

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

10.30am 21 MARCH 2022

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Littman (Chair), Ebel (Deputy Chair), Childs (Opposition Spokesperson), Barnett, Moonan, Shanks and O'Quinn

Apologies: Councillors Fishleigh, Janio, Theobald, Yates

Officers in attendance: Nicola Hurley (Planning Manager), Kate Cole (County Ecologist), Andy French (Flood Risk Manager), Alison Gatherer (Council Lawyer), Emma Kumar (Housing Officer), Andrew Renaut (Head of Transport Policy & Strategy), Maria Seale (Senior Planner), Steve Tremlett (Planning Team Leader), Shaun Hughes (Democratic Services)

PART ONE

91 PROCEDURAL BUSINESS

a) Declarations of substitutes

91.1 Councillor O'Quinn substituted for Councillor Yates.

b) Declarations of interests

91.2 There were none.

c) Exclusion of the press and public

91.3 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.

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

92 MINUTES OF THE PREVIOUS MEETING

- 92.1 The minutes for the 9 March 2022 committee meeting will be available in the next meeting agenda.

93 CHAIR'S COMMUNICATIONS

- 93.1 Welcome everybody to today's special meeting of Planning Committee.

Today's meeting is unusual in more than one way. We will only be determining one application today and, as you can tell, we're meeting on a Monday morning rather than a Wednesday afternoon. This is because this was the only available time slot when the Council Chamber was free.

It is also unusual in that we are being asked not to approve or refuse an application, but what our position would have been had the decision rested with us. This is because the application before us today has already been appealed on the grounds of non-determination, meaning the decision lies with the Planning Inspector, following a public inquiry, not the Local Planning Authority. However, our decision today is important as it will have an impact on the proceedings of the upcoming appeal. It is possible that, should we decide to grant the application, the appeal might be withdrawn. Alternatively, if we agree the Officers' recommendation to refuse the application, this would form part of the Local Planning Authority's evidence submission to the public enquiry.

As we will see, the reason that the application, which was made in 2018 has not been determined, is that National Highways, one of the Council's statutory consultees, have not been able to offer their opinion on the transport implications of the application on the A27, King George VI Avenue, and other local roads, making it impossible for the Local Planning Authority to reach an informed decision.

Another unusual aspect is that due to the complexity of the application, reflected in it requiring this stand-alone meeting, I did not consider allowing only three minutes speaking time to be adequate for today's purposes. So, the ward Councillor, objectors, and applicant's agent will each be allowed to address the Committee for a maximum of ten minutes.

94 PUBLIC QUESTIONS

- 94.1 There were none for this meeting.

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

- 95.1 There were none for this meeting.

96 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

97 BH2018/03633 - LAND AT KING GEORGE VI AVENUE (TOAD'S HOLE VALLEY), HOVE - OUTLINE APPLICATION SOME MATTERS RESERVED

- 1. The Planning Manager and Planning Team Leader introduced the application to the committee. The Planning Team Leader introduced the policy issues and the Head of Transport Policy & Strategy laid out the highways and transport matters.

Speakers

2. Ward Councillor Bagaen addressed the committee and stated that they were pleased that the site visit had taken place and the amount of information available to the committee Members. The key points are the traffic issues, loss of amenities for residents, and the impact on the local infrastructure. The impact on the local area is a very important consideration. There have been several consultations, the last in 2021 and others going back to 2017. These have been useful; however, enquiry emails have not been answered. The delivery of affordable housing given this model of delivery is an issue. The case officer has used illustrative and indicative terms. Actually, what happens next is important as the applicant is not looking to build or develop the site but agree to principle of building on the land only. There are no plans to build at this time. Within the five year land supply, greenfield versus brownfield. There are 195 plots on the brownfield registry. 81.3 hectares are available. The argument that this application is needed may not be true. The application needs to be considered against policies CP 12, 13, 14 and CP1, 19, 20. This is a multiple development, and the reserved matters will be very important. The development is not entirely policy compliant. Recent Planning committees have shown what happens when a developer cannot deliver affordable housing. The reserved matters will be critical to delivering affordable housing on this site. As building costs increase, a different approach could be adopted – identify the master developer first. The councillor requested that the committee agree with the officer recommendation to refuse.
3. Thomas Fallon addressed the committee as an objector on behalf of the Goldstone Valley Residents' Association and stated that they were the chair of the group that represented over 1,000 households. Important issues relate to road safety and pollution. The group agree with the National Highways comments that there will be a big impact on local roads. The traffic report seems flawed as the onsite industry, school and housing will add congestion to the area of narrow residential roads. The amount of engagement has been poor. The proposed loss of the tree coppice and hedging is not good. It was noted that a bus service is not in the plans and no consideration of 'rat runs' created by the development. Pollution may put the water aquifer at risk. The impact on wildlife such as dormice, the national park and nearby Site of Nature Conservation Importance (SNCI) has not been discussed with residents. The committee were requested to refuse the application.
4. Gareth Hall addressed the committee as a local objector and stated that they had two main issues: traffic and wildlife. The roads will be impacted with Goldstone Crescent being chosen as the main route into the development. This will equal a up to 60%, increase in traffic. Twelve other roads will have up to 48% increase. The only mitigation offered are speed humps and the removal of parking in some areas. King George VI Avenue will slow down, and the impact will spread to other roads, which will not be able to cope. Neville Road, an A road, will see some increase. The speaker requested that the main entrance onto the site be at the top of the hill, not the bottom. It was considered that the traffic planning needed more imagination as Goldstone Crescent cannot cope with the traffic increase. The speaker requested that the trees along the road be given Tree Preservation Orders. There seems to be no biodiversity plan which would protect dormice and boundary hedging, and this is a major concern. More information is required for traffic and wildlife management. The committee were requested to refuse the application.

5. Martin Carpenter addressed the committee as the agent acting on behalf of the applicant and stated that they agreed the case officer's report was very comprehensive and they considered that the applicant had met all the main considerations for determining the application. It was noted that the report conclusion welcomed the application in principle, and transport case is well advanced. It was noted that a duplicate Planning application was submitted, and this was an allocated mix use site under City Plan Part One. 18 months of pre-application discussions were held, including many meetings with the council. A total of three years of discussions have been held and all planning matters have been resolved and the majority of matters agreed. The parameter plans are important as they form the framework of the outline plans which the reserved matters will be measured against.
6. The case officer informed the committee that the application before them was to give delegated authority in line with the case officer's recommendation.

Answers to Committee Member Questions

7. Councillor Shanks was informed by Councillor Bagaeen that they supported affordable housing; however, a registered provider was needed, and this should be enforced by condition. Gareth Hall and Thomas Fallon accepted the principle of development on the site.
8. The Housing Officer stated that the council would do everything to make sure a registered provider was onboard.
9. The Head of Transport Policy & Strategy noted that major issues were seen when the application was first submitted. The technical information has been submitted over a long time and this has been a slow process, which is ongoing, with a greater amount of information arriving in the last couple of months. The local highway authority were working as closely as possible with the Planners.
10. Councillor Ebel was informed by the Head of Transport Policy & Strategy that the A253 would be the designated route for Heavy Goods Vehicle (HGV) construction traffic. It was noted that an impact assessment study had been included in the overall assessment and that bus routes, whether changed or bespoke will be looked into, and along with the bus links to central Hove. The Housing Officer noted that the viability assessment would be carried out by the developer, and this was usually submitted when a developer was unable to provide affordable housing. The agent noted that this was a greenfield site and there was no viability case being made for less than 40% affordable housing. The affordable housing being provided is as related by the terms in the report and S106.
11. The Planning Manager confirmed that a viability assessment would only be submitted when a developer was not able to comply with policy. The 40% could not be changed in the reserved matters.
12. Councillor O'Quinn was informed by Ward Councillor Bagaeen that the infrastructure of the area would be impacted by this new community with no GP surgery on site, which would stretch the local infrastructure. Busses are currently one per hour and stop in the early evening. If the site is developed in phases, then the GP surgery and buses will not

be there at the start. The development will affect roads, access, transport, bus routes, water etc, all difficult to manage in parcels.

13. The case officer stated that there would be a new GP surgery on site and a community centre was proposed for phase two of the development.
14. Councillor O'Quinn was informed by the agent that the biodiversity of the 3 Cornered Copse would be increased, and the Traffic Assessment had been accepted in 2017 and then removed as it was not fit for purpose. The case officer informed the councillor that 0.48% of the copse was to be removed.
15. The County Ecologist informed the committee that there was no intention to move wildlife into the 3 Cornered Copse and a central reservation was to be created for dormouse movements. Reptiles are to be moved to the SNCI and north of the A27, and these would be slow worms and common lizards.
16. Councillor Moonan was informed by the agent that the applicant had submitted an appeal for non-determination to focus attention on the application as it needs to be determined. It was noted that future reserved matters applications would use the outline, parameter plans & s.106 framework. The agent confirmed that they were aware that there was a need for a school and a full consultation had taken place over two days and two community updates had taken place which were followed up with answers online. The agent also confirmed that the applicant intends to sell the site once outline planning permission has been granted.
17. The case officer stated that the land for the school formed part of the application as compliance with policy. It was noted that pupil numbers appear to be decreasing but no trend has been defined at this time.
18. Councillor Moonan was informed by the Head of Transport Policy & Strategy that the transport audit is being carried out by an approved consultant via National Highways. It was noted that there was no way of predicting the outcomes. The audit will cover all roads in the neighbourhood. The case officer stated that the self builds will be in phase two, there is no exact location for them and 15 out of the 30 will be affordable housing. It was noted that the S106 will cover the whole site. The Head of Transport Policy & Strategy informed Councillor Moonan that Court Farm access would be in the transport survey, the dotted accesses on the plan would form part of the reserved matters application, and all the road crossings would be light controlled. The Planning manager noted that any Tree Preservation Orders (TPO) would be a separate matter and the objectors would need to contact the Arboricultural Officer.
19. Councillor Barnett was informed by the Head of Transport Policy & Strategy that car parking details would form part of the reserved matters application and would be considered against policy.
20. Councillor Childs was informed by the agent that acoustic fencing along the A27 boundary on highway land was refused by the National Highways Authority. The employment land would be adjacent to the A27, and this would act as a buffer for the school. The housing would need to include acoustic double glazing. It was noted that the employment space would be built by phase two and the space would be marketed

for three years. The number of two bed units would be 50% under current policy, and the number of beds in the affordable housing would be guided by policy.

21. Councillor Shanks was informed by the case officer that the recent Court Farm planning permission had lapsed. The applicant did not own Court Farm and there was no requirement through policy to ask the applicant to explore access through that site.
22. Councillor O'Quinn was informed by the Head of Transport Policy & Strategy that all 6 road crossing would be light controlled. The County Ecologist stated that sheep could be used on the SNCI section of the site to clear back the scrubland to reveal the chalk downland. It was noted that the transport assessment covered a large part of the city and used pre-COVID volumes and movements.
23. Councillor Moonan was informed by the County Ecologist that there were no rare breeding birds on the site and the existing birds would not be disturbed during the breeding season. The dormice would be moved under licence as part of the mitigation strategy, and the reptiles could be moved to the SNCI in phase one and reptile fencing would be used to track and capture, which would have to meet minimum standards with 5 days of no captures to state all clear. Captures would take place at each phase. It was noted there are no rare breeds on site. The SNCI is designated by the local authority and does not have as much protection as Site of Special Scientific Interest, which is designated by Natural England. The Flood Risk Manager noted that by condition the water aquifer was protected.
24. Councillor Childs was informed by the Flood Risk Manager that the quality of water was a Public Health issue. The Head of Transport Policy & Strategy informed the councillor that there were no pedestrian/cycle bridges or tunnels as the costs would be significant and all the road crossing would be light controlled. National Highways had categorically refused to allow acoustic fencing on the boundary land. The case officer stated that the two bed unit policy was to ensure a minimum density across the site and there was no policy for 5 bed. The mix of units was indicative at this stage. The Empty Property officer noted that the affordable housing was made up of 2 and 3 bed units.
25. Councillor Ebel was informed by the case officer that the community centre could be used for religious purposes, but that centre would still need to remain in flexible community use overall. Conditions suggested to the inspector would be examined should they be minded to grant permission.
26. Councillor O'Quinn was informed by the County Ecologist that there were enough licenced ecologists to carry out surveys. There was the potential for Starling and House Sparrow boxes on site. The Head of Transport and Strategy noted that the transport audit will look at the safety of a crossing on the A27 slip road and the pedestrian / cycle access to the downs. The agent noted there was no policy requirement for access onto the A27 from the site.
27. Councillor Childs was informed by the agent that any fencing along the embankment would be significant and impractical. The case officer stated that it was not possible to condition without policy justification employment phase, 2 and 5 bed affordable housing or pedestrian /cycle bridges and tunnels.

28. Councillor Ebel was informed by the agent that the potential total number of residents for the 880 homes could be 2,200.

Debate

29. Councillor Barnett considered traffic to be an issue, the impact on Westdene and Hove Park, and the overdevelopment of the site. The football stadium had been refused on this site for drainage reasons, so why is housing acceptable. The councillor noted the resident's objections and stated they would vote against the application.
30. Councillor O'Quinn stated they had many concerns regarding traffic and noted there was traffic calming already in place due to the number of parked cars in the area. The councillor considered the slip road crossing unsafe and there was the potential for gridlock and requested more ideas on traffic management. The councillor considered the site was attractive to developers and wanted the affordable housing to remain at 40%. Concerns were also raised relating to the aquifer and the number of houses on the site. The councillor stated they were against the application on the grounds of traffic and housing numbers.
31. Councillor Moonan stated they supported the officer recommendation to refuse the application. The councillor considered the development on balance to be good, with a good mix on site. The masterplan was good, as were the ecology responses. Water management may be an issue for the future. The councillor stated they were disappointed that the applicant went to appeal to move the application along. The councillor hoped the traffic audit will tighten-up the traffic issues.
32. Councillor Ebel considered the masterplan to look good, however, the traffic issues were a concern, as was the provision of 40% affordable housing. The councillor considered the transport audit was required.
33. Councillor Shanks was concerned at the length of time the application had taken, they supported the development and understood why the officer had recommended refusal.
34. Councillor Childs noted the housing need and considered the community areas and biodiversity to be good. The impact on the city needed to be looked at, along with the traffic issues and the knock-on effect on the local area. The councillor considered it not reasonable to agree the application and considered there was insufficient modelling on pollution, over development of the site with too many units and lack of parking management. The councillor requested that four conditions be added to the application: developer required to build a swimming pool at the school; employment land was a requirement; 2 of the 5 bed houses should be affordable housing, and the development includes pedestrian / cycle bridges and tunnels.
35. Councillor Littman noted there were 53 units per hectare, which is below policy. The councillor considered there were lots of positives to the site and noted there had been 88% of development is on brownfield sites, the councillor considered the ecology and drainage systems to be acceptable. The councillor supported the officer recommendation.
36. The Planning Manager stated in response to comments that a school was included in the application, 880 dwellings was within strategic density, and in respect of the

conditions, it would not be reasonable to regarding cost to include a swimming pool, there is no policy support for the employment space and pedestrian / cycle bridges and tunnels would be outside the site boundaries and therefore outside the developer’s control. It would also not be reasonable to insist on 2 and 5 bed affordable housing.

37. Councillor Moonan suggested the affordable housing requirement for 2x 5 bed houses to be submitted as an informative instead. The chair and committee supported the suggestion. Councillor Childs asked for the bridge/tunnels to be an informative too.

Vote

38. A vote was taken, and the committee voted unanimously to support the officer’s recommendation to refuse the application.

39. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that had the planning application come before the Committee for determination it would have **REFUSED** planning permission for the reasons set out in the report.

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

98.1 There were none for this meeting.

99 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

99.1 There were none for this meeting.

100 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

100.1 There were none for this meeting.

101 APPEAL DECISIONS

101.1 There were none for this meeting.

The meeting concluded at 2.21pm

Signed

Chair

Dated this

day of