

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 6 JULY 2022

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Littman (Chair), Childs (Opposition Spokesperson), Moonan, Shanks, Yates, Gibson (Substitute) and Hugh-Jones (Substitute)

Apologies: Councillor Ebel, Councillor Hills and Councillor Janio

Co-Opted Members: James Forbes (Conservation Action Group)

Officers in attendance: Nicola Hurley (Planning Manager), Liz Arnold (Team Leader), Russell Brown (Principal Planning Officer), Kate Cole (County Ecologist), Alison Gatherer (Lawyer), Sonia Gillam (Senior Planning Officer), Andrew Renaut (Head of Transport Policy & Strategy), Rebecca Smith (Senior Planning Officer), Jack Summers (Planning Officer), Ayscha Woods (Planning Officer) and Shaun Hughes (Democratic Services Officer).

PART ONE

11 PROCEDURAL BUSINESS

a) Declarations of substitutes

11.1 Councillor Hugh-Jones substituted for Councillor Ebel and Councillor Gibson substituted for Councillor Hills

b) Declarations of interests

11.2 Councillor Moonan declared they had received representations on item A - BH2022/01015: Hove Town Hall, however, they remained of an open mind.

c) Exclusion of the press and public

11.3 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.

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

12 MINUTES OF THE PREVIOUS MEETING

- 12.1 **RESOLVED:** That the minutes of 25 May 2022 and 8 June 2022 were accepted as a true record of the meetings.

13 CHAIR'S COMMUNICATIONS

- 13.1 The Chair made the following statement:

I was informed this morning that both Councillor Tony Janio and our legal advisor, Alison Gatherer, have tested positive for Covid. Council rules quite rightly state that anyone testing positive must not attend meetings. Fortunately, Alison is feeling well enough to join us virtually.

Councillor Janio tells me he is also feeling well. However, unfortunately for him, Government rules state that, unlike Council Officers or members of the public, elected Members have to attend meetings in person. Sadly, this means that Councillor Janio cannot contribute to today's proceedings.

Of course, if the Government had listened to this Council, along with many others, when we lobbied them to allow Members to attend meetings virtually, Councillor Janio could also have joined us.

Many of you will remember that the last meeting of this Committee was interrupted by water pouring through the ceiling. Today, we are blessed with better weather, so I am confident that we can get through the three items left over from then plus the three items new to our agenda.

Before we do that though, I ought to point out to Members and those members of the public who keep a close eye on such things, that there will be some small but significant changes to some reports going forward. This is due to changes made to Building regulations last month.

Whilst we are often reminded by officers that Building Regulations form a separate legislative regime to planning; some of the new requirements within Building Regulations will supersede certain elements of what has previously been securing through conditions on planning applications.

Part L relates to conservation of Fuel and Power. This update goes beyond the energy conditions we have been applying to new dwellings. BREEAM standards in commercial developments will not be affected.

Part O designs out the need for energy-hungry air-conditioning systems in dwellings prone to overheating. This may result in a requirement for design changes to avoid overheating.

Part S considers Electrical Vehicle (EV) Charging Points and requires every new dwelling with associated parking to provide an EV charging point.

In each case, rather than attaching conditions, as we have had to do until now, informatives will be attached, making the new requirements clear.

14 PUBLIC QUESTIONS

14.1 There were none.

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

15.1 There were none.

16 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2022/01015 - Hove Town Hall, Ground Floor Front, Church Road, Hove - Full Planning

1. The Planning Manager introduced the application to the committee. The application was discussed at the previous 8 June 2022 committee meeting however proceedings were interrupted when the council chamber was flooded. The conclusion of the discussions were held in the virtual presence of the speakers who had addressed the committee at the last meeting. There was a repeat of the presentation as the makeup of the committee had changed.

Answers to Committee Member Questions

2. Councillor Yates was informed by the case officer that the decking would be open with no walls or gates. The Planning Manager stated that complaints about anti-social behaviour at the site would be dealt with by the Police, and that the Planning team could only consider material planning considerations. The impact on the amenities of neighbours was considered acceptable and the Police had made no comments.
3. Councillor Hugh-Jones was informed by the case officer that the shrub to be lost was the one closest to Platform 9 and details of the external treatments of the proposed decking would be required by condition.
4. Councillor Moonan was informed by the Planning Manager that the liability for accidents would be with the council as landlord and the operator, and this was not a Planning matter. The applicant stated that the decking would be open to the public and customers, and the opening times would match restaurants in the area. The councillor requested that signage indicate that the decking was open to all and that a closing time of 7 or 8pm would be preferred. The applicant stated that the wine bar opposite the site had similar timings and that signage would be displayed inviting users to sit on the decking, also patrons would be given priority over non patrons for seating on the decking. The Chair noted that at the last meeting 9pm had been suggested.
5. Councillor Childs was informed by the applicant that the replacement foliage would match the existing by condition. The agent noted that the nearby pub closed the outside space between 10.00 and 11pm.

6. Councillor Shanks was informed by the applicant that the opening hours of Platform 9 were 8am to 6pm Monday – Friday on the ground floor, with the second floor being open 24 hours a day, however events did take place monthly that went on as late as 10pm.

Debate

7. Councillor Moonan considered the application was difficult to decide as the proposals would enhance the local area, with a low impact and a boost to the area, however, they had concerns about opening times as this was not a pub or restaurant. The councillor considered that the monthly events could lead to a substantial change in times, and they considered 9pm to be appropriate. The councillor proposed a condition for no use of outdoor areas after 9pm, seven days a week. The condition was seconded by Councillor Yates.
8. Councillor Yates considered balancing amenity impact over potential it offers to others, and noted that the proposal provides a functional space, was not visually intrusive or detrimental to the amenities of others. The councillor considered the 9pm closing of outdoor space a good idea. The councillor supported the application.
9. Councillor Shanks considered the additional condition was not needed and they supported the application as submitted.
10. Councillor Childs expressed concerns over noise, however they considered the use of the space to be good. The councillor proposed a condition to close the outside space at 8pm. The proposal was not seconded.
11. Councillor Hugh-Jones supported the application which was considered to bring life to a tired area. The application was considered to improve the space and granting permission would support a local business.
12. Councillor Littman considered the proposals to be a good use of the area and welcomed the replacement of lost foliage.

Vote

13. A vote was taken, and the additional condition to close the outside space by 9pm seven days a week, was agreed by 6 to 1.
14. A vote was taken, and by 6 to 1, the committee agreed to grant planning permission.
15. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

An additional condition was added at Planning Committee: The outdoor decking area shall not be in use after 9pm Monday to Sunday.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

B BH2022/00632 - 4 Prince's Street, Brighton - Full Planning

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

Answers to Committee Member Questions

2. Councillor Childs was informed by the case officer that the application site was in a residential area and the opening hours would be restricted by condition to 12 to 10pm, Monday to Sunday. No amplified music would be allowed in the beer garden and the only other objections received related to noise from refuse collections but not considered to be worsened by this proposal.

Debate

3. Councillor Yates noted that a previous permission had passed the three year time limit to implement the permission. The site was in a very central position in the city, and the development was relatively small. The license allowed the pub to operate in a residential area and the proposals were a valuable improvement to the amenity of the pub.
4. Councillor Gibson considered it was good for patrons to go outside and the application was reasonable.

Vote

5. A vote was taken, and by 6 to 1 abstention, the committee agreed to grant planning permission.
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 **APPROVE** planning permission subject to the Conditions and Informatives as set out in the report.

C BH2021/02656 - 184 Saunders Hill, Brighton - Full Planning

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.

D BH2021/03806 - 7 Deans Close, Brighton - Full Planning

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

Speakers

2. Ward Councillor Simson addressed the committee and stated that they were speaking on behalf of residents and noted that the site was next to a wildlife haven and was a special home to wildlife. Residents were not against development on the site; however, this application was considered an over development of the site and a smaller

development would have less impact. The existing surrounding houses are individual and have good amenity spaces. The development is situated diagonally and faces the wildlife area and looks strange in the street scene. It was noted that many trees have already gone, and this has affected birds such as jays and woodpeckers. Policy protects the bio-diversity, so how can the council consider this application. The committee were requested to refuse the application on the grounds of harm to local wildlife and over development.

3. George Gunton addressed the committee as the agent acting on behalf of the applicant and stated that the application site had a vast garden which is sloped and the topography lead to the upside down design. The units are designed to preserve the neighbour's amenity after working with the council. The maximum amount of parking is proposed with access for fire services and bins. Work has also been undertaken with the County Ecologist on the site, which is not protected, and the bio-diversity is a net gain. The committee were requested to approve the application given the council's shortfall in providing homes in the city.

Answers to Committee Member Questions

4. Councillor Childs was informed by the case officer that the Arboricultural Officer had agreed that 5 main trees and 4 groups can be removed, and new trees and planting will be agreed by condition. The development does not meet the threshold for affordable housing. The plans show the locations of new and existing trees on the site and details will be required by condition.
5. Councillor Hugh-Jones was informed by the County Ecologist that the neighbouring site included a badger set and a buffer area had been set aside at the development site.
6. Councillor Gibson was informed by the case officer that the application commits to high efficiency standards in accordance with policy CP8 and conditions and informatives cover this matter. The agent stated that air source heat pumps would be included in the development along with green roofs, which means there would be no solar panels are not needed and there will be no gas on the site.

Debate

7. Councillor Childs considered that on balance the bio-diversity gain was good and supported the application.
8. Councillor Shanks considered the development would be an improvement to the area and even though the garden was lovely it was a large piece of land. The councillor supported the application.
9. Councillor Hugh-Jones considered the development to be good and of a high standard of ecology and sustainability. The councillor supported the application.
10. Councillor Littman was upset that some trees had been removed and considered the proposals to nearly be an overdevelopment of the site, however there were other similar developments nearby. The bio-diversity net gain was good. The councillor supported the application.

Vote

11. A vote was taken, and the committee agreed unanimously to grant planning permission.
12. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

E BH2021/04500 - 24 The Drove, Brighton - Full Planning

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

Speakers

2. Ward Councillor Lloyd addressed the committee and stated that the development was not fitting to the area in terms of design. Family homes developments are good but not this one. The accommodation is small and would not be a benefit to the occupiers. The proposals would block light to the neighbouring properties. The councillor shared a photo of the winter sun from a neighbour's garden which will be blocked by the development. The development did not enhance the area and seemed to be a letting opportunity only. The councillor considered the accommodation to be poor and requested that the committee did not support the application.
3. Jan Allain was not available to speak as an objecting neighbour.
4. Simon Bareham addressed the committee as the agent and stated that the applicant wanted to build a one bedroom dwelling for their mother. The application was a great example of planning system delivering added quality to a development with improvements agreed with council officers, particularly the windows and entrance way. The palette of materials was fitting and the building well designed, whereas the existing garages did not have a good impact on the area. The proposals would be 40/50cms higher than the fence line to the rear of the site. It was noted that some rear boundary hedges have been removed since the application was submitted. The living conditions of the neighbours will be preserved. The existing vehicle cross over will be removed and an additional bay created for street parking. The development has many benefits including a new street parking bay, improvement to the street scene, and moving a mother to be near her daughter. The committee were requested to approve the application.
5. The Planning Manager stated that there was no condition to remove the vehicle cross over, so this would need to be added.

Answer to Committee Member Questions

6. Councillor Yates was informed by the agent that the daughter of the mother for whom the development was to be built, lived in the Brighton and Hove City area, and the property would split the existing curtilage.

7. Councillor Shanks was informed by the agent that there was no access proposed to the existing neighbour and the building would be 40/50cms higher than the neighbour's boundary treatments to the rear.
8. Councillor Moonan was informed by the agent that residential rubbish bins would be stored at the front of the property in a bin area.
9. Councillor Hugh-Jones was informed by the agent that the photos show the boundary treatments at the time of submission, and the development will be 40/50cms higher, with a gap between the neighbour's rear garden boundary and the development created by a passageway. The proposals would be one storey higher than the existing garage.

Debate

10. Councillor Shanks considered the proposals to be suitable for the first occupier, however, future residents would find it to be small. As an annex it was acceptable, but it was not big enough otherwise. The councillor did not support the application.
11. Councillor Childs stated they did not like the development but saw no reason to refuse the application.
12. Councillor Yates noted the proposed property would be 58sqm, there was a need for a diverse range of properties across the city. The councillor could not see a reason to reject the development and supported the application.
13. Councillor Gibson supported Councillor Yates and noted that smaller properties had lower rents, and another property was good. The councillor supported the application.
14. Councillor Littman considered the development fitted the space standards and he had sympathy for the neighbours. The councillor noted the how important the street scene was and noted that there were different buildings in the area. The councillor supported the application.

Vote

15. A vote was taken, and the committee agreed unanimously to grant planning permission.
16. **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 in the report.

F BH2022/00612 - Flat 6B, 6 St Aubyns Gardens, Hove - Full Planning

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

Speakers

2. Ward Councillor Wilkinson addressed the committee and stated that they were speaking on behalf of residents. The councillor considered that there was a lack of information

and harm would be caused to neighbour's amenities and the area. It appeared that the report states the building would be used an office, however the structure will add space to the ground floor flat, this was a concern as a previous use had been withdrawn and this application submitted with a different purpose. The development was a substantial separate building with no public benefit. The committee were requested to refuse as dozens of residents are able to see this ugly building, the design is poor and there will be an adverse impact on the amenity of neighbours, occupiers and the conservation area.

3. John Sneddon addressed the committee as an objecting resident and stated that they represented seven neighbours. The quality of the building is not fitting for the conservation area, against policy that states that development should enhance or preserve the conservation area, and this building will have an adverse impact on the area. The speaker considered the report was wrong to say that building was not publicly visible as dozens of residents can see it. It was considered this was built by a letting agency and should be refused. This is the third retrospective application submitted for the property and the neighbours are unhappy. We do not know how to access the building is gained, possibly only through flat 6b.
4. Alistair Dodd addressed the committee as the agent acting on behalf of the applicant and stated that the outbuilding forms an extension to the existing flat away from other properties, similar to others in the area. The materials used as similar to other buildings in the area. There were 20 letters of support and 11 objectors. There is no overlooking, and the garden is to be replanted. The structure is not out of character and there is no harm to area. The committee were requested to approve the application.
5. The Planning Manager informed the committee that being retrospective did not change the way the application should be considered by the committee.

Answers to Committee Member Questions

6. Councillor Hugh-Jones was informed by the Planning Manager that the Energy Performance Certificate (EPC) ratings were not a planning issue, the development was not for rental and would be used by the flat, and the aesthetics of the materials was considered not the quality.
7. Councillor Moonan was informed by the Planning Manager that the planning enforcement team would look at who was using the building if it was thought not to be the occupiers of the flat. The case officer stated that the access was through the flat in the main building, no conversations had been held regarding solar panels as it is not a new dwelling, however, they would be encouraged, and the replacement planting will be by condition. The structure will be for sleeping accommodation with one bedroom, storage room and a toilet. The Planning Manager noted there was a condition to prevent independent living in the structure. The councillor was informed that most of the letters of representation were from local residents.
8. Councillor Shanks was informed by the Planning Manager that the structure did not come under Permitted Development (PD) as the application site was a flat. The case officer stated the building was 22 metres from the flat it served.

- 9. Councillor Hugh-Jones was informed that access for fire engines was not a planning matter and would be dealt with by Building Control.
- 10. Councillor Littman was informed by the case officer that the bio-diversity would be the same or better.

Debate

- 11. Councillor Yates considered the development was not detrimental to the conservation area or the existing flat. The outside space was acceptable, and the councillor supported the application. The accommodation was not ideal but was an improvement for the flat.

Vote

- 12. A vote was taken, and by 3 to 1, with 3 abstentions, the committee agreed to grant planning permission.
- 13. **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 as set out in the report.

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

- 17.1 There were none.

18 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

19 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 19.1 There were none for this committee agenda.

20 APPEAL DECISIONS

- 20.1 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 4.16pm

Signed

Chair

Dated this day of