

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 11 JANUARY 2023

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Littman (Chair), Ebel (Deputy Chair), Childs, Hills, Moonan (Opposition Spokesperson), Shanks, Yates and Bagaeen (Substitute)

Officers in attendance: Jane Moseley (Planning Manager), Alison Gatherer (Lawyer), Ben Daines (Planning Team Leader), Liz Arnold (Planning Team Leader), Alice Johnson (Assistant Planning Officer) and Shaun Hughes (Democratic Services Officer)

PART ONE

71 PROCEDURAL BUSINESS

a) Declarations of substitutes

71.1 Councillor Bagaeen substituted for Councillor Theobald.

b) Declarations of interests

71.2 Councillor Yates declared they were a neighbour of the application site for item A and would therefore withdraw from the decision making process. Councillor Shanks stated they were involved in writing the history of 67 Centre, however, they remained of an open mind regarding item A.

c) Exclusion of the press and public

71.3 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.

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

72 MINUTES OF THE PREVIOUS MEETING

72.1 **RESOLVED:** That the committee agree the minutes of the meeting held on 07 December 2022 as a correct record.

73 CHAIR'S COMMUNICATIONS

73.1 The chair stated the following: I wish everyone a very happy new year.

74 PUBLIC QUESTIONS

74.1 There were none.

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

75.1 There were none.

76 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

76.1 Items A, B and C were automatically called for discussion and committee decided not to call items D and E.

A BH2022/01063 - Moulsecoomb Hub North, Hodshrove Lane, Brighton - Full Planning

1. The case officer introduced the application to the committee and noted that 9 new letters of objection had been received.
2. Councillor Bagaean was advised that they should not participate in the discussions or decision making on this item as they had not been present for the presentation. The councillor decided to leave the meeting and not return.

Speakers

3. Adrian Hill addressed the committee as an objecting resident and stated that they felt misled by the marketing as the centre of Moulsecoomb will be changed forever. The services to be lost on the site are much needed by the community. There are noise pollution and transport issues with the application. There is not much in the area which means residents will drive to goods and services. Parking and views will be lost, and no cycle lanes are proposed, this will be a car centric development. Play areas and green spaces will be lost on this brownfield site. Badgers, bats and slow worms will lose habitats. Please preserve the recreational facilities.
4. Maria Kinsey addressed the committee as an objecting resident and stated that the local residents feel let down. It is felt that the original plans and the final ones are nowhere near the same, and the revised plans were never taken back to residents for discussion. The process of objecting is made to put people off. Residents live in dread of the proposals with huge imposing blocks near existing residents' gardens, resulting in loss of privacy. Four years of construction works is making residents want to leave. Parking overspill will be an issue. Please delay so a meeting can be set up with the people most affected.

5. Guy Davies addressed the committee as the agent for the application and stated that the council were seeking redevelopment of the site. Within the city there are 18,000 people needing homes and a hundred percent affordable housing will be available in the scheme. The proposals form part of the Lewes Road Development Area identified in City Plan Part 2, and will include a new community hub, a GP surgery, café and communal space, and skate park. The application has been through the planning pre-application process as well as nine exhibitions taking place, three leaflet drops of 4,000, and has been posted on the council website. It is considered that the increase in traffic will not have a significant impact. There will be a range of houses and units, with the designs taking account of the topography of the site.

Answers to Committee Member Questions

6. Councillor Childs was informed by the agent that there was only one new shop covering some 80sqm. It was not known if the ATM would be free to use at this stage. The case officer stated that 22 trees would be lost and 157 would be planted. 300 cycle spaces were in the scheme, some outside and some inside, but no new cycle lanes. The existing boxing and children's clubs are to remain. Swift and bee boxes are part of the overall strategy for the site secured by condition. There will be 115 new parking spaces.
7. Councillor Moonan was informed by the Highway Agreements Officer that the speed limits on the internal estate roads are to be decided by the developer. The roads will be narrow with bends, thereby slowing vehicles naturally. The travel plan covers parking for the site which is not in a controlled parking zone. A one-way system could be introduced on Hillside Road if needed. The case officer noted that the travel plan was part of the section 106 legal agreement and the impact of the new traffic, mostly travelling north from the site would not be significant. It was noted that the new community hub will be required to be finished before the existing is demolished. The existing open space is to be replaced with a 3G football pitch. The Highway Agreements Officer stated that there is no statutory requirement to consult on the travel plan with local residents, however, any residents' comments would be noted, and surveys would be undertaken during the travel plan process.
8. Councillor Hills was informed that a Preliminary Ecological Assessment had been undertaken, and it was considered there was no significant loss of habitat for roosting bats. A green corridor will be created to allow bats to pass through the development. The site is not rich in diversity and the site will be cleared in line with government guidance. There will be a biodiversity net gain with boxes for birds and bats, native species planting, and a pond. It was noted that planning letters were sent to all properties affected, site notices posted and notices in the press.
9. Councillor Shanks was informed that there was a demand in the area for a 3G pitch. The large Plane tree is to be removed to allow wheelchair access to block 'L'. Two spaces are proposed for car club use, more can be added if required. The Highway Agreements Officer noted that there a number of spaces already on the highway and car club spaces take away available spaces from other users. Maria Kinsey stated that 4 consultation meetings had taken place, however, no one seemed to know about them. Residents don't feel consulted. The lamppost posters and leaflets were not enough. There are lots of animals on site, foxes, bats and slow worms, plus cats and dogs.

Adrian Hill considered that most people don't know the details of the scheme, and the brochure is not clear. The councillor requested that the Plane tree be saved if possible.

10. Councillor Ebel was informed that condition 27 relates to traffic calming measures, with details to be agreed at a later date. The proposed units will be available to those on the housing list.
11. Councillor Littman was informed that by the agent that the client was happy to re-use the wood from any felled trees.

Debate

12. Councillor Shanks considered the homes were needed and supported the application. There were concerns over the consultation with residents and the councillor felt lessons could be learnt.
13. Councillor Ebel was pleased to see 100% affordable housing, parking spaces and a good design. The councillor was sorry residents were upset and considered many will benefit.
14. Councillor Childs considered trust needed to be rebuilt with the community. The proposed social housing is badly needed on this brownfield site. The biodiversity net gain is noted. The councillor supported the application.
15. Councillor Hills considered housing needed to be delivered and the cycle parking was good. The councillor was sorry residents feel unheard. As there were many benefits to the scheme the councillor supported the application.
16. Councillor Moonan considered the traffic management was a concern, the development creating 'rat runs', particularly at peak times. The councillor urged officers to look at the traffic plan and to consult. On balance the councillor supported the application.
17. Councillor Littman considered the traffic management plan to be important, as was the biodiversity net gain.

Vote

18. A vote was taken, and the committee agreed unanimously to grant planning permission.
19. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives as set out in the report, SAVE THAT should the s106 Planning Obligation not be completed on or before 5 April 2023, the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 14 of the report.

B BH2022/03260 - Le Carbone, The Old Brewery, 37 South Street, Portslade - Full Planning

1. The Planning Manager introduced the application to the committee.

Speakers

2. Ward Councillor Hamilton stated that in their letter of objection it should read B1 not 61 and they were disappointed that the original scheme which included an art studio and café are not being carried through by the new owners of the site. The councillor considered that a new arts space would have benefited the community. Elements of the scheme are being removed and the development not materially improved. The councillor considered residents views were being ignored.
3. Al Start addressed the committee representing a group of residents and stated that they lived next to the Old Brewery. Construction works had been ongoing for 6 years and the new owner wants to replace the community benefits with a gym. At the moment residents have to travel to Brighton for arts. This site would be perfect for a gallery, and Phoenix are still interested in the site. The committee were requested to vote with integrity.
4. Colin Sharpe addressed the committee as the agent and stated that the council had contacted about a gym and were informed this was an acceptable use. The local community will benefit from the use. The agent commented that the committee had no reason to refuse the application.

Answers to Committee Member Questions

5. Councillor Yates was informed that the use class order B1 no longer exists, but it falls within use class E because the Use Class Order has changed. The application is required as the space has not yet been used for B1 use. Until that has been implemented it cannot be put to a Class E use such as a gym. The agent stated that the proposed use is for a gym and the previous interested parties have fallen away. The gym would fall within use class E. Use class D1 is for galleries open to the public.
6. Councillor Shanks was informed that the previous B1 use related to 'art studios and ancillary galleries, shared community space and café' so was for more than arts, and there was no condition to include an art gallery. The Legal advisor stated that the use class B1 no longer applies and B1 can be changed to E anyway. B1 use class related to offices, research, development industries. The agent stated they were not aware that Phoenix arts were still interested.
7. Councillor Moonan was informed that the B1 use did not include gyms. The agent stated that marketing for B1 uses had received no positive feedback. Marketing had been on the internet by agents. The case officer stated that another application on the site included information confirming that the B1 use had been advertised correctly for over 12 months. The Planning Manager stated the gym was on the ground floor of the building.
8. Councillor Littman was informed that if the café had opened a change to use as a gym would not have required permission.

Debate

9. Councillor Yates considered it did not seem reasonable to change the use and was unhappy at the loss of community benefits. The initial scheme sought arts. The councillor was sorry for the residents; however, because of the use class being the same they supported the application.
10. Councillor Moonan felt frustrated, however they considered there was nothing to be done as the council's hands were tied.
11. Councillor Shanks stated they were against the application.
12. Councillor Ebel felt unhappy about the application and stated they were against it.
13. Councillor Childs stated they were against the application.
14. Councillor Littman supported the application, stating that they could not do anything else. The councillor felt sorry for the residents.

Vote

15. A vote was taken, and by 3 to 4, with 1 abstention, the committee agreed to grant permission. (The chair used a casting vote)
16. **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 in the report.

C BH2022/01791 - 22 Osmond Road, Hove - Householder Planning Consent

1. The Planning Manager introduced the application to the committee.

Speakers

2. Ward Councillor Allcock addressed the committee and stated that they objected to the extension as it would be overbearing, too close to neighbours and would result in the loss of mature trees. The existing small gap between neighbours would be reduced with a negative impact on the streetscene. Ward Councillor O'Quinn addressed the committee and stated that they noted the gap between properties would be less than 1 metre. The cypress trees won't survive the construction process. The proposal will result in loss of light to neighbours. The scheme is an over development with lots of objections.
3. Andy Parsons addressed the committee as the agent and stated that more space was needed for the owner's family. The proposals maintain a path width at the side of the property, which is lower than the neighbour at 24. Following advice from the case officer the scheme has been reduced. The client and the neighbours want the trees to remain. The construction works will stay away from the trees. The extension is much needed in this multi-generational home.

Answers to Committee Member Questions

4. Councillor Hills was informed that the existing trees were not protected and the light to the trees was assessed and found acceptable. Two conditions covered the protection of trees.

Debate

5. Councillor Yates stated that they understood the concerns, however the proposals were well designed with marginal impact. The loss of vegetation was acceptable as it had limited amenity value. The councillor supported the application.

Vote

6. A vote was taken, and the committee agreed unanimously to grant planning permission.
7. **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 in the report.

D BH2022/03123 - 104 Longhill Road, Brighton - Householder Planning Consent

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
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 set out in the report.

E BH2022/02779 - 78 Waldegrave Road, Brighton - Householder Planning Consent

3. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
4. **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 set out in the report.

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

- 77.1 There were none.

78 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

79 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

79.1 There were none for this agenda.

80 APPEAL DECISIONS

80.1 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 5.05pm

Signed

Chair

Dated this

day of