

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 7 FEBRUARY 2024

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Loughran (Chair), Allen (Deputy Chair), Earthey (Substitute), Lyons (Substitute), Nann, Robinson, Shanks, Sheard (Substitute) and Winder.

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

PART ONE

77 PROCEDURAL BUSINESS

a) Declarations of substitutes

77.1 Councillor Lyons substituted for Councillor Theobald. Councillor Earthey substituted for Councillor Fishleigh. Councillor Sheard substituted for Councillor Thomson.

b) Declarations of interests

77.2 There were none for this meeting.

c) Exclusion of the press and public

77.3 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.

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

d) Use of mobile phones and tablets

77.5 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 'airplane mode'.

78 MINUTES OF THE PREVIOUS MEETING

78.1 **RESOLVED:** The minutes of the meeting held on 10 January 2024 were agreed.

79 CHAIR'S COMMUNICATIONS

79.1 The chair noted that the National Planning Policy Framework (NPPF) had been updated and this had been used by the case officers when considering the applications on the agenda.

80 PUBLIC QUESTIONS

80.1 There were none for this meeting.

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

81.1 **RESOLVED:** The agreed that a site visit would be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2023/02027: Brighton Youth Centre, 64 Edward Street Brighton, BN2 0JR	Councillor Allen

82 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

82.1 The Democratic Services officer called the agenda applications to the committee. The following items were not called for discussion and were therefore taken to be agreed in accordance with the officer’s recommendation.

- E: BH2023/02647 - Rowan House, 12 Rowan Close, Portslade
- J: BH2023/03311 - Preston Park, Preston Road, Brighton
- K: BH2023/02727 - 137 Goldstone Crescent, Hove

All other applications were called for discussion, including major applications and those with speakers.

A BH2023/02850 - Land at King George VI Avenue, (Toads Hole Valley), Hove - Removal or Variation of Condition

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

Answers to Committee Member Questions:

2. Councillor Robinson was informed that the heads of terms for the s106 agreements were not altered from those already agreed but some wording in the agreement needed changing. The councillor was informed by the case officer that the road connections with the existing housing had been considered in approving the previous planning application. It was noted that the biodiversity gains had been considered in the previous application.

3. Councillor Sheard was informed that the nearest secondary school was Blatchington Mill.
4. Councillor Nann was informed that the transport requirements have already been considered under the previous planning application.
5. Councillor Lyons was informed that the application was being considered at committee as this related to a major application. It was noted that the supermarket application adjacent to the site would be considered under a separate planning application.

Debate

6. Councillor Shanks considered the development should be started as soon as possible. The councillor supported the application.
7. A vote was taken, and by 8 to 1 abstention, the committee agreed to be minded to grant planning permission.
8. **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 Deed of Variation to the s106 agreement as set out in the report, and subject to the Conditions and Informatives as set out in Appendix A, SAVE THAT should the s106 agreement not be completed on or before 7th May 2024 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Appendix B of the report.

B BH2023/02027 - 64 Edward Street, Brighton - Full Planning

1. The committee agreed to defer the application in order to carry out a site visit. It was also agreed that the application would be considered at the following committee meeting.

C BH2021/04068 - Saxon Works, Land to the Rear of 303-305 Portland Road, Portland Road, Hove - Full Planning

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

Answers to Committee Member Questions

2. Councillor Robinson was informed that the s106 related to conditions in the case officer's report. It was noted that none of the plans had been altered.
3. Councillor Allen was informed that the 2023 decision was 2 to 4 and 2 abstentions, and that the overturn process has been revised since so applications should not have to come to Committee in similar situations.

Debate

4. Councillor Allen considered the development should go ahead.

Vote

5. A vote was taken, and the committee voted unanimously to agree planning permission.
6. **RESOLVED:** That the Committee agrees that the Head of Planning be authorised to negotiate and agree conditions and a section 106 agreement in the event of a valid appeal being submitted and the appeal being allowed, based on the Head of Terms and conditions set out in the report.

D BH2023/03155 - 30 Bodiam Avenue, Brighton - Full Planning

1. The Planning Manager introduced the application to the committee. The case officer updated the committee by informing them that two further objections had been received, however, they related to issues already raised.
2. Ward Councillor Evans addressed the committee and stated that they objected to the application and noted that residents objected to students renting Houses in Multiple Occupancy (HMOs). There are a number of unregistered HMOs in the area, which is not reflected in the report. The community have expressed concerns relating to parking, noise, refuse collections and the impact of the HMO on the community. The councillor requested that the committee refuse the application.
3. Paul Joyce addressed the committee as the agent acting on behalf of the applicant and stated that the proposed HMO was small and complied with policy. The landlord has other properties and has maintained these to a high standard. The property adds to the housing stock and will be affordable and accessible. The application is in line with housing strategy and policy. It was considered that the HMO would not necessarily result in anti-social behaviour. A family of 5 or 6 could live in the property anyway. The committee were requested to approve the application.

Answers to Committee Member Questions

4. Councillor Nann was informed that the application can only be assessed on lawfully registered HMOs, and it was not possible to go each house in the area and check who occupied each property.
5. Councillor Lyons was informed that the maximum number of persons would be 6 or a new application would be required. It was noted that there are no parking restrictions in the area apart from on match days. The case officer stated that the transport team had raised no objections to the application and there was sustainable transport available nearby.
6. Councillor Loughran was informed that more than 6 would require planning permission.
7. Councillor Shanks was informed that there were two bathrooms, and the communal spaces meet space standards. It was noted that the house could be returned to a dwelling (planning use class C3) without an application provided the space standards

were met. The article 4 Direction protects homes being changed to HMO and not from HMO to C3 use.

Debate

8. Councillor Allen considered that the 5 to 6 people may have partners so more than 6 would occupy. It was noted that this was a local authority property bought under right-to-buy and now making a profit. However, the application is considered policy complaint. The councillor supported the application.
9. Councillor Robinson considered they had to accept the application; however, they would like landlord licensing reactivated.
10. Councillor Nann considered that a family home compared to an HMO was very different and could have a negative impact on the area. However, they considered that there was no way of refusing the application.
11. Councillor Sheard considered that there were two ways to look at HMOs: to many they are an issue however, there is a dire housing shortage and a need to house young people.
12. Councillor Lyons considered that some local authority housing is not in good condition, and selling council homes was acceptable. Parking is considered an issue in the area.

Vote

13. A vote was taken, and by 8 to 1 against the committee agreed to grant planning permission.
14. **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.

E BH2023/02647 - Rowan House, 12 Rowan Close, Portslade - Full Planning

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

F BH2023/03066 - The Garden Villa, 11C Montpelier Villas, Brighton - Householder Planning Consent

1. The Case officer introduced the application to the committee.

Speakers

2. Simon Bareham addressed the committee on behalf of the applicant and stated that they considered the impact on the listed building to be acceptable as the storey extension to the front elevation is to be replaced and this will improve the visuals. The design compliments the existing building and reinforces the subserviency as it is set back from the main building. The listed building in Montpelier Road is not compromised.

There are no objections from neighbouring residents and the proposal directly faces part of several properties. Impact on day/sunlight is considered acceptable. The scheme will improve the building and improve the symmetry.

Answers to Committee Member Questions

3. Councillor Lyons was informed that most of the supporting residents lived near the building. It was noted that the reasons for refusal included light and overbearing impact and the application was being refused as being contrary to policy.
4. Councillor Sheard was informed that the application was identical to the previous application which was refused apart from the sun/daylight assessment which considered the proposal to not have significant impact. Sunlight and daylight impacts had therefore not been included in the reasons for refusal.
5. Councillor Earthey was informed that the existing building was grade II listed and this was considered to have heritage value. It was noted that the materials would be able to be matched should the proposals be agreed.
6. Councillor Robinson was informed that the Heritage team and Conservation Advisory Group had objected to the application.
7. Councillor Loughran was informed that the degree of harm was less than substantial, however the development was of no public benefit. The proposal was considered to not respect the existing listed building.
8. Councillor Allen was informed that the Regency Society had not commented on the application. It was noted that if permission was granted then that any change to the listing of the existing building would lie with Historic England.

Debate

9. Councillor Shanks considered the proposals looked better than the existing situation and no great harm would have been caused. The councillor did not support the officer recommendation to refuse.
10. Councillor Lyons considered the property looked better with the proposal. The councillor did not support the officer recommendation to refuse.
11. Councillor Robinson considered the proposals to change the streetscene.
12. Councillor Sheard considered the applicant had waited to re-submit the application to a new planning committee and they could not support that.
13. Councillor Nann considered the proposals reduced the subservience and impacts on the listed building.
14. Councillor Allen considered the heritage needed to be protected and noted the proposal was not policy compliant. The councillor supported the officer recommendation to refuse.

15. Councillor Loughran noted the area was sensitive and there would be an impact on the listed building and the application did not comply with policy.
16. A vote was taken, and by 6 to 2 against and 1 abstention, the committee agreed with officer recommendation to refuse the application.
17. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons in the report.

G BH2023/03067 - The Garden Villa, 11C Montpelier Villas, Brighton - Listed Building Consent

1. The Case officer introduced the application to the committee.

Speakers

2. Simon Bareham addressed the committee on behalf of the applicant and stated they had nothing more to add to the statement made in support of the planning application BH2023/03066.

Vote

3. A vote was taken, and by 7 to 2 abstentions the committee agreed with the officer recommendation to refuse listed building consent.
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 **REFUSE** Listed Building Consent for the reasons in the report.

H BH2023/02707 - 11 Lyminster Avenue, Brighton - Householder Planning Consent

1. The Planning Manager introduced the application to the committee. The case officer updated the committee and informed them that two further objections had been received regarding issues already raised.

Speakers

2. Paul Allen addressed the committee as resident and stated that they considered the development to be imposing, turning a 2-bed into a 4-bed home. The parking in the area is oversubscribed and the development will overlook the neighbouring garden and house. Obscured glazing is required to reduce the impact and maintain privacy. Anything exceeding permitted development would be unacceptable and should be refused. The proposals are too close to the boundary and not 3 metres away as suggested on the planning portal. The plans are inaccurate as the 3.9m height is really 4.5m due to slope of the plot.
3. The agent acting on behalf of the applicant was not available to address the committee.

Answers to Committee Member Questions

4. Councillor Shanks was informed that no first-floor windows are included in the proposals, there is only the relocation of a ground floor window. The resident confirmed that the extension faces west, and the picture window will overlook the neighbouring property. The Planning Manager stated that the second window could be obscure glazed, and the first-floor window was a rooflight.
5. Councillor Allen was informed that the proposed Juliet balcony was considered no more harmful than the existing situation. Some screening is offered by the boundary foliage.

Debate

6. Councillor Shanks stated they were happy to approve the application.
7. Councillor Lyons considered that a condition to obscure glaze the large picture window was required. Councillor Shanks seconded the motion. The councillor withdrew the proposal when they were informed that the window faced the neighbours side elevation brick wall and did not line up with the neighbours' windows.

Vote

8. A vote was taken, and the committee agreed unanimously to grant planning permission.
9. **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.

I BH2023/02441 - The Hare and Hounds, 75 London Road, Brighton - Full Planning

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

Answers to Committee Member Questions

2. Councillor Lyons was informed that the terrace opening times were 10am to 10pm during the week and 11pm over the weekend, and there would be 27 tables for up to 214 persons.
3. Councillor Allen was informed that the new door proposed on Viaduct Road was step free.
4. Councillor Robinson was informed that the roof terrace was enclosed.
5. Councillor Earthey was informed that the provision of a lift to the roof terrace had been shown not to be feasible as this was an historic building, however, ground floor access had been improved.
6. Councillor Shanks was informed that there was a residential flat inside the property and the roof terrace was open to the air.

- Councillor Robinson was informed that there was one disabled toilet on the ground floor.

Vote

- A vote was taken, and by 7 to 1 the committee agreed to grant planning permission. (Councillor Nann took no part in the discussions or decision-making process).
- 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.

J BH2023/03311 - Preston Park, Preston Road, Brighton - Full Planning

- This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

K BH2023/02727 - 137 Goldstone Crescent, Hove - Householder Planning Consent

- This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

L BH2023/02672 - 3 Westmeston Avenue, Saltdean, Brighton - Householder Planning Consent

- The Planning Manager introduced the application to the committee.

Speakers

- Anne Pether addressed the committee as a resident and stated that they considered the development would overlook the neighbours' garden and privacy would therefore be invaded. The plot is for a bungalow and not a big building. The roofline is not in line with the slope of the road and the property will double in size. The design is not in keeping with the area. The development will be harmful to the mental health of the neighbours as light and privacy are a right. Badgers have been seen in the neighbouring gardens and a set maybe nearby.
- Filip Singh addressed the committee as the applicant and stated that they were the owner and not a developer. The proposals are so they can stay in the property and live in a sustainable home. The scheme will use sustainable building methods and complies with policy. The external surfaces will render and timber cladding. The one and half storey scheme has been carefully considered to not impact the neighbours. The daylight assessment confirms the impact on neighbours is acceptable. The development will have minimal impact on the area and is designed in the light of the local context. The development respects policy.

Answers to Committee Member Questions

- Councillor Robinson was informed that the development increased the ridge height over the existing.

Debate

5. Councillor Earthey stated they lived near to the property, and they considered both the objecting neighbour and the applicant had valid points. They were not averse to development in the road, where a large number of bungalows have come to the end of their useful life. The Saltdean and Woodingdean areas are changing as a result. The councillor supported the application and noted that others in have already made changes to the streetscene. It was noted that construction works have caused disruption in the road.
6. Councillor Allen noted the design in the streetscene was acceptable as works had already been undertaken on number 5 and 4. The councillor supported the application.
7. Councillor Shanks considered the design to be good and they supported the application.

Vote

8. A vote was taken, and the committee agreed unanimously to grant planning permission.
9. **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.

M BH2023/02906 - 56 London Road, Brighton - Full Planning

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

Speakers

2. Ward Councillor McLeay addressed the committee and stated that they objected to the application due to the impact on the neighbours. No Building Control application has been made and no surveyors have been involved so far. No contact has been made with the neighbours. There has been a loss of light and overshadowing as a result of the development. The neighbours now use internal lights more than before. There was no light impact from the previous small shed, however, the new development fills the space. Refuse and food waste smells now invade through the neighbours' windows and lights are shining into them. The boiler flue is now directed at neighbours and noise is a major issue. The committee were requested to take on board all of the issues raised.
3. Chloe Smith addressed the committee as the agent acting on behalf of the applicant and stated that the Building Control inspector had attended the site and all issues raised have been addressed including noise reduction. The material use of the building has not changed. The existing compressors have been moved and the extension has been given a sloping roof to allow light into the neighbours and prevent overshadowing. The noise impacts have been reduced by enclosing the compressors. The extractors remain in the same position. The light at the rear of the building is for safety reasons and not used after 9pm. The light automatically switched off after 60 seconds. The development conforms with national and local policies. The committee were requested to approve the application.

Answers to Committee Member Questions

4. Councillor Robinson was informed that the windows facing the rear of the building were residential, the rear light is not used after 9pm and automatically turns off after 60 seconds. The Planning Manager noted that as the use of the building and yard had not changed limiting the use of the rear light by condition would be unreasonable.
5. The case officer confirmed that the development was further away from the neighbours' windows than the previous building had been, and that this application was not for a change of use. Any concerns regarding the noise from staff talking late at night and lights should be reported to Environmental Health.
6. Councillor Nann was informed that conditioning use of the rear lights would be unreasonable.
7. Councillor Earthey was informed that the applicant was able to make a retrospective application and no punitive action would be taken.
8. Councillor Shanks was informed that the use had not changed from the approval in 2010, only the erection of a new structure was proposed.
9. Councillor Sheard was informed that there was no change of use or volume to the building as existing on site.
10. Councillor Loughran was informed that the use is existing the application was to assess the impact of the structure and not anything else. The case officer noted that DM40 was included in condition 2 and if noise increases then this can be investigated by Environmental Health.

Debate

11. Councillor Allen stated that they found the application acceptable considering there were more businesses along the London Road than residential units. Ward Councillor McLeay should keep a watch and report any issues. The rear light should be there to enable workers to do their job safely. The councillor supported the application.
12. Councillor Nann considered it was a shame the lighting could not be conditioned, and they considered the application had to be approved.
13. Councillor Sheard considered that the rear lights were good for workers, as was the bike storage. The councillor supported the application.

Vote

14. A Vote was taken, and by 8 to 1 abstention the committee agreed to grant planning permission.
15. **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.

83 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

84 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

85 APPEAL DECISIONS

85.1 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 5.15pm

Signed

Chair

Dated this

day of