

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 23 MARCH 2020**

**HOVE TOWN HALL - COUNCIL CHAMBER**

**MINUTES**

**Present:** Councillors Hill (Chair), Miller and Shanks

(Other Members were not in attendance inline with COVID-19 meetings guidance).

**Officers in attendance:** Paul Vidler (Planning Manager), Luke Austin (Principal Planning Officer), Joanne Doyle (Senior Planning Officer), Shaun Hughes (Democratic Services), Hilary Woodward (Senior Solicitor) and Abraham Ghebre-Ghiorghis (Executive Lead Officer - Strategy Governance & Law).

**PART ONE**

**100 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

1. None

**b) Declarations of interests**

2. Councillor Hill declared in regard to item A they had spoken to developer and objected to the previous application but this one was different, and she had an open mind; She had received an email on 55 Centurion Road, but she had an open mind.
3. All committee members received an email regarding the application at 55 Centurion Road.
4. Councillor Miller stated they had been contacted regarding items A and E but remained of an open mind in relation to the items.
5. Councillor Shanks stated they had been contacted regarding items A and E but remained of an open mind in relation to the items.

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

6. 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.
7. **RESOLVED** - That the public are not excluded from any item of business on the agenda.

**101 MINUTES OF THE PREVIOUS MEETING**

- .1 **RESOLVED:** That the minutes from the previous meeting were to follow.

**102 CHAIR'S COMMUNICATIONS**

1. This meeting is being recorded and will be capable of repeated being viewing via the online webcast.
2. Welcome committee members and members of the public, to this meeting at Hove Town Hall.
3. All Major applications starting with those with speakers will be heard first today, followed by minor applications with those with speakers being heard first.
4. The Chair requested Members ensure that their mobile phones were switched to silent.

**103 COVID-19 AND DEMOCRATIC DECISION-MAKING**

1. Abraham Ghebre-Ghiorghis introduced the report before the committee that proposes the establishment of an Urgency Sub-Committee of the Planning Committee for urgent decision-making during the next 4 months taking into account the risk posed by the Covid-19 pandemic but also the need to preserve democratic accountability and compliance with legal requirements. The proposals have been developed with cross - party support follow consultation with Leaders Group.

**Questions for Abraham Ghebre-Ghiorghis**

2. Councillor Joe Miller was informed that Policy & Resources Committee had given permission to officers to make decisions. Councillor Miller felt more committee members than three would be better for decision making and felt that a virtual meeting would be better, with perhaps the public phoning in to ask questions. It was noted that the Policy & Resources Committee felt that majority decisions were best and Councillors decisions cannot be overridden.
3. Councillor Sue Shanks noted that the Committee was not political and a virtual meeting to include all committee members making decisions would be better. Councillor Shanks was informed that the report gave the committee options.
4. Councillor Tracey Hill stated they would prefer more Members to be involved in the decision making process and noted that if an urgency sub-committee were to be called it would need to be agreed who would attend.
5. **Vote:** The Committee voted unanimously to agree the recommendations.
6. **Resolved:**
  - 2.1 That Members note the risk that running Council meetings as usual poses and the need for a different approach;
  - 2.2 That Members agree the establishment of a Planning (Urgency) Sub -Committee with a Membership of 1 Labour, 1 Green and 1 Conservative;

2.3 That Members note the general indicative approach as agreed by the Policy & Resources Committee;

2.4 That Members note the government's intention to consider changes in legislation to allow remote meeting and remove the need to hold annual Council on a temporary basis and that officers will review the situation and report back to members as necessary.

## 104 PUBLIC QUESTIONS

1. One public question from Christopher Hawtree

The question was as follows:

*“During the previous Administration I asked a Question about the state of 20 The Drive and I was told that Enforcement would take place. I heard nothing of consequence afterwards, and the building (the childhood home of Ivy Compton-Burnett) looks as dismal as before. Would you please tell us what is going on - especially at a time when Hove and Brighton are in a housing crisis?”*

2. Chair's response:

The condition of 20 The Drive was investigated in the Spring of 2019 by the Enforcement Team. At the time it was deemed that the condition of the building was not sufficiently poor to warrant further action. I understand you were updated accordingly when the case was closed. At the time the case officer did note that we would re-look at the case if the building deteriorated further and I understand officers have actioned this in light of your question.

3. Supplementary Question

Thank you for the response. Please guarantee enforcement action.

4. Chair's response:

The Enforcement team will look into the matter.

## 105 SACKVILLE TRADING ESTATE: BH2018/03697 - APPEAL

1. The Committee noted the report which asked the committee to agree formally to withdraw its reasons for refusal of planning application ref. BH2018/03697 ('the appealed application') in the light of the Committee's Minded to Grant resolution of the 4 March last in relation to planning application BH2019/03548 which is identical to the appealed application.

2. **Resolved:** That the Committee:

2.1 agreed to withdraw its reasons for refusal in relation to planning application reference BH2018/03697.

**106 270 OLD SHOREHAM ROAD, HOVE: BH2019/00544 - CEMP**

1. The Committee noted the report which asked the Committee to agree that a Construction Environmental Management Plan (CEMP) monitoring fee is not required in relation to planning application reference BH2019/00544: 270 Old Shoreham Road, Hove.
2. **Resolved:** That the Committee:
  - 2.1 Agreed that the s106 Planning Obligation to be entered into in respect of planning application BH2019/00544 does not include a requirement for a Construction Environmental Management Plan monitoring fee to be paid.

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

1. There were none.

**108 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS****A BH2019/03700 - 39 - 47 Hollingdean Road, Brighton - Full Planning**

1. It was noted that the application site was the subject of site visit before the committee meeting.
2. Luke Austin (Principal Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was noted that the main considerations in the determination of this application relate to the principle of development, including the loss of the former car sales/repair unit, the loss of the existing dwelling and houses in multiple occupation (HMOs), the proposed PBSA, the design of the proposed building and the impact on the streetscene, wider views and heritage assets, the standard of accommodation proposed, the impact on neighbouring amenity, land contamination, sustainable transport, sustainability, landscaping and ecology/biodiversity.

**Speakers**

3. Simon Bareham (Lewis & Co Planning) spoke on the application and stated that the site will be professionally managed. It was noted there is a lack of student accommodation an this puts a huge amount of pressure on the city. The current application is significantly different to the previous refused application. Education providers have not yet committed to the scheme, but it is hoped they will. The enlargement of the development by 10% is felt to improve the impact on the street scene as a stand-alone building lower than others in the area that have been approved. The scheme is considered to preserve and improve the residential amenities with a reduction in proposal density near neighbouring properties.

**Questions for Speaker**

4. Councillor Joe Miller was informed the application site would be car free with parking spaces for disabled units only. The proposal would mean that the highway access would

be used less than the current use as a garage. It was noted that the 'back to back' relationship with neighbouring properties had been improved with 15 metres between nearby cottages and the proposal.

5. Councillor Sue Shanks was informed by Lap Chan (Morgan Carn Architects) that the site would be aimed at post graduate students.
6. Councillor Tracey Hill was informed that 'soft' discussions had taken place with three education providers.

#### **Questions for officer**

7. Councillor Joe Miller was informed that no expressions of interest by education providers had been included in the application.

#### **Debate**

8. Councillor Joe Miller stated that they felt the proposal was better than the previous scheme and an improvement on the current garage business with less traffic movements. The application had received only two objections. The scheme was lower in design than others in the area and student accommodation is much needed. Councillor Miller felt it was a good use of the site and supported the application against the officer recommendation to refuse.
9. Councillor Tracey Hill stated they supported the officer recommendation as the development would have a greater impact on neighbouring properties than the current situation. Concerns were expressed regarding the impact on the properties on the opposite side of the street, which it was felt did not impinge on neighbours, the lack of letters of interests from education providers and the accommodation being high-end studio flats not the less costly cluster schemes.
10. Councillor Sue Shanks stated that they supported the scheme which is lower than neighbouring buildings.
11. **Vote:** The Committee voted against the officer recommendation to refuse by 2 to 1.
12. A motion was put forward by Councillor Joe Miller to approve the application as the scheme was a benefit in providing further student accommodation whilst not significantly impacting on neighbouring occupiers. Councillor Sue Shanks seconded the motion. It was agreed that conditions and s106 terms would be agreed by the Planning Manager.
13. **Vote:** The Committee voted to approve the application by a vote of 2 to 1. The recorded vote was: For = Councillors Miller and Shanks, Against = Councillor Hill.
14. **Resolved:** The Committee have taken into consideration the officer's report and reasons for refusal and has decided to Grant Planning Permission for the reasons given by Councillor Miller.

#### **B BH2019/03817 - 10 Shirley Drive, Hove - Reserved Matters**

1. Luke Austin (Principal Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was noted that the main considerations in the determination of this application relate to the impact of the development upon the character and appearance of the site and surrounding area. The neighbour objection with regard to the impact on property values was noted, however is not a material planning consideration.

#### **Questions for Officer**

2. Councillor Joe Miller was informed that the balcony balustrades would include clear glass.
3. Councillor Sue Shanks was informed that the top floor would have terracing as outside space.
4. Councillor Tracey Hill was informed that materials could be submitted to the Chair's briefing for approval.

#### **Debate**

5. Councillor Joe Miller stated they wanted the balcony glass to be obscured and this could be covered by condition.
6. Councillor Tracey Hill supported the inclusion of a condition relating to approval of materials.
7. A motion to add a condition to require materials to be approved and balconies to be obscured glazed was proposed by Councillor Miller and seconded by Councillor Hill.
8. **Vote:** The committee voted unanimously to support the motion.
9. **Vote:** The committee voted unanimously to Grant Planning permission.
10. **Resolved:** 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 BH2019/03789 - 9 The Upper Drive, Hove - Full Planning**

1. Luke Austin (Principal Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was noted that the main considerations in the determination of this application relate to the impact of the development on the character and appearance of the existing building, site and streetscene, the impact on residential amenity, the standard of accommodation provided, highways and sustainability issues. Concerns from residents regarding impact on property values, inconvenience from the build, development for commercial gain, lack of existing maintenance of the site and potential structural issues are noted, however are not material planning considerations.

**Questions for officer**

2. None

**Debate**

3. None
4. **Vote:** The committee voted unanimously to Grant Planning Permission.
5. **Resolved:** 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 BH2019/02697 - The Priory, London Road, Brighton - Full Planning**

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

**E BH2019/03209 - 55 Centurion Road, Brighton - Full Planning**

1. Joanne Doyle (Senior Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was noted that the main considerations in the determination of this application relate to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide and transport impacts of the proposal.

**Speakers**

2. Paul Bowes spoke on the application as an objector and stated that:
  - No. 55 is in a terrace of 3 bed houses, 3 of which are already Houses of Multiple Occupancy (HMO) and the proposal is for 5 bedrooms;
  - Street parking in the area is an issue, the proposal should be car free. The s106 agreement needed to refuse parking.
  - Noise is an issue: no sound insulation has been proposed for the dwelling. The walls of the property are very thin allowing a large amount of noise to filter through to neighbours.
  - This is a Conservation area. There are a number of HMOs in the area, some like 46 St Nicholas Road occupied by 3 university students are not recognised as official HMOs.
  - If the application were to be granted permission, 50% of terrace will be HMO. Please refuse.

**Questions for Speaker**

3. None
4. Ward Councillor Lizzie Dean spoke on the application and stated that there had been 18 objections to the proposals and residents were very concerned. The application site is in a Conservation Area where the social fabric will be altered and eroded by the granting of

permission. The number of HMOs nearby can be misleading as Council Tax records show a number of houses in the area may be HMOs as they have different names living there. When campaigning it was noted that many houses seemed mixed and these were not recorded. There is parking for one vehicle only even though there could be as many as five, which seems an oversight.

#### Questions for Ward Councillor

5. None.

#### Questions for officer

6. Councillor Joe Miller was informed that the Environmental Health team were not always consulted on applications for HMOs. It was noted that a sound proofing condition could be added to the scheme and that the application was not car free as the proposal relates to an existing C3 use to change to a flexible C3/C4 use, it is not considered necessary to impose a condition to restrict parking permits as the proposal would not materially alter the existing situation.
7. Councillor Sue Shanks was informed that the applicant can be flexible and move between the C3 and C4 uses.
8. Councillor Tracey Hill was informed that the house would be flexible to accommodate a family or students under the two uses.

#### Debate

9. Councillor Sue Shanks stated they did not support the application feeling that the flexible use was not good, and the applicant should choose one.
10. Hilary Woodward informed the committee that it was lawful to be flexible between the two uses.
11. Councillor Joe Miller stated if there were other HMOs in the area that were not listed, residents should note and report to the Local Authority. Parking is an issue and a car free development would be better. Sound proofing would also be an improvement. Subject to these additions, Councillor Miller supported the application.
12. Councillor Tracey Hill stated they supported the application and the flexible use from family home to HMO accommodation. Any informal HMOs should be reported and investigated.
13. Councillor Joe Miller put forward a motion to attach conditions requiring the development to be car free and for sound proofing to be installed. Councillor Hill seconded the motion.
14. **Vote:** The committee agreed to the motion by a vote of 2 to 1.
15. **Vote:** The committee voted by a majority to Grant Planning Permission.



16. **Resolved:** 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.

**F BH2019/02564 - 52 Stonecross Road, Brighton - Full Planning**

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

**G BH2019/02844 - 31 Dartmouth Crescent, Brighton - Full Planning**

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

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

109.1 There were none.

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

110.1 None were reported to this meeting.

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

111.1 None were reported to this meeting.

**112 APPEAL DECISIONS**

112.1 None were reported to this meeting.

The meeting concluded at 3.49pm

Signed

Chair

Dated this

day of