

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 5 MAY 2021

VIRTUAL

MINUTES

Present: Councillors Littman (Chair), Osborne (Deputy Chair), Childs (Opposition Spokesperson), Miller (Group Spokesperson), Fishleigh, Shanks, C Theobald, Williams and Yates

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

Officers in attendance: Jane Moseley, Planning Manager, Luke Austin, Principal Planning Officer, Michael Tucker, Planning Officer, Jack Summers, Planning Officer, Joanne Doyle, Senior Planning Officer, Andrew Renaut, Head of Transport, Policy and Strategy, Hilary Woodward, Senior Solicitor and Penny Jennings Democratic Services Officer

PART ONE

128 PROCEDURAL BUSINESS

133a Declarations of substitutes

133.1 Councillor Williams declared that she was present in substitution for Councillor Henry.

133b Declarations of interests

133.2 The Chair, Councillor Littman stated that he had received correspondence in respect of Application C, BH2021/00537, 28 -29 George Street, Hove and that he remained of a neutral mind.

133c Exclusion of the press and public

133.3 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.

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

133d Use of mobile phones and tablets

133.5 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 'aeroplane mode'.

129 MINUTES OF THE PREVIOUS MEETING

130.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 7 April 2021 as a correct record.

130 CHAIR'S COMMUNICATIONS

130.1 The Chair stated that there were a couple of things which he wanted to refer to before the meeting started. He explained that this would be the last wholly virtual Planning Committee meeting, for the time being, at least. Obviously, there were advantages in conducting the Committees business face-to-face. He was genuinely looking forward to being able to Chair real meetings with real people in attendance. However, the fact that this is being forced upon the Committee was in his view, simply wrong. In particular, this Council's and this Committee's make-up probably mirrored that of the general public. Some members had received both vaccination some one, some none. Some would have underlying health issues which increased their vulnerability to Covid. Whilst he was glad to say that members of the public and the majority of Council Officers, would still be able to attend virtually, Committee Members might find themselves having to choose between being allowed to exercise their democratic rights, and keeping themselves safe from a potentially deadly disease. Of course, the Council would do everything in its power to run safe face-to-face meetings, but it was a shame it was being forced to do so.

130.2 On a happier, and more personal note, today marked the tenth anniversary of his first being elected as a Councillor. Overall, he had found the experience uplifting, and he hoped he had done a good job on behalf of his ward residents and the city as a whole. He was looking forward to the next two years and, who knew, possibly further terms beyond that."

131 PUBLIC QUESTIONS

131.1 There were none.

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

132.1 It was noted that in recognition of the current Covid pandemic and in response to Central Government Guidance alternative arrangements had been put into place to ensure that Committee Members are able to familiarise themselves with the application sites; this included enhanced presentations provided by officers and placed on the council website.

132.1 In relation to easing of current Covid restrictions site visit arrangements would be re-introduced incrementally. It was noted that some Members had visited sites

independently and that if requested socially distanced or virtual site visits could take place. Enhanced visuals continued to be provided at present in order to assist Members in their decision making.

133 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

- 133.1 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.
- 133.2 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 D: BH2021/00654: Ground Floor Flat, 14 Fourth Avenue, Hove - Full Planning;

Item F: BH2020/03793: 62 St George's Road, Brighton – Full Planning

A **BH2014/00331 - 50 Heath Hill Avenue - Deed of Variation**

1. The Planning Manager introduced the application and gave a presentation by reference to enhanced visuals.
Speakers
2. Ms Sheath spoke on behalf of the applicants in support of their application and explained the rationale for the request for the variation to the Heads of Terms to allow for removal of the requirement to provide a replacement doctor's surgery.
Questions of Officers
3. Councillor Shanks sought clarification as to why the requirement that a replacement doctors' surgery had not been proceeded with at the outset. This question was asked of applicant's agent who explained that she was acting on behalf of the current lenders but that this predated her company's involvement she was unable to answer that question. Councillor Shanks stated that this scheme had generated a lot of local concern at the time and requested to know why enforcement action had not been taken when this element of the scheme had not been delivered. It was explained that this had formed part of the S106 agreement, in order for action to be considered there would need to be compelling reasons to do so and evidence had been given to show that circumstances had changed and that this element of the scheme was no longer required.
4. Councillor Fishleigh asked whether/what facilities were being provided for the local community in lieu of the doctor's surgery. It was explained that there was now no identified need for an additional surgery. The original permission had been for a temporary building pending alternative provision which had been made available.

Debate

5. Councillor Theobald noted that the buildings originally on site had been demolished four years ago. It would be good for the site to be developed now potentially for family housing. It would be an ideal location for that.
6. Councillor Yates stated that as enforcement action had not been taken at the point that the previous structure had been demolished it was not appropriate to do now as the need for such provision had been met elsewhere and the requirement to meet that condition no longer existed. Also, if enforced outdoor green space would be lost.
7. Councillor Williams concurred in that view but was troubled by the amount of time that it had taken for this scheme to come to fruition.
8. Councillor Shanks agreed that little could be done to remedy the fact that the terms of the original permission had not been met, but that lessons ought to be learned for the future to seek to ensure that conditions applied to any planning permission were met in a timely fashion.
9. A vote was taken and the 9 members present voted on a vote of 8 with 1 abstention that the S106 Head of Terms be amended in order to remove the requirement for a replacement doctor's surgery to be provided.

133.1 **RESOLVED – That the S106 Head of Terms be amended in order to remove the requirement for a replacement doctor's surgery to be provided.**

B BH2020/01968 - Land & Buildings on Wellington Rd and Camden St, and Former Flexer Sacks Factory on North Street, Portslade - Hybrid Planning Application

1. The Planning Manager, introduced the report and gave a presentation by reference to enhanced visuals. The constituent elements of this Hybrid scheme and the phasing of them was explained in detail. It was explained that 18 further letters of objection had been received, none of them had raised any new issues. The Officer Report had sought to address them all.

Speakers

2. Mr Page spoke in objection setting out his objections to the proposed scheme and those of neighbouring residents. The consultation process by both the council and the applicant been negligible and as the site occupied an elevated position it would have a major detrimental impact on the locality.
3. Councillor Hamilton spoke in his capacity as a Local Ward Councillor setting out his objection to the scheme. Whilst re-development of the site was welcomed this scheme was of an excessive height and size for the plot. The limited number of on-site parking spaces was inadequate and would exacerbate the existing parking problems in the area. There was already insufficient on-street parking on nearby roads and there were double yellow line restrictions in place. Only 38 spaces were proposed for such a large number of units and a proper assessment had not been made either of the impact on

the local traffic network or availability of public transport. Councillor Hamilton suggested that consideration of this application should be deferred in order for full and proper consultation to take place, the consultation which had been carried out had been seriously flawed, otherwise it should be refused.

4. Mr Williams spoke on behalf of the applicants in support of their application. Notwithstanding that the limitations placed on the process by the pandemic the appropriate level of consultation had taken place including two consultations with the Design Review Panel an event in a local church hall in 2019, regularly updating Councillor Hamilton and other leafleting of 2,000 residents more recently.

Questions of Speakers

5. Councillors Theobald and Fishleigh sought clarification from the applicant's representative in respect of the level of consultation which had taken place and whether and how the constituent phases had been explained. Both Councillors considered that any consultation which had occurred in 2019 was out of date.
6. Councillor Miller asked Councillor Hamilton regarding how he had become aware of the application and the process by which residents had been made aware of the constituent elements of this complex scheme. Councillor Hamilton confirmed he had submitted a comment in August, but was under the impression that nearby residents were aware of the scheme, which it had become apparent they were not.

Questions of Officers

7. In answer to questions by Councillor Miller with particular reference to the proposed roofing materials, elements of the scheme were set out as were details of the constituent phases of the scheme, but the details of these would be secured by condition and at the Reserved Matters stage.
8. Councillor Williams sought details regarding the level of affordable housing provision proposed and clarification regarding whether that would be provided in each phase or across the scheme as a whole. It was confirmed that the s106 legal agreement would secure policy compliant affordable housing across each phase.
9. Councillor Fishleigh also sought clarification in respect of phasing of the scheme, the level of affordable housing and in relation to the level of on-site parking proposed. She considered that scheme was complex and that there were a number of potential unknowns.
10. Councillor Shanks sought clarification in relation to the sustainable elements of the scheme including the means by which heating and hot water were to be provided.
11. Councillor Osborne referred to the close proximity of the site to Shoreham Port and to the proposed development plans for other sites in close proximity and to the number of housing units proposed.

Debate

12. Councillor Miller stated that on balance he supported the scheme he considered that the site could take a high density development.
13. Councillor Shanks considered that there was an acknowledged need for affordable housing and that this represented good use of a brownfield site.
14. Councillor Yates stated that he was unable to support the development in view of the under provision of parking in an area where it was acknowledged that there was a lack of on-street parking provision. He also had concerns over the lack of consultation and the design of the development which reflected the character of Brighton, not Portslade.
15. Councillor Theobald stated that she had serious concerns about the scheme which could impact significantly beyond the immediate area.
16. Councillor Fishleigh considered that the density of the proposed form of development and impact of the existing road network and on parking were all too great. In her view the scheme needed to go back to the drawing board.
17. Councillors Childs and Williams considered that ultimately there were uncertainties regarding the number of larger units which would be provided. The negative impact on the neighbouring dwellings and severe under provision of parking for them, outweighed any potential benefits from the scheme.
18. Councillor Osborne stated that notwithstanding potential benefits his concerns around parking provision needed to be resolved and he could not therefore support the scheme in its current form.
19. The Chair, Councillor Littman stated that there were positives and negatives but on balance he considered that more details were needed in respect of Phase 2 and Phase 3. In depth consultation with residents was also required.
20. The option of deferring consideration of the application in order to obtain more information about future phases was considered but Members were of the view that they wished to determine the application as submitted.
21. A vote was taken and the 9 Members present voted on a vote of 7 to 2 the officer recommendation was not carried. An alternative recommendation was then sought and it was proposed by Councillor Fishleigh and seconded by Councillor Theobald that planning permission be refused on the grounds that:

poor quality consultation on behalf of the applicant, insufficient/inadequate parking spaces leading to overspill parking and highway safety issues, lack of three-bedroom units and that the design, height and appearance of the development would lead to unacceptable visual impact.
22. A recorded vote was taken on the above grounds for refusal put forward by the proposer and seconder. Councillors Childs, Fishleigh, Littman (Chair), Osborne (Deputy Chair), Theobald, Williams and Yates voted that planning permission be refused. Councillors Miller and Shanks voted that planning permission be granted. Planning permission was therefore refused on a vote of 7 to 2.

133.2 RESOLVED – That planning permission be REFUSED on the grounds that:

proposed by Councillor Fishleigh and seconded by Councillor Theobald and that the final wording of the reasons for refusal be agreed by the Planning Manager in consultation with the proposer and seconder.,

2. In the event that the refusal of permission was appealed and the Inspector was minded to allow the appeal authority is granted to enter into a s106 planning obligation on the heads of terms set out in the report.

MINOR APPLICATIONS**C BH2021/00537 - 28-29 George Street, Hove - Full Planning**

1. The Planning Manager introduced the application and gave a presentation by reference to enhanced visuals.

Speakers

2. Councillor Wilkinson spoke in his capacity as a Local Ward Councillor setting out his objections to the proposed scheme and those of neighbouring residents. He referred to the fact that there were a number of residential dwellings above the commercial and retail premises in George Street. There were concerns that a roof terrace if used as a sitting out area would generate noise and other nuisance. It would also have an overly dominant appearance in the neighbouring street scene.
3. Mr James spoke on behalf of the applicants in support of their application. He explained that this application built on the two permissions which had preceded it. The roof terrace was already in existence and had been in use for many years. The principle of creating two flats was already established. The proposed rooflights would not be visible from George Street. The external changes proposed would be very minor.

Questions of Officers

4. Councillor Fishleigh sought clarification regarding whether neighbouring units had roof terraces/flat roof areas which were in use for gatherings and had given rise to noise and other nuisance. It was explained that a number of the businesses in George Street had rear access and had flat roofs but most were not in use as amenity space. The creation of a roof terrace had an extant permission and that could not be removed.

Debate

5. Councillor Theobald explained that she undertaken a site visit herself and had walked around to the back of the site. The flint wall in situ was attractive but in her view the proposed cedar fence would be dominant and unattractive. The terrace itself could generate additional noise in close proximity to the neighbouring buildings at first floor level and would have a detrimental impact on Ventnor Villas and the character of the conservation area and should be refused.

6. Councillor Childs was in agreement that there would be a negative impact.
7. Councillor Osborne stated that on balance he considered that the scheme was acceptable. The impact of the proposed rooflights would be minimal, the existing flint wall was to be retained and the cedar fence would prevent overlooking to neighbouring buildings.
8. The Chair, Councillor Littman, stated that it was not appropriate to revisit the planning permissions already in place and whilst he considered that the scheme could be improved he did not consider that there were sufficient grounds for refusal.
9. A vote was taken and the 9 members present voted by 5 to 4 that planning permission be granted.

133.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolved to **GRANT** planning permission for the reasons set out in the report and subject to the Conditions and Informatives also set out in the report.

D BH2021/00654 - Ground Floor Flat, 14 Fourth Avenue, Hove - Full Planning

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

133.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to Conditions and Informatives set out in the report.

E BH2021/00037 - Land to the of North of 11 Grand Avenue, Hove - Full Planning

1. The Planning Manager introduced the application and gave a presentation by reference to enhanced visuals. Reference was also made to the objections received from CAG in respect of this application.

Questions of Officers

2. Councillor Theobald enquired regarding the configuration of the roof lights whether there had been any damage to existing on-site trees and whether any would be lost in consequence of the proposed works. It was confirmed that no trees would be lost. and there were no rooflights proposed.

Debate

3. Councillor Williams considered that the applicants could have made greater efforts to make the frontage of the scheme more aesthetically pleasing.
4. Councillor Shanks referred to the comments received from GAG and enquired whether they considered that these had now been addressed.

5. In answer to questions, Mr Amerena, CAG, stated that CAG remained of the view that the scheme was unacceptable notwithstanding amendments which had been made. CAG considered that the proposed form of development would be visually out of place on this extremely narrow site.
 6. Councillor Littman, the Chair stated that in his view the proposed development represented an improvement on the current appearance of the site.
 7. A vote was taken and the 9 Members present voted by 6 to 3 that planning permission be granted.
- 133.5 **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 also set out in the report.

F BH2020/03793 - 62 St Georges Road, Brighton - Change of Use

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
- 133.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

G BH2021/00528 - Grange Court, 91 Payne Avenue, Hove - Full Planning

1. The Planning Manager introduced the application and gave a presentation by reference to enhanced visuals.

Speakers
2. Mr Walker spoke in objection to the application. The proposed form of development located as it would be in a cul-de-sac would be too high and was unsympathetic to the neighbouring street scene which was characterised by Victorian dwelling houses. There were also concerns in respect of the proposed waste collection and recycling arrangements which did not appear to have the infrastructure to support them.
3. Councillor Nemeth spoke in objection his capacity as a Local Ward Councillor. The character of Poet's Corner in which the site was situated was of narrow 2 storey buildings with pitched roofs. The Maynard's Sweet factory building was an exception, permission for an additional storey to that building had been rejected and all other recent development in the area had been low rise and modest. A building which was lower in height with a pitched roof could be acceptable but the proposed scheme would be an overdevelopment.
4. Mr Stern spoke on behalf of the applicants in support of their application. The applicant had worked closely with Officers in order to bring forward an acceptable scheme which was modest and would provide an attractive building. It should also be noted that some of the building works could be carried out as permitted development and did not require planning permission.

Debate

5. Councillor Theobald stated that in her view as most of the neighbouring buildings were of two storeys in height with pitched roofs this development by virtue of its height and flat roof would be at variance with the neighbouring street scene and represented overdevelopment. No further issues were raised and the Committee then moved to the vote.
 6. A vote was taken and on a vote of 7 to 1 with 1 abstention planning permission was granted.
- 133.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

H BH2021/00799 - Coombe Lea, Grand Avenue, Hove - Full Planning

1. The Planning Manager introduced the application and gave a presentation by reference to enhanced visuals. Reference was also made to the comments and objections received from CAG. Also to further letters of objection which had been received and to one additional letter of support.

Public Speakers

2. Ms Mitchell spoke in objection to the proposed scheme and on behalf of the residents of Coombe Lea who had registered their objections to the proposals. There had been inadequate consultations with occupants or freeholders of the block and the necessary impact assessments and architectural surveys had not accompanied the application. The freehold company for the block had not asked for nor given its permission for the equipment to be installed. It would have a detrimental impact on the host building and on the neighbouring conservation area.
3. A Statement was read out on behalf of Councillor Moonan who was objecting in her capacity as a Local Ward Councillor. Councillor Moonan stated that she concurred with the concerns of local objectors and was in agreement that insufficient consultation had been undertaken and that in view of their dimensions and proposed location the proposed masts would have a severely detrimental impact for residents and in terms of their impact on the neighbouring street scene.
4. Councillor Wilkinson also spoke in his capacity as a Local Ward Councillor setting out his objections to the proposals. He echoed the concerns of his Ward colleague, Councillor Moonan and those of local residents and those living in of Coombe Lea. The consultation process had been derisory and he did not see how the applicants considered it acceptable to place structures on a building over which they did not have ownership in direct opposition to the wishes of residents. To place such large tall structures on the roof of this building would have a significant detrimental impact as they would be visible over a wide area not just in the neighbouring conservation area where there would be the greatest degree of harm.

5. Mr Flaherty spoke on behalf of the applicants in support of their application. He explained that the purpose of proposals was to improve network coverage and to improve network capacity for local businesses and residents. The principle of providing these network improvements was established and supported by Central Government. The current pandemic had created an unprecedented increase in demand in consequence of changes to the ways in which individuals worked with increased home working for example. The proposal would deliver benefits for all.

Questions of the Applicant

6. Councillor Yates sought clarification from the applicant regarding whether and which alternative locations had been sought and why this location had been chosen. Also, how this would fit into the existing network. It was explained that this location was chosen to provide the mobile coverage needed, on a building of the required height.
7. Councillor Miller also sought further clarification in respect of the 21 potential locations which were purported to have been considered and asked whether any of those were located in the conservation area. He considered that whether or not the scheme was acceptable depended on whether the benefits were outweighed by the damage to the local heritage asset.

Questions of Officers

8. Councillor Theobald sought confirmation of the height of the proposed masts and whether there would be safe access in order to erect them. It was explained that the masts would be 6m in height and that the existing access arrangements to the roof would be used.
9. Councillor Shanks queried whether the applicants could actually proceed in the absence of the consent of residents. . It was explained that this was a separate matter to the planning process.

Debate

10. Councillor Miller stated that he did not consider that a sufficiently compelling case had been made to outweigh any potential harm particularly the impact in the immediate area.
11. Councillor Theobald stated that she considered that the masts would be very tall particularly when viewed from Grand Avenue. There had been a large number of objections and it was clear that residents did not want these structures on their building.
12. Councillors Childs, Williams and Yates were in agreement that placing masts in this location would change the character and appearance of the conservation area irreparably. Councillor Yates was in agreement that the impact of this proposal would be far greater than in the immediate vicinity.

13. Councillor Fishleigh considered that a more appropriate location needed to be found which did not have such a detrimental impact and flew in the face of the wishes of residents.
 14. A vote was taken and the 9 Members who were present voted unanimously that the application be refused. The officer recommendation was not therefore upheld and an alternative recommendation was then sought. It was proposed by Councillor Miller and seconded by Councillor Yates that planning permission be refused on the grounds that the poor design and appearance of the proposed development, due to height, scale and roofline, would cause significant harm to the visual amenity of the local area, particularly the heritage assets; the public benefits do not outweigh the significant harm.
 15. A further vote was taken on the grounds for refusal put forward by the proposer and seconder. Planning permission was refused unanimously by the 9 Members present.
- 133.8 **RESOLVED** – That planning permission be **REFUSED** on the grounds that the proposed by Councillor Miller and seconded by Councillor Yates The final wording of the reason for refusal to be agreed by the Planning Manager in consultation with the proposer and seconder.
- 134 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**
- 134.1 There were none.
- 135 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**
- 135.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.
- 136 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**
- 136.1 There was no information for consideration at this meeting.
- 137 APPEAL DECISIONS**
- 137.1 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 5.00pm

Signed

Chair

Dated this _____ day of _____

