

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 12 JANUARY 2022**

**COUNCIL CHAMBER HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Childs (Opposition Spokesperson), Barnett, Fishleigh, Janio, Moonan, Shanks, C Theobald and Yates

**Apologies:** Councillor Littman, Councillor Ebel

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

**Officers in attendance:** Jane Moseley (Planning Manager), Don Anyiam (Highway Agreements Officer), Russel Brown (Principal Planning Officer), Paul Davey (Arboriculturist), Sonia Gillam (Senior Planning Officer), Robin Hodgetts (Principal Planning Officer), Emily Standbridge (Senior Planning Officer), Rebecca Smith (Planning Officer), Mike Sansom (Building Control Manager), Jack Summers (Planning Officer), Alison Gatherer (Lawyer) and Shaun Hughes (Democratic Services Officer).

**PART ONE**

**61 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

61.1 Councillor Shanks substituted for Councillor Ebel as Chair of the meeting.

**b) Declarations of interests**

61.2 Councillor Fishleigh declared they had objected to item D – BH2021/03117: 10 Roedean Crescent, Brighton

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

61.3 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.

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

**62 MINUTES OF THE PREVIOUS MEETING**

62.1 **RESOLVED:** That the minutes of the meeting held on 1 December 2021 were agreed as a correct record.

**63 CHAIR'S COMMUNICATIONS**

63.1 There were none.

**64 PUBLIC QUESTIONS**

64.1 There were none.

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

65.1 **RESOLVED:** No site visits were requested.

**66 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2021/22709, 41 and 42 Park Wall Farm Cottages, Station Approach, Falmer, Brighton - Full Planning**

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

Answers to Members Questions

2. Councillor Theobald was informed that the trees location was not 'like for like' and 5 young trees were to be planted as part of the landscaping scheme. The councillor was informed by the applicant's agent that one tree was removed in error and the other was removed having exhausted all other options.
3. Councillor Moonan was informed that the existing trees had been removed to allow electricity and water utilities to access the site. The applicant's agent apologised to the committee for the loss of the trees and stated that more trees had been planted to replace the two removed. The council arboricultural officer explained that trees removed were semi mature and that the smaller replacements were more likely to survive.
4. Councillor Shanks was informed by the applicant's agent that the council were informed of the tree's removal approximately one year ago.

Debate

5. Councillor Yates expressed concerns that the only point of entry onto the site for electricity and water required the removal of the two trees and noted that this resulted in a breach of conditions. The councillor considered the applicant has taken mitigating

actions and considered this application to be the best way forward. The councillor was unhappy but supported the application.

6. Councillor Moonan expressed frustration at the removal of the trees as the applicant should have come back to the Planning committee before taking actions and asked for some sanctions to be taken.
7. Councillor Childs considered enforcement action to be a deterrent.
8. The Planning Manager stated that the only action was to send stern letters to the applicant asking for replacement trees.
9. Councillor Theobald stated she was upset by the tree removal and Members should have been told of the breach of condition.
10. Councillor Janio considered that the council don't enforce enough, and that applicant feel the council are 'soft'.
11. The case officer noted that action can be taken if a tree is removed and has a preservation order or is in a conservation area. Planning conditions cover the site as apposed to specific trees on the site. It is usual to negotiate with developers on these type of site where there is no preservation order or conservation area.
12. Councillor Fishleigh considered a new condition should be added to the permission for the applicant to provide more trees in the vicinity. The councillor suggested 25.
13. The council lawyer stated that conditions needed to be reasonable and could be only for this development, not for the wider area. The arboricultural officer would need to accept any new conditions and the first suggested number of 25 trees would not be considered reasonable.
14. Councillor Moonan noted that the maintenance of the trees would need to be included in any agreement.
15. Councillor Childs suggested 5 trees.
16. Councillor Fishleigh accepted the reduced number.
17. The council lawyer noted that a S106 agreement would be more suitable, and this would need to be agreed by the developer.
18. A vote was taken, and the committee agreed by 6 and 2 abstentions that a S106 would be drafted to secure provision of 5 trees 'in vicinity of site' as well as their maintenance, for a suggested for 5 years.
19. A vote was taken, and the committee agreed by 6 to 1 the inclusion of a new S106 agreement regarding 5 trees in the vicinity of the site with a suggested 5 year maintenance programme and the conditions on the late list.

20. **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** the variation of conditions 9 and 11 of application BH2018/02854.

**B BH2021/02934, Dolphin Court, Hove Street, Hove -Full Planning**

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

Answers to Committee Member Questions

2. Councillor Fishleigh was informed that the development would conform to part M42 and be wheelchair accessible as there will be a lift.
3. Councillor Shanks was informed that the operation of the lift was not a planning consideration.
4. Councillor Theobald was informed that the sprinklers would be considered under Building Regulations.
5. The Building Control Manager informed the committee that the new floors proposed would have sprinklers and the rest of the building if possible. The closeness of the street fire hydrants is a material consideration. As the building will be below 18m, a dry riser will be required. The management of the building will cover wheelchair fire evacuation.
6. Councillor Moonan was informed that the balcony screening was covered by condition between the proposed flats.
7. The Building Control Manager noted that laminated glass would be used usually however this is not the case as this currently does not pass fire regulations. Toughened glass with a frame would be a possibility.
8. Councillor Moonan proposed a condition to maintain balcony privacy from the front and sides. This was seconded by Councillor Fishleigh.
9. Councillor Barnett considered the existing residents would be affected by noise from the proposed development on top of the existing building.
10. The Conservation Action Group representative was informed that a 'tall building' would over 20.1m under Building Regulations.
11. The case officer noted that the application site did not require tall building assessment as it was not in a strategic area.
12. Councillor Shanks was informed that the objectors to the proposals were likely to be local, however, location details were not known.

Debate

13. Councillor Theobald stated she was against the application as the proposals look very big, making the building nearly 8 storeys high. The development will be very prominent in the area. The councillor considered there was too much on one site.
14. Councillor Moonan considered that extra housing was needed, and the screening would be good. The councillor supported the application.
15. Councillor Childs considered the design to be good, better than others. The councillor supported the application.
16. The Chair invited the committee to vote on the recommendation to grant planning permission with an extra condition regarding the screening of balconies on the development.
17. A vote was taken, and the committee agreed 6 to 2 to grant planning permission.
18. **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 BH2021/02805, Land to the rear of 28 -30 Longhill Road- Full Planning**

1. This application was withdrawn after the publication of the agenda.

**D BH2021/03117, 10 Roedean Crescent, Brighton - Full Planning**

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

Speakers

2. David Wilson addressed the committee as an objector. "We don't oppose the design or street scene, but we believe the increase in footprint and the increase in height at the rear of the property are unreasonable.

The current building follows the curve of the road and lie of the land. Previous developments on this side of the road have followed this principle whereas this one ignores this principle completely by building fully across the plot.

As the planning dept have already pointed out, land levels fall significantly from north to south (front to rear). The block plan on page 13 of your planning committee addendum indicates that the 8.5 x 15m rear terrace is above a basement. It is in fact an above ground floor construction that including the parapet rises to 4m above the level of our garden with a terrace above.

This will have an extremely negative impact on our daylight, sunlight, outlook and privacy and I'm not sure how anyone could conclude to the contrary.

Planning have stated that prior to first use a privacy screen shall be installed at least 2m high across the depth of the terrace – is this 2m above the level of the parapet in the drawings or within it?

The combination of the extension, the parapet and the privacy screen takes the overall height of the construct up to between 5m and 6m above our garden.

Can I please ask you to picture your own gardens and imagine what your life would be like with a 5m wall looming over you – dark and prison like springs to mind. In fact most MoJ approved prison fencing is 5.2m high.

Turning to the drawings, item D full planning document/relevant history states that following discussions between the LPA and the agent the height of the new dwelling has been reduced by 510mm by reducing storey heights and by lowering the entire building.

The rear/south view original and revised drawings show that the roof lines has reduced but the rear ground floor levels have not been lowered noticeably. Either the statement is not true, or the drawings are incorrect.

When looking at the side/west elevation the ridge reduction looks to be around 300mm. This is irrelevant to us but demonstrates further uncertainties within the drawings.

Referring to the revised rear/south elevation a new boundary fence/wall 2.7m above ground level has been added (a new tree has also been added partially obscuring this addition). This fence is not shown on any side elevation. Please can you tell me how long this fence extends and what height it will be at the point it is level with the rear part of the ground floor. If it's purpose, as we suspect, is to add privacy to the terrace and the garden then it would have to be in excess of 5m high at the southern end.

In light of the anomalies within the drawings, the lack of detail regarding the scale of new boundary walls and the consequences of the rear terrace and screening, we would ask you to reconsider your recommendation to grant planning permission until these issues have been resolved and planning officers have visited 12 Roedean Crescent to fully assess the impact on our wellbeing.

3. The Chair invited the case officer to answer the speaker's question.
4. The case officer confirmed that the development would be approximately 5m above the neighbour's garden with obscured glazed screens.
5. The agent acting on behalf of the applicant addressed the committee and thanked officers for their reporting stating that they had worked with officers and the scheme included both modern and traditional elements in this area of mixed of old and new designs. The agent and applicant have listened to neighbours regarding the proposals and note that the neighbour at number 12 has planning permission for a similar scheme of similar height and mass. The proposals for number 10 are comparable to other schemes as the road rises some elevations appear higher. The neighbour on the other side has a large rear balcony, which this scheme has removed to protect the neighbour's amenities. The client is returning to his home town. The proposals are for a modern home for a local family.

6. Councillor Fishleigh, speaking as an objector, expressed concerns at the height of the proposed boundary wall and requested that the application be deferred, and a site visit organised to the neighbour at number 12.
7. Councillor Moonan considered that site visit requests should have been made at the beginning of the meeting.
8. Councillor Barnett considered the request acceptable as they had only just seen the neighbour's photographs of the site from the neighbouring property.
9. Councillor Childs was informed that the neighbour at number 12 was also building a replacement dwelling.
10. Councillor Yates proposed a deferral, and the Chair invited the committee to vote on a deferment.
11. A vote was taken, and the committee agreed by 6 to defer the application so that a Member site visit could take place.

**E BH2021/03134, 30 -31 Foundry Street- Advertisement**

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** Advertisement Consent subject to the Conditions and Informatives in the report.

**F BH2021/01877, Flat 1, 1 Alfred Road, Brighton - Full Planning**

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

Answers to Committee Member Questions

2. Councillor Theobald was informed that the holiday letting had already started. The proposal would be for flexible holiday lets or additional space for the residential house. The application is not for a temporary period however it would be limited to a certain number of nights and people.
3. Councillor Yates understood that the holiday lets would be restricted to 28 days, however, there would be on restrictions on the number of lets. The councillor requested longer lets and noted that this would be better for the city. The councillor was informed that no more that 28 days per party could be conditioned.
4. Councillor Janio was informed that the flat was accessed via an external set of stairs next to the garage. The shutters had been agreed under a previous planning permission granted in 2017. It was also noted that it was not a requirement to close the shutters.

Debate

5. Councillor Theobald expressed concerns about the 2017 committee being misinformed and the proposals would set a precedent.
6. The Chair invited the committee to vote on the proposed additional wording to condition 4 ‘...to any person or group.’ Proposed by councillor Moonan and seconded by councillor Yates.
7. A vote was taken, and the committee agreed unanimously to the additional wording to condition 4.
8. A vote was taken, and the committee agreed by 6 to 2 to grant planning permission.
9. **RESOVLED:** 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 following Conditions and Informatives in the report.

**G BH2021/02943, 79 Goldstone Cresecent, Hove - Householder Planning Consent**

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

Answers to Committee Member Questions

2. Councillor Theobald was informed that neither the position of the down water pipes or the previous refusals were a material planning consideration. The proposals should be considered on there own merits.

Debate

3. Councillor Yates noted the previous refusals were for the rear extensions. The current application seeks to maximise the site as is common across the city. The councillor supported the application.
4. A vote was taken, and the committee voted 6 to 2 to grant planning permission.
5. **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.

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

- 67.1 **RESOLVED:** That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
<b>BH2021/03117 - 10 Roedean Crescent, Brighton</b>	Councillor Fishleigh

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



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

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

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

**70 APPEAL DECISIONS**

70.1 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 16.17

Signed

Chair

Dated this

day of