Councillor Childs stated that precise hours did not appear to be set out and asked if these conditions could be made more robust or brought back to Committee if they proved not to be. It was explained that any conditions applied needed to be reasonable.

Debate and Decision to Defer

13. The Chair, Councillor Littman, noted that the discussion which had taken place indicated that whilst Members clearly considered that there was much of merit in the proposals put forward and that they were therefore not minded to refuse permission, there were also matters on which they appeared to require further information in order to inform their decision making. As that appeared to be the general consensus he sought views of the Committee on whether it would be appropriate to defer the decision making process.
14. Councillor Janio stated that he was satisfied that the application was acceptable as put forward and was minded to vote to grant minded to grant permission.
15. Councillor Shanks requested that the above application be deferred in order for the applicants to provide more information in respect of the issues discussed. This was seconded by Councillor Moonan.
16. A vote was taken and on a vote of 8 to1 members voted to defer determining the application pending receipt of the further information/clarification referred to above, then to be brought back to a future meeting for decision.
17. In summary Members required more detailed information in respect of:
  - Community provision;
  - Disabled access – whether amendments could result in the theatre being fully accessible;
  - Appearance of the proposed scheme, particularly the theatre front and impact on the neighbouring street scene;
  - Travel Plan – to come forward to the Members Working Group;
  - Detail in respect of this application in the context of previous permissions and the differences between them.
- 36.1 **RESOLVED** – That the Committee defer consideration of the above application pending receipt of the additional information and clarification requested by Members and referred to above.

**Note:** Having declared a prejudicial interest in the above application Councillor Fishleigh left the meeting and took no part in discussion regarding the application.

**B BH2021/02701 - The Meeting House, Park Close, Brighton - Removal or Variation of Condition**

1. The Planning Manager introduced the application by reference to photographs, plans and elevational drawings. A presentation was given setting out the rationale for the officer report recommendation. It was noted that as the scheme had been approved it was only the acceptability of the variation of condition 26 which could be considered.
2. This application sought to vary condition 26 which was had been applied to the permission in order to secure satisfactory provision of homes for people with disabilities. Documents had been submitted on behalf of the applicant stating that the site and design constraints would impact on the ability to provide full, ramped accessibility from all parking spaces to all ground floor units for wheelchair users, although step free, level

access would be provided to one ground floor flat from disabled parking spaces and one unit would be fully wheelchair accessible.

3. Although full compliance with Part M4 (3) would not be achieved, the scheme would be compliant with the relevant development plan policies and would provide accessible accommodation for a range of people with different mobility needs. For these reasons it was considered acceptable for condition 26 to be varied in this instance.

#### Questions

4. Councillor Yates sought confirmation regarding the relationship between blocks A and B as there appeared to be a pathway connecting the two blocks. If that was so, he queried whether there a ramp of 11m would be required. The Planning Manager explained that the differences in levels between the blocks was such that it was not possible to provide level access to block A.
5. In response to further detailed questions, the Building Control Manager detailed the discussions which had taken place with the applicants. Due to the sloping nature of the site although the flats in question were all fully accessible internally or could be easily adapted to be so, it was not possible to make all of them wheelchair accessible without impacting on the access to both blocks. As there were no internal lifts only those units at ground floor level were suitable for disabled access. This was a challenging site in that it sloped down steeply to the rear.
6. Councillor Shanks sought further clarification regarding configuration of the flats and access arrangements to them that whilst all of the flats were easily adaptable only one had full wheelchair accessibility due to need to have stepped access to one of the blocks or to provide a ramp which would impact on the other blocks.
7. In answer to questions by Councillor Littman, the Chair, it was explained the in providing one wheelchair accessible unit the scheme was policy compliant, as the requirement that 5% of the units were fully accessible had been met.
8. Councillor Ebel enquired regarding the rationale for the original condition if the scheme was policy compliant. It was explained that the condition as originally envisaged could not met in the absence of internal lifts. This was not unusual in developments with blocks of the height. In answer to questions by Councillor Moonan it was explained that it stair lifts could be added in future if there was a desire to do so. The Building Control Manager explained that requirements in terms of accessibility to the blocks and within the units themselves fell within two separate sets of legislation, it was considered that a pragmatic and reasonable approach had been taken and what was proposed would be acceptable in this instance.

#### Debate

9. Councillor Ebel stated that having considered the responses provided in response to the detailed asked she considered that the proposed amendment was acceptable, she supported the officer recommendation.
10. Councillor Bagaeen, concurred considering that on balance what was proposed was a reasonable compromise without losing the condition altogether.

- 11. Councillor Moonan also concurred with that view.
- 12. Councillor Fishleigh stated that she was unable to support the recommendation. In her view it had been applied for good reason and the applicants should comply.

Vote

- 13 A vote was taken and on a vote of 8 to 2 members voted to grant planning permission
- 36.2 **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.

**MINOR APPLICATIONS**

**C BH2021/02376 - 2 Blackthorn Close, Brighton - Householder Planning Consent**

- 1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
- 36.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission to the Conditions and Informatives also set out in the report.

**D BH2021/02310 - 83 Mile Oak Road, Portslade - Householder Planning Consent**

- 1. It was noted that this application had been withdrawn in order to enable additional consultation to take place with neighbouring residents. It was anticipated that this application would be considered at the next scheduled meeting of the Committee on 3 November 2021.
- 36.4 **RESOLVED** – That the position as set out above be noted.

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

- 37.1 There were none.

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

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

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

- 39.1 There were none.

**40 APPEAL DECISIONS**



- 40.1 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 4.15pm

Signed

Chair

Dated this

day of