

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 10 FEBRUARY 2021

VIRTUAL

MINUTES

Present: Councillors Littman (Chair), Childs (Opposition Spokesperson), Miller (Group Spokesperson), Ebel, Fishleigh, Henry, Janio, Shanks, C Theobald, and Yates.

Co-opted Members: Mr Roger Amerena (Conservation Advisory Group)

Officers in attendance: Nicola Hurley (Planning Manager), Jane Moseley (Planning Manager), Hilary Woodward (Senior Solicitor), Chris Swain (Planning Team Leader), Luke Austin (Principal Planning Officer), Samuel Rouse (Senior Technical Officer – Transport), Carl Griffiths (Principal Planner), Russell Brown (Senior Planning Officer), Charlotte Bush (Senior Planning Officer), Joanne Doyle (Senior Planning Officer), Michael Tucker (Planning Officer), Rebecca Smith (Planning Officer) and Shaun Hughes (Democratic Services Officer).

PART ONE

97 PROCEDURAL BUSINESS

a) Declarations of substitutes

97.1 Councillor Ebel substituted for Councillor Osborne

b) Declarations of interests

97.2 Councillors Childs, Fishleigh, Yates declared they had received emails and communications regarding C & D however they remained of an open mind. Councillors Miller and Shanks declared they had received emails and correspondence regarding item C, however they remained of an open mind. Councillor Henry declared they would withdraw from item F as they had been included in discussions with the neighbours. Councillor Theobald declared they had received correspondence regarding item K, however they remained of an open mind. Councillor Littman declared they had been contacted regarding item E and others, however they remained of an open mind. Councillor Janio declared they had been lobbied on several items, however they remained of an open mind.

c) Exclusion of the press and public

97.3 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.

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

98 MINUTES OF THE PREVIOUS MEETING

98.1 **RESOLVED:** That the Chair be authorised to sign the minutes of the meeting held on 13 January 2021 as a correct record once the following alterations had been made:

Councillor Theobald commented on item A - BH2020/01742: The Meeting House, Park Close, Brighton: *“This will be even more visible and affect?Wild Park especially the view from Lewes Road. Parking is also terrible in this road with some cars even parked on the verges.”*

99 CHAIR'S COMMUNICATIONS

99.1 Planning Committee is a regulatory committee. It is a statutory requirement that members do not vote along Party lines. Currently, our committee is made up of 3 Green, 3 Labour, 2 Conservative, and 2 Independent councillors, and I am pleased to say that in my experience on this committee over many years, no-one, regardless of Party affiliations, breaks this statute.

The work of the planning committee is an extension of the role of the whole Local Planning Authority. Our job is to do our best to grant permission for those developments which enhance our city and refuse those which would damage it. Obviously, most, if not all, proposed developments have pros and cons; so, what we do is attempt to ascertain the planning balance. To determine whether a proposal do more harm than good, or not.

The trouble is that the legislative framework within which we have to operate often makes it hard for us to do this for the benefit of the city. Of late there have been an increasing number of changes coming out of Westminster, which are making our job more and more difficult. A few months ago, the Government decided it was going to bring in a system whereby a computer algorithm would determine the housing targets of Local Planning Authorities. This arbitrarily placed massive increases on authorities in the southeast. I'm pleased to say that the resultant consultation united Councils with Blue, Red, Green, and Yellow administrations in opposition. Sadly, the proceeding U-turn resulted in the Government introducing another arbitrary system, whereby all this extra housing burden would fall on the shoulders of the largest 20 urban authorities.

Unfortunately, slipping in under the wire at number 20 on that list, came Brighton & Hove. So, by the stroke of a pen, because we're number 20, as opposed to number 21, come June, we will have 35% extra tacked on to our already overly-ambitious housing target. This will potentially have a devastating impact on our

ability to determine the planning balance; as so much of that has to, by law, depend on our ability to meet our housing target.

In future then, when an application is approved either here, or, as in the vast majority of cases, by our fantastic team of dedicated planning officers, remember, were we to be looking at a policy which allowed for genuinely sustainable growth, we would be able to demand a much higher quality of development, with much greater social and environmental value embedded in it, than we are legally allowed to.

Nonetheless, I have absolutely confidence that my colleagues and I, irrespective of party loyalties, will continue to do whatever we can, under the law, to protect the city we all love, and encourage developments sympathetic to its unique character.

100 PUBLIC QUESTIONS

100.1 There were none.

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

101.1 Please note that in recognition of the current Covid 19 pandemic and in response to Central Government Guidance alternative arrangements have been put into place to ensure that Committee Members are able to familiarise themselves with application sites.

102 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

102.1 The Democratic Services Officer read out all the agenda Items. It was noted that all Major applications and any Minor applications with speakers were automatically reserved for discussion.

102.2 The following applications were not called for discussion and it was therefore deemed that the officer recommendation(s) were agreed including the proposed Conditions and Informatives and any additions / amendments set out in the Additional / Late Representations List:

Item I: BH2020/03419: Pavilion Theatre, 29 New Road, Brighton

Item L: BH2020/03247: Norfolk Square Gardens, Norfolk Square, Brighton

A BH2020/01951 - Land to rear of Hilton Brighton Metropole, 106-121 Kings Road, Brighton

1. The Planning Manager introduced the report to the committee. The presentation covered the two applications for the site: Planning application and the Listed Building Consent applications. The applications were taken together for the purposes of questions and debate. However, the items were voted on separately.

Questions for the officers

2. Councillor Theobald was informed that the loss of exhibition space at the Metropole Hotel was acceptable as some 6,000sqm would still be available for conferences. The proposed hotel will also include conference rooms. Brighton and Hove tourism and venues were consulted and support the application. It was considered that there would be no loss of large conference facilities to the city. It was noted that the seven rooms to be lost were in a poor condition and had not been used in recent years. The loading bays and underground car park for the Metropole Hotel are to be retained. The entrance to the car park on St Margaret's Place is to be retained also.
3. Councillor Fishleigh was informed that the 2018 Brighton and Hove Visitor Accommodation Study Update in City Plan Part Two showed a shortage of accommodation of the standard proposed. It was noted that the development did not attract community infrastructure levy (CIL) as it fell outside of the charging schedule. The urban design officer comments have been addressed in the revised scheme with upper floors set back. The urban design and heritage officers agree that this scheme also picks up the rhythm of the listed frontage.
4. Councillor Ebel was informed that it was considered that the scheme included sufficient indoor cycle parking. It was noted that conditions would require detailed information on the design and massing of the corner tower as well as the biodiversity of the scheme and public realm design.
5. Councillor Shanks was informed that the artistic component of the scheme would be agreed with local groups and ward councillors and council colleagues and would need to be site specific and not form part of the seafront.
6. Councillor Miller was informed that the listed frontage would have a smooth painted finish, with the new building having a smooth painted render on St Margaret's Place and terracotta cladding on Canon Place. Materials will be submitted to the Chairs briefing for agreement. The mansard roof will be of a light zinc colour to give a natural integrated appearance.

Debate

7. Councillor Fishleigh welcomed the new investment into the city and expressed some concerns regarding design values. The councillor felt the design details should relate more to the surrounding city and be more in keeping with the location.
8. Councillor Miller considered to the design to be good, not too tall and a significant investment bringing overnight visitors to the city. The development is considered to cause some harm to St Margaret's Place, however, the walk along Canon Place will be greatly improved. Bringing the listed frontage back to good repair is supported, as is the application.
9. Councillor Henry liked the design as the current aspect is awful and the development will be a massive improvement. The money for public art should be considered to be spent on tourist signage for the immediate area to the development. The councillor supported the application.

10. Councillor Theobald did not consider the disabled parking at the nearby car park to be easy and expressed concerns about the future for conferencing. The councillor considered that the development would much improve Canon Place and existing listed facades. The councillor supported the application.
11. Councillor Ebel liked the design and considered the refurbishment of the listed frontage to be good. The development will create jobs and be a boost to local businesses. The councillor noted the development was in the core hotel zone, would be sustainable, may reduce to number of AirBnB properties in the city and that the disabled parking spaces in the nearby car park were bookable. The councillor supported the application.
12. Councillor Shanks considered the design to be good and supported the application.
13. Councillor Janio welcomed the investment and considered that the public art would be good for the city. The councillor expressed some concerns at the loss of smaller conference space.
14. Councillor Childs considered Canon Place to be an eyesore at the moment. The design was fine and the investment and jobs in the city was good. The councillor supported the application.
15. Councillor Littman considered the development to be a significant improvement on the existing building.
16. A vote was taken and the committee voted by 9 to 1 that planning permission be granted.
17. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below in the report and the Conditions and Informatives also as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **5 May 2021** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9.7 of the report.

B BH2020/01952 - Land to rear of Hilton Brighton Metropole, 106-121 Kings Road, Brighton (LBC)

1. The Planning Manager introduced the report to the committee. The presentation covered the two applications for the site: Planning application and the Listed Building Consent applications. The applications were taken together for the purposes of questions and debate. However, the items were voted on separately.
2. A vote was taken and the committee voted by 9 to 1 that listed building consent be granted.

3. **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** Listed Building Consent subject to the Conditions and Informatives in the report.

C BH2020/02289 - 5-8 London Road, Brighton

1. The Planning Manager introduced the report with updates from the case officer.

Speaker

2. Adrian Hill spoke to the committee and commented that the air pollution levels at the development location were above legal levels in 2019. The site was the second most polluted site in Brighton with twice the normal pollution. The road is enclosed resulting in bad air dispersal. More vehicles will increase the issue with deliveries being made to the rear of the development. The speaker noted that it would take 11 years for the air quality to return to legal levels. The poor level of air will impact on the living accommodation of the occupants of the development.

Questions for speaker

3. Councillor Fishleigh was informed that the statistics were from the Brighton and Hove City Council annual review. The councillor was also informed that the speaker considered that the development would remove the current gap between buildings which would allow pollution to build. The councillor stated they were member of the Clean Air for Brighton group, as was the speaker. The councillor confirmed to the Chair that they remained of an open mind when considering the application.
4. Councillor Childs was informed that the speaker considered it would take 11 years for the air quality to be safe. The speaker also informed the councillor that they considered the infilling of the gap between buildings would increase air pollution, as would the increase in delivery vehicles, general traffic and buses.
5. Councillor Henry was informed that the speaker considered the new electric buses were actually hybrid and used engines along London Road, which increases pollution. It was noted that there were no cycle lanes on London Road. The speaker informed the councillor that they did not consider the future to be better.

Speaker

6. Grant Leggett spoke to the committee as agent for the applicant and noted that none of the slides on air pollution presented by Mr Hill had been seen by the applicant. The agent informed the committee that an independent air quality expert was on hand to answer any questions the councillors may have.
7. Judi Lynn spoke to the committee as a supporter of the application and that they lived 1 minute from the application site. Concerned residents want improvements as the current situation is not good. The speaker was impressed with the proposals which included large doors and windows that may deter anti-social behaviour. The speaker asked the committee to support the application.

Questions for speaker

8. Councillor Childs was informed that Judi Lynn was a member of a steering group who were in talks with the council. The group were taking a holistic approach to the regeneration of the London Road area which formed a corridor from Preston Park to the North Lane. It was noted that the area included anti-social behaviour in apparent drug dealing and graffiti. Businesses were joining in to help the group. It was noted that student housing is needed in the city and this was a sensitive application with the enclosed congregating areas being closed at 9 or 10pm.
9. Councillor Theobald was informed by the agent that it was usual for commercial and accommodation to be together in modern developments and the deliveries to the shops should not disturb the students. A management plan would also be implemented to address delivery timings. The councillor was informed that the council figures showed a need for student housing.
10. Councillor Miller was informed by Frances Marshall, the air quality expert supplied by the agent, that a detailed air quality report had been submitted as part of the application. The air quality assessment, which included traffic impact using tools agreed by DEFRA, has been completed and agreed with the council air quality officer. The report addressed concerns. It was noted that nitrogen dioxide levels are descending, however it is not thought air quality would be down to a good level by the completion of the build.

Questions to officers

11. The Planning Manager informed the committee that the application was considered under BHCC Local Plan policy SU9 – Pollution and Nuisance Control, and the scheme was on balance considered to accord with the policy as this policy allows developments where there are mitigation provided.
12. Councillor Shanks was informed by the air quality officer (Senior Technical Officer - Transport) that London Road does exceed air quality levels and improvements are ongoing. Gas combustion is a future concern as pollution increases with the number of visitors. The development includes mitigation measures for reducing emissions. The footway on London Road is the second highest polluted area in the city. The area will be continually monitored.
13. Councillor Miller was informed by the case officer that no physical pre- app meetings are taking place in lockdown, however virtual meetings can take place should the councillors wish.
14. Councillor Fishleigh was informed by the air quality officer that the air pollution was above average. The emissions could be reduced once buses, cars and other?vehicles made before 2015 are no longer running. Petrol and diesel cars are considered to be reducing whilst hybrid and electric are becoming more popular.
15. Councillor Janio was informed by the air quality officer that they had no objections to the development.

Debate

16. Councillor Miller considered the development an improvement with neighbour support. The scheme was not considered too high and the 156 units could lead to a reduction in houses of multiple occupancy (HMOs) The concierge is good for the building which is considered to be well designed, sustainable, with good transport links, and green infrastructure. The councillor supported the application.
17. Councillor Theobald considered the development to be well designed, improve the area with improvements to the current rear of the buildings, and had?sprinklers. The councillor supported the application.
18. Councillor Childs considered the building could be attractive again. The councillor expressed some concerns regarding air quality. The retention of the commercial units was good and the councillor on balance supported the application.
19. Councillor Fishleigh expressed some sympathy with the residents and concerns regarding the air quality. The councillor was against the application.
20. Councillor Shanks noted the area needs improving and considered the future was uncertain for retail and students. The councillor abstained from the application.
21. Councillor Littman noted the concerns raised by the other councillors regarding air quality but noted that the air quality officer supported the scheme. The area is considered to be improving and the back of the buildings needs help. The councillor supported the application.
22. A vote was taken and the committee voted by 8 to 1 that planning permission be granted with one abstention.
23. **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 also as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before **5 May 2021** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of the report.

D Deed of Variation to BH2014/00331 - 50 Heath Hill Avenue, Brighton

1. The Planning manager introduced the report.

Questions for officers

2. Councillor Yates was informed by the Senior Solicitor that a refusal of the application may be able to be appealed as the s106 agreement was over 5 years old, but that was dependent on the nature of the application. The case officer confirmed that the application had been considered against current policies.

3. Councillor Shanks was informed by the case officer that under policy CP21 - Student Accommodation & Houses in Multiple Occupation, the students could be related to a university or other education establishment in the Brighton and Hove area. The planning team generally accept applications without prior agreement with education establishments and look to agree through a s106 agreement.
4. Councillor Littman was informed that there was no trigger point for the applicant to submit information regarding the education establishment the development is to be linked to.

Debate

5. Councillor Yates considered there were a number of issues with the process and noted that the local community had strong opinions. It was also noted that the land was not available for development, there was no agreement with either universities and therefore CP21 appeared to not be met. The councillor did not support the application as there was no need for student accommodation. The councillor did not support the application.
6. Councillor Shanks noted the development was near Brighton University and considered the loss of the general practice surgery to be a negative. The councillor did not support the application.
7. Councillor Childs did not support the application.
8. Councillor Littman noted the development had been approved before the current policies. The councillor did not support the application.
9. A vote was taken and out of the 9 Members present the committee voted by 7 to 2 not to accept the officer recommendation, with one abstention. (Councillor Theobald did not vote as they had lost digital connection during the item).
10. A motion to refuse the application was proposed by Councillor Yates, and seconded by Councillor Shanks, that the deed of variation is not granted as the applicant had not demonstrated that they had met part 6 of CP21.
11. A vote was taken and out of the 9 Members present the committee voted by 7 to 2 for the motion to refuse the deed of variation. (Councillor Theobald did not vote as they had lost digital connection during the item).
12. **RESOLVED:** The application was **REFUSED** as the applicant has not evidenced they can comply with part 6 of policy CP21.

E BH2020/01969 – 39A Preston Park Avenue

1. The Planning manager introduced the application. A virtual site visit took place the day before the committee meeting.

Questions for officers

2. Councillor Shanks was informed that the councillors should assess the application before the committee.

Debate

3. Councillor Shanks noted that residents have been pitted against each other regarding this application. The councillor considered that as the building already exists the development was acceptable. The councillor supported the application.
4. Councillor Henry supported the application.
5. Councillor Theobald supported the application.
6. Councillor Yates supported the application.
7. Councillor Littman expressed concerns relating to the impact on the neighbouring properties and the traffic issues in the courtyard. The councillor did not support the application.
8. A vote was taken and the application was approved by a vote of 9 to 1.
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.

F BH2020/03091 - Adastral House, 7-8 Westbourne Villas, Hove

1. The Planning Manager introduced the application.

Speakers

2. Planning consultant Gareth Giles spoke to the committee as a representative of objectors and noted the poor management plan submitted as part of the application. The plan should layout better care for the homeless, with only six staff, no accommodation or break rooms have been allocated to staff. The neighbours object to the application as do Sussex Police. A better management plan needs to be secured. The site is outside the core hotel zone and should be refused.

Questions for speaker

3. Councillor Fishleigh was informed that Sussex Police had concerns relating to the operation of the current site.

Speaker

4. Ward Councillor Appich addressed the committee and stated they had been contacted by a number of residents with concerns and recommended refusal as there was a home of multiple occupancy (HMO) next door to the hotel and further homeless accommodation at 19-20 Westbourne Villas. The hotel showed no sign of investment

and was an unauthorised hostel. The management plan was not good. The loss of the hotel would be forever and Hove needs hotels. The councillor also noted that there were a number of vulnerable people in the street.

Questions for speaker

5. Councillor Miller was informed that the Police have been called numerous times and anti-social behaviour has taken place. The residents did not want to be 'nimbys' and it was noted that the management plan may or may not reflect accurately what was going on inside the building.

Speaker

6. Angelique Glata spoke to the committee as the applicant and informed the councillors that the current management plan was from 2018 and the hotel was run in partnership with the council. The population of the hotel was not transient, and the dwelling was a long term home for the residents with six being there since 2018. The hotel had 200hrs of supported service and 40hrs of management service with security staff on site at all times. The speaker had visited neighbours and built relationships with them. The hotel has a strict policy on anti-social behaviour.

Questions for speaker

7. Councillor Miller was informed that the hotel has a nightly licence with staff commissioned by the council. The residents give a contribution of £10 per week.
8. The Planning Manager noted the hotel was outside the core hotel zone and that whilst the policies in City Plan Part Two have some weight, applications should not be assessed solely against them, in this case emerging policy on HMOs.

Questions for officers

9. Councillor Miller was informed by the case officer that large HMOs were sui generis .
10. Councillor Theobald was informed by the case officer that homeless people will continue to be housed at the site and each room has a bathroom. There are also separate toilets on the ground floor.

Debate

11. Councillor Shanks considered the residents were not homeless as they have accommodation at the site and the accommodation already exists so why should that not continue.. The councillor supported the application.
12. Councillor Ebel was glad that some neighbours had a positive view of the hotel. The councillor supported the application.
13. Councillor Miller considered that the residents had a right to a home. The councillor understood the concerns over tenancies and the management plan, the impact on

neighbours and occupiers and on balance the harm was considered to outweigh any good. The councillor did not support the application.

14. A vote was taken and out of the 9 Members present, the committee agreed by 7 to 2 to grant planning permission. (Councillor Henry did not take part in the decision making process).
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.

G BH2020/03236 - Block C, 101-120 Kingsmere, London Road, Brighton

1. The Planning Manager introduced the application.

Speakers

2. Objection speech from Ms Eden read by Democratic Services officer:

I wish to voice my objection to the removal of Condition 5 from this application. There are currently 120 flats on the Kingsmere Estate and space for residents' parking (including garages) is already inadequate. Some residents are having to find parking in adjacent streets which is becoming increasingly difficult and is likely to become more so with the introduction of the Surrenden CPZ which will include the Council owned land/road at the front of Kingsmere. The Council has given prior approval to the construction of another 54 flats on the estate. I consider this to be an overdevelopment of an already crowded site. The provision of any additional parking space for the occupants of these new flats would lead to the destruction and unacceptable loss of most of the beautiful green space which residents have enjoyed for over 40 years and which is an irreplaceable and much valued amenity especially in the lockdown restrictions of the past year. I understand that the Council has agreed to remove Condition 5 on all the other blocks at Kingsmere but nevertheless I urge the Planning Committee to reject this application for C Block and reconsider doing the same for the entire estate.

3. Laura Bourke addressed the committee as the applicant's agent and stated that the condition appeared to have been attached to the planning permission in error. It was noted that a controlled parking zone (CPZ) was not in place in the area. Other blocks of flats in the location have had the condition removed. The condition should be relevant to the scheme and reasonable. The condition is not necessary please remove.

Questions to officers

4. Councillor Ebel was informed by the case officer that the decision could not wait for the CPZ to be introduced in the area and we have a duty to determine applications in a timely manner
5. A vote was taken and the committee agreed by a vote of 9 with one abstention that the application be granted.

6. **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 conditions and informatives set out in the report.

H BH2020/03029 - St Johns, 2 Vicarage Lane, Rottingdean

1. The Planning Manager introduced the application.

Speakers

2. Clare Lakehurst spoke to the committee as an objector and stated that the council prides itself on democracy, however the officer's recommendation to grant planning permission is against the parish council and local opinion. It is noted that St Johns is two cottages, not three, as number one is a separate dwelling and number 5 is grade II listed. Please reject the application.
3. Paul Joyce spoke to the committee as agent for the applicant and noted that they had worked closely with planning officers. The application achieves national space standards and the materials will be in keeping with the location. The development will not be visible from the public domain. The existing annex is approved and lawful. The new dwelling will be a modest addition to the housing supply and an efficient use of the land. The committee are requested to permit the application.

Questions for speaker

4. Councillor Theobald was informed that the development would be connected to number 3 and the space standards were acceptable.

Questions for officers

5. Councillor Fishleigh was informed that the no site visits had taken place to this site , and that it was noted that number 5 was listed, however, it was not considered to be affected by the proposals.

Debate

6. Councillor Fishleigh stated they were shocked that no site visits had taken place. The councillor understood the housing targets needed to be met and many developers were coming to Rottingdean. It seemed to the councillor that sheds were being built then turned into houses. The councillor considered the structure to be too small and stated they were against the application.
7. Councillor Theobald stated that they were not keen on this development in a conservation area with listed buildings nearby and noted the parish council objection. The councillor did not support the application.
8. Councillor Miller considered the proposed dwelling may not work as it was too small and they were also concerned at the impact on the conservation area.

9. Councillor Childs noted the objections but did not see any good material reasons to refuse and supported the application.
10. A vote was taken and on a vote of 7 to 2, with one abstention the Committee agreed to grant the application.
11. **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 BH2020/03419 - Pavilion Theatre, 29 New Road, Brighton

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** Listed Building Consent subject to the Informatives in the report.

J BH2020/02590 - 8 Eileen Avenue, Saltdean

1. The Planning manager introduced the application.

Speakers

2. Mr Moore spoke as an objector and noted that 18 neighbours have objected, and the report had conflicting information regarding the flats in the development. It appears that noise has not been taken into consideration and this is not the view of the neighbours. There will be a substantial increase in traffic as a result of the proposal, as well as more bins and other associated items. It was considered that a site visit should have taken place as the scale of the development will have an impact on the community. Anna Rowe spoke as an objector and noted that they considered two drawings to be incorrect as the proposed extension will be 1m higher than the neighbouring property. The outside private patio to number 1 will be too close to neighbours. It is noted that residents object to the application as there will be more bins on the road and this will be anti-social.

Questions for speakers

3. Councillor Fishleigh was informed by Anna Rowe that the drawings should show the proposal closer to the neighbouring properties. It was noted that the proposed French doors will be close to the neighbour, allowing noise to reach the neighbours bedroom and to open onto the street. The proposed bin storage area will be too close to the road and the balcony for unit 1 will be at the front of the property.
4. Councillor Miller was informed that the neighbour's living room is on the first floor and will be adversely affected by the frosted glass windows on the eastern elevation.

5. The agent informed the committee that boundary hedges would be planted as well as around the bin store and the side windows are to be obscure glazed.

Questions for officers

6. Councillor Miller was informed that the side elevation windows will be obscure glazed and there are other front balconies in Saltdean. It was noted that the site had not been used for some years and the principal of flats amongst houses has been established in Saltdean.
7. Councillor Fishleigh was informed that no site visits had taken place to this site. It was noted that with regard to the drawings being incorrect, the case officer confirmed that sufficient information had been received to determine the application.

Debate

8. Councillor Henry considered they understood the neighbour's views however the mix of flats and houses was usual for other areas. The councillor was pleased to see the regeneration of the site and considered the mix of dwellings to be good. The councillor supported the application.
9. Councillor Childs considered the plan to be fine and the proposal was not an overdevelopment, and this was not the worst the councillor had seen. The councillor supported the application.
10. Councillor Miller noted the site had been empty a long time, however they noted the overlooking issues from balconies and windows and noted that there were no other front balconies on Eileen Avenue. The councillor considered that flats were usually near shops. The councillor did not support the application.
11. Councillor Fishleigh noted no site visit had taken place and considered that not to be good. The councillor considered two drawings to be incorrect as the neighbour's house had not been drawn correctly and the proposals were an overdevelopment of the site.
12. Councillor Theobald expressed concerns that a site visit had not taken place and noted that 18 neighbours had objected. The councillor considered the proposed flats to be overbearing and inappropriate in the road and not right for the area. The neighbours will be impacted. A family home would be more appropriate. The councillor did not support the application.
13. Councillor Shanks considered that the neighbours were currently next to an empty site and the development was a good use of that site. The councillor supported the site.
14. Councillor Yates recognised the neighbour's concerns; however, the councillors should vote on the proposal before the committee. The councillor supported the application.

15. Councillor Janio did not support the application.
16. Councillor Littman stated that site visits were not taking place during the pandemic lockdown and this was a service decision to protect officers and residents. The councillor did not consider it appropriate that committee members should call for change.
17. The Planning Manager reiterated that the plans for the site were correct and officers felt they had sufficient information and recommended the application for approval.
18. A vote was taken and, on a vote of 6 to 4 the Committee agreed to grant the application.
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 **GRANT** planning permission subject to the Conditions and Informatives in the report.

K BH2020/02285 - 7 Woodland Drive, Hove

1. The Planning Manager introduced the application.

Speakers

2. Frances Valdes spoke to the committee on behalf of neighbouring objectors and noted that the plans had already been refused and lost at appeal on the matter of plot size being too small. The speaker considered there were omissions and errors in the case officers report. The plot size is still the same and it was noted that an application had been dismissed in April 2020 by the case officer. The report omits the tree officer's objection and the on-site tree will not be protected. The extension will be too close to the neighbouring property on this sloping site. The proposed ground floor will be below street level, with the proposed steps to the rear allowing views into the neighbouring balcony and bedroom. The street consists of bungalows and the development will look incongruous in the garden of an existing dwelling. 13 objections were sent in April 2020 and 7 objections were submitted for this application.

Questions for speaker

3. Councillor Childs was informed that the speaker considered the proposals to be out of keeping with the area by way of scale, size, character and the building line of bungalows will be broken.

Speaker

4. Ward Councillor Vanessa Brown addressed the committee and stated they were disappointed that the application had been recommended for approval as the plot size is too small. The new development takes up too much of the plot with not enough outside amenity space. The proposals will overlook neighbouring properties. The development will have a detrimental impact on the existing cedar tree and the tree officer concerns

are noted. The detrimental impact of the development outweighs the benefits of a new house.

Speaker

5. Ian Coomber spoke to the committee as the applicant's agent and noted the report was detailed and the position was not the same as before. The cedar tree will be protected. The pitched roof has been altered to reduce the impact of the proposals and the plot size has been increased following previous applications. It was noted that an arboricultural method statement will be required by condition. The design fits in the context of the site and the Hove Park area, and is in keeping with other dwellings. The area should deliver homes, and this is a well-designed home by a local developer and builder.
6. The Planning Manager recommended an additional condition for land levels.

Questions for officers

7. Councillor Ebel was informed that the neighbour's garage would prevent overlooking to neighbours from the proposal.

Debate

8. Councillor Theobald stated they had visited the site and noted the site was small and the Cedar tree would be very close to the proposed scheme. The councillor noted the previous applications had been refused by officers and lost at appeal. The development will affect neighbouring bungalows and the proposals would be out of keeping. The scheme would leave the donating house with a very small garden and the proposals with very little external space. The councillor did not support the application.
9. Councillor Childs visited the site and noted the scale of development was out of keeping with the area and was considered to be an overdevelopment of the site. The councillor did not support the application.
10. Councillor Miller considered the plot to be too small and the application to be the same as before.
11. Councillor Yates considered the site to be too tight, with constraints on space the development was too much for the site.
12. Councillor Littman considered that back garden development can be acceptable, however, this site was too small, too close to neighbours and the scheme would threaten the cedar tree.
13. A vote was taken and the committee voted against the officer recommendation to approve by 8 with 2 abstentions.
14. Councillor Fishleigh proposed a motion to refuse the application on the grounds that the both donating plot and the proposed site would be too small with little amenity space. The property would be out of keeping with the surrounding bungalows and the works

would be detrimental to the existing cedar tree. The motion was seconded by Councillor Miller. The councillors agreed that the final wording would be agreed by the Planning Manager in consultation with them.

15. A vote was taken and the committee voted to refuse the application unanimously.

16. **RESOLVED:** That the application be **REFUSED** for the reasons set out by Councillor Fishleigh with authority delegated to the Planning Manager to agree the final wording of the reasons for refusal in consultation with the Proposer and Seconder.

L BH2020/03247 - Norfolk Square Gardens, Norfolk Square, Brighton

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 in the report.

M BH2020/03446 - 63 Newick Road, Brighton

1. The application was withdrawn by the applicant following the publication of the agenda.

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

- 103.1 In line with current Central Government guidance in relation to the Covid 19 pandemic, no formal site visits been arranged.

104 BRIGHTON MARINA OUTER HARBOUR DEVELOPMENT – APPEALED APPLICATION BH2019/00964REPORT

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

Questions for officers

2. Councillor Miller was informed by Carl Griffiths, the case officer, that the 26% of affordable housing was a blended total which enables works to be in Phase Two of the development. £6.5m is set aside for affordable housing and will be released by the revenue mechanism and this protects the council position. Jeffrey Solomon, the Council's consultant from the DVS, noted that social rent units form 1% of the affordable housing and the £6.5m replaces the blended total.
3. The Senior Solicitor informed the members that should Phase 3 of the development not come to fruition a percentage of the £6.5m should be paid as a commuted sum.

4. Councillor Fishleigh was informed by Carl Griffiths that the reasons for refusal have been addressed and overcome in the report. It was also noted that there was no s106 'pot' for local ward councillors.
5. The Planning Manager noted that the introduction of the community infrastructure Levy (CIL) had changed s106 requirements and that this was the basis for reason for refusal 2..
6. Councillor Childs was informed by Carl Griffiths that £6.5m was in the costings from the beginning and this was in addition to CIL.
7. The Senior Solicitor advised that officers considered there was no reason to doubt the district valuer service's (DVS) professional advice..
8. Councillor Miller was informed by Carl Griffiths that Phase Three of the development would have 12.5% affordable housing in addition to the £6.5m.
9. A vote was taken and the committee voted by 7 to 1 that the recommendation in the report is agreed, with two abstentions.

10. RESOLVED: That the Committee agrees that the following putative reasons for refusal shall not be pursued by the Council in relation to appealed application ref. BH2019/00964:

2) Insufficient information has been submitted to justify why a non-policy compliant level of affordable housing being provided as part of the proposal, contrary to Policy CP20 of City Plan Part One.

5) The development by virtue of the inadequate levels of cycle parking within Phase 2 and the lack of dedicated accessibility for cyclists across the breakwater would fail to promote safe, sustainable modes of transport, contrary to Policies DA2 and CP9 of City Plan Part 1, Saved Policies TR7 and TR14 of the Brighton & Hove Local Plan, SPD14: Parking Standards, and paragraphs 108 and 110 of the National Planning Policy Framework.

105 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

106 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 106.1 The Planning Manager informed the committee that the appeal for BH2019/00586: 57 Regency Square, Brighton has been withdrawn.

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

107 APPEAL DECISIONS

107.1 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 8.27pm

Signed

Chair

Dated this

day of