

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 1 NOVEMBER 2023**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Loughran (Chair), Allen (Deputy Chair), Cattell, Fishleigh, Hamilton, Nann, Robinson, Shanks, Winder (Substitute) and C Theobald

**Officers in attendance:** Jane Moseley (Planning Manager), Katie Kam (Lawyer), Chris Swain (Planning Team Leader), Rebecca Smith (Planning Officer), Michael Tucker (Senior Planning Officer) and Shaun Hughes (Democratic Services Officer), Oliver Spratley (Urban Design Officer), and Chinwe Ihemefor (Environmental Health Officer).

**PART ONE**

**50 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

50.1 Councillor Winder substituted for Councillor Pumm.

**b) Declarations of interests**

50.2 Councillor Fishleigh stated that they were not of an open mind on item B: BH2023/00830 and would not take part in the discussions or decision-making process. Councillor Theobald stated they had received emails regarding items A: BH2022/02492 and D: BH2023/01799, however they remained of an open mind. Councillor Cattell stated they know the agent for item A, however, they remained of an open mind. Councillor Loughran stated they had been lobbied by residents on items A and D, however they remained of an open mind. The Legal officer, Katie Kam stated they knew – one of the objectors for item D but had played no part in the application process.

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

50.3 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.

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

**d) Use of mobile phones and tablets**

50.5 The Chair reminded Committee Members ensure that their mobile phones should not be used as a means of communication during the meeting and if members need to make or receive a message via their phone, please alert me as Chair. Where Members were using tablets to access agenda papers electronically, they should ensure that they are switched to 'aeroplane mode'.

**51 MINUTES OF THE PREVIOUS MEETING**

51.1 **RESOLVED:** That the minutes of the meeting held on 4 October 2023 were agreed.

**52 CHAIR'S COMMUNICATIONS**

52.1 The Chair stated the following: The Levelling Up Regeneration Bill was finally passed in parliament on the 26 October and received royal assent. It is now the Levelling Up Regeneration Act.

However, the new Act has not been published. I have not been able to see how many of the key clauses relating to the planning system have been changed. Key provisions will include proposals relating to the changes to the development plan system and the development management system, and the target provisions for housing.

The new Act will need to be brought into force and there will be a requirement for changes to existing statutory instruments regarding these changes so the changes are not likely to take effect for some time. I will update you when this happens.

There will be new National Development Management Policies and changes to the way regarding the calculations for housing and how those figures are applied to take local circumstances into account. The tests for housing delivery will change. Efforts have been made in the House of Lords through Lord Crisp to support the healthier homes principles which the Commons did not adopt in full although some concession has been derived. I was personally involved with this effort before I became a Cllr. We also expect to see a new system in relation to the operation of the Infrastructure Levy.

There will also be significant changes to the legal framework for environment assessment which is still on going. The Government is proposing to adopt Environmental Outcomes Reports to replace legislation that was comprehensively based on the EU legal framework. I expect the Act will change the way we have processed assessments for many years through EIA and SEA.

The Council will be keeping you and residents up to date with the changes. They will be reflected in the way that our options for the emerging spatial plan will be developed and that will be evident in the material that is published for future consultations about the direction of our city in planning terms. The changes will mean that our existing system of planning assessment changes. Further clarification is awaited.

**53 PUBLIC QUESTIONS**

53.1 There were none.

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

54.1 Councillor Fishleigh requested that a site visit be made to 44 The Cliff, Roedean, Brighton. The committee Members did not support the request.

**55 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

55.1 The Democratic Services officer called the agenda applications to the committee. Items G: BH2023/02174 and I: BH2023/02170 were not called for discussion and were therefore taken to be agreed in accordance with the officer's recommendation(s).

**A BH2022/02492 – 47 Trafalgar Street, Brighton – Full Planning**

1. The Planning Team Leader introduced the application to the committee.

## Speakers

2. George Taylor addressed the committee as an objecting resident and stated that they considered the proposals to be an overdevelopment of the site and overbearing height and mass. The bulk and scale of the development was considered to cause harm to the amenities of the area. The level of impact on the area would be great. The Prince Albert pub next door is a landmark building, and the contemporary development would not be in keeping. It was noted that the pub features were not included in the scheme, as the proposed light well would obscure the pub window and prevent access to the exterior of the window for repairs. It was considered that the pub had a key role in the city and the 'Agent of Change' was not good enough, neither was the noise impact assessment.
3. Ward Councillor McLeay sent a speech which was read out by the Democratic Services officer as follows: Speaking on behalf of local residents and business owners, I object to the current planning application to develop the site at 47 Trafalgar Street, based on the following material considerations.

Loss of light or overshadowing: The scale and height of the planned development next to the Prince Albert pub and surrounding premises will block out much of the natural sunlight. The daylight/sunlight report states there will continue to be "some" impact, however, this continues to be seen as a significant impact by the neighbouring properties, especially as they are already limited in terms of the natural sunlight.

The effect on listed buildings and conservation area: The excessive scale of the development is a major concern for the surrounding properties and premises and does not fit with the adjoining building. The Prince Albert pub is a grade II listed building, and a significant landmark on Trafalgar Street. The addition of a basement has also raised concerns as to how it will impact the foundations of the Prince Albert.

Noise: The proximity of the Prince Albert pub, a much-loved music venue, is a particular concern. This is a point of reference reinforced by the sheer number of objections.

It is developments like this that instigated the incorporation of the Agent of Change Principle into the National Planning Policy Framework (NPPF). That existing businesses and facilities should not have unreasonable restrictions placed on them as a result of developments permitted after they were established – where the operation of an existing business or community facility could have a significant adverse effect on new developments, and the applicant should be required to provide suitable mitigation before the development has been completed.

The Planning application does not state a specific use for the site, apart from a Class E use class which covers a wide range of uses. These could vary in sound sensitivities and hours of operation. The Prince Albert pub has great cultural importance to the city as a live music venue, and planning applications within its vicinity should be considered carefully – with an intention to complement the surrounding premises, and not work against. The scale of the development, along with the demolition and re-development of the site would cause significant and prolonged disruption to the businesses either side.

The councillor would be interested to see a planning application that better incorporates the surrounding area and shows how its Use Class will complement its surroundings for the benefit of the wider community. This is already a significant space in terms of ground floor landmass. I suggest Councillors consider the opportunity to reject this planning application and invite new applications for development that provide greater benefit to the local community.

4. Luke Austin addressed the committee as the agent on behalf of the applicant and stated that the current car rental depot would be replaced with a new building which was altered to reflect officers' concerns. The alterations included a new light well alongside a window in the pub adjoining. The development is non-residential. The Noise Impact Assessment was carried out over a weekend when bands were playing. The scheme will include robust sound insulation, which was supported by officers and included in the conditions. The E use class for the building covers a range of uses. The existing building is unattractive and was used for commercial purposes and of little interest. The proposals will add to the streetscene and is supported by the Heritage team. It was noted the applicant has worked with the officers to agree the final scheme.
5. The Planning Manager noted that the Heritage team raised no concerns about the revised scheme, which meets daylight/sunlight requirements. The Agent of Change principle was applied, and the car yard being replaced by an E class use building was deemed acceptable.

Answers to Committee Member Questions

6. Councillor Shanks was informed that the difference in height between the existing building and the proposals was 3.9m. It was confirmed that there would be a light well included in the development, which would allow light into the existing pub window which serves stairs. The Planning Team Leader noted there were no windows at first floor level in the proposals and the third floor was set back.
7. Councillor Allen was informed by the Planning Team Leader that there was no artwork on the eastern elevation of the pub. The Planning Manager confirmed that a Deed of Easement to remove the right of future tenants to complain was not considered appropriate as the use was commercial so less sensitive, and the pub was already surrounded by residential developments. The Environmental Health Officer noted that no recent complaints have been made about the pub in this dense area with dwellings to the rear and existing commercial uses nearby.
8. Councillor Theobald was informed that the planning officers and the Urban Design Officer expressed concerns regarding the design and daylight resulting in the design being changed. It was noted that there would be no change to the seating outside the pub and that the Heritage team found the proposals acceptable regarding the listed features of the pub and the conservation area. The Planning Team Leader confirmed that some cornicing only would be affected. The development was designed with a step back to limit the visual impact of the scheme.
9. Councillor Nann was informed that the conditions are satisfactory and enforceable. The applicant is able to appeal. The Planning Team Leader confirmed the applicant has 6 months to appeal following a refusal, and they may re-apply for planning permission. An application can also be made to vary a condition.
10. Councillor Fishleigh was informed by the Planning Team Leader that the materials would be agreed by condition. Detailed drawings would also be required by condition. The Urban Design Officer considered the design was mediocre and could be improved, however, the current scheme is adequate. The Planning Manager clarified that the Urban Design Officer's concerns related to light coming into the building for future users, not impacts on surrounding dwellings.
11. Councillor Robinson was informed that there was no courtyard in the proposals and that there had not been one on site for many years, However, there was a light well incorporated into the building. On balance the scheme is acceptable.
12. Councillor Cattell was informed that there was a delay in receiving information from the applicant, hence the delayed response to consultation. The Urban Design Officer stated they were open to discussions and comments at each stage.
13. Councillor Theobald was informed that it was apparent from some of the objections that a some did not realise that the residential elements of the scheme had been removed.
14. Councillor Shanks was informed that the design was acceptable, as was the sunlight/daylight assessment. A Deed of Easement would be a legal agreement between the site owners and the pub, and this would not be enforceable by the council.

15. Councillor Loughran was informed that the application could not be refused on the basis that applicant updated their submission but did not explicitly set out responses to concerns raised or update their Design and Access Statement. There were no objections regarding energy and sustainability with conditions securing acceptable levels.

#### Debate

16. Councillor Fishleigh considered the design was mediocre and not good. The councillor was against the application.

17. Councillor Nann considered the music venue to be valuable and not enough was being proposed to protect the venue. The councillor did not consider the design good enough, bringing nothing to the area and stated they were against the application.

18. Councillor Cattell considered the applicant had gone a long way to protect the listed building, however, there was a need to mitigate the impact of the new development. The site needs developing; however, the councillor was against the application.

19. Councillor Robinson considered the development too bulky, and not of an acceptable design. A better design was required for this site. A Deed of Easement would be a good idea.

20. Councillor Theobald considered the existing building to be unattractive and they were glad the holiday lets had been removed from the development. The sound proofing needs to be good. The scheme was considered an overdevelopment of the site and impactful on the neighbouring pub. The councillor was not keen on the application.

21. Councillor Hamilton considered the application was difficult to decide as there were some good points, and others were only acceptable. The councillor was against the application.

#### Vote

22. A vote was taken, and unanimously the committee voted against the case officers' recommendation. Councillor Cattell proposed, and Councillor Nann seconded, the application should be refused. The wording to be agreed by the Planning Manager with the proposer and seconder.

23. A recorded vote was taken, and the following councillors voted for the refusal: Allen, Cattell, Fishleigh, Hamilton, Nann, Robinson, Shanks, Theobald, Winder and Loughran.

24. **RESOLVED:** That planning permission be refused for the following reasons:

1. Failure to demonstrate the future use of the new development would not have a detrimental impact on the Prince Albert public house as a heritage and cultural asset.

2. Failure to demonstrate the design, bulk and footprint of the development has responded to the character of the North Laine area, including its heritage features.
3. Failure to demonstrate that the scheme would not have an unacceptable impact on the amenity of residents of Over Street, including through the built form being overbearing.

**B BH2023/00830 - Ovingdean Hall, English Language School, Greenways, Brighton - Full Planning**

1. The Planning Manager introduced the application to the committee.
2. The case officer updated the committee that condition 6 had been reworded, the Tree Protection Plan had been accepted so would be secured by condition, condition 28 had been altered, the Conservation Action Group had supported the scheme and the S106 agreement would need to be completed within 2 months of the committee meeting if the committee agreed to grant planning permission.

Speakers

3. Paul Perrin addressed the committee as an objecting resident and stated that they wished the application to be refused as it was unreasonable and would overshadow and overlook the residents garden patio. Sunlight/daylight will be blocked by the development, which is higher than the existing buildings ridge height. Light standards are considered to fall short and be toxic to the neighbours. Morning sunlight will be blocked to the front garden and shadows will be cast over the main living area and garden. The proposed new block is not needed at this location. The committee were requested to refuse the application.
4. Tess St Clair-Ford addressed the committee as the applicant and stated that when the college opened, they received 170 national and international students for advanced learning. The college worked with local groups. 80% of the students were boarders. The proposals would bring the college back to life and enhance the conservation area. £12m would be put towards stage one, and £22m for the rest of the scheme. The number of support and teaching staff will be increased. The multi-use games area will be available for local community use, as well as the full boarders. The design has been mitigated to reduce the impact on the neighbouring properties. The committee were requested to approve the application.

Answers to Committee Member Questions

5. Councillor Allen was informed by Paul Joyce acting as the agent that the design of the development had been agreed with the Heritage officers.
6. Councillor Robinson was informed by the agent that the alignment of the proposed blocks matched the existing, away from the listed building. This was considered the best

location for the new blocks. The multi-use games area is conditioned to have a management plan and lights will be on timers.

7. Councillor Theobald was informed by the agent that the plans show the existing buildings and those proposed, including a second access road to the rear of the buildings which can be used as an escape route. The new blocks were slightly higher than the existing, the distance between the listed building and the development was 10 metres, condition 12 covered the swimming pool removal and condition 19 covered the floodlighting.
8. Councillor Shanks was informed by the case officer that the south east area of the site was a Local Wildlife Site so there were few options for development, with the existing location for the new blocks being the best achievable. Contributions towards local bus services could be secured via Community Infrastructure Levy (CIL).
9. Councillor Hamilton was informed that north western corner of the site was not changing. The case officer noted the existing boarding block was in the north western corner. The agent confirmed that the majority of the site to the south east was a wildlife site.
10. Councillor Theobald was informed by the case officer that the S106 agreement was in line with guidance as the site was already a school.

#### Debate

11. Councillor Allen considered Ovingdean to have a distinct character and the proposed development appeared to be incoherent. The councillor was against the application.
12. Councillor Cattell considered the drawings quality were not good. The listed building was beautiful, and the proposals would not enhance the setting, detracting from the conservation area. The councillor was against the application.
13. Councillor Robinson considered the proposed blocks to be too large. The councillor was against the application.
14. Councillor Theobald considered the developments to be too close to residents. The councillor was against the application.
15. Councillor Loughran expressed concerns the new blocks were too close to neighbours and considered the development to have a negative impact on the living conditions of residents.

#### Vote

16. A vote was taken, and the committee voted unanimously against the officer recommendation.
17. Councillor Allen proposed, and Councillor Robinson seconded that the application be refused. The wording of the refusal to be agreed by the Planning Manager with the proposer and seconder.



18. A recorded vote was taken, and the following Committee Members voted for the refusal: Allen, Cattell, Hamilton, Nann, Robinson, Shanks, Theobald, Winder and Loughran.

19. **RESOLVED:** The committee refused planning permission for the following reasons:

1. Design and materials would not preserve or enhance the distinct character of the Ovingdean Conservation Area.
2. Unacceptable impact on the amenity of residents to the north of the site by virtue of the excessive bulk of the building and its proximity to dwellings on Woodland Walk.

**C BH2023/01186 - 58-60 Beaconsfield Road, Brighton - Full Planning**

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

Speakers

2. Lucy Duckworth addressed the committee as a representative of the Beaconsfield Arches Community Organisation and stated that they were deeply concerned regarding light, noise and pollution. The noise from the vehicle engines will have an impact on the neighbouring properties. The noise impact report was not considered sufficient as it stated one hour for jetwash use. The proposals would lead to a significant loss of privacy for the neighbouring houses. There would also be a negative impact on wildlife, with ponds being within 50 metres of the site. The committee were requested to refuse the application for the lack of community engagement. Alex Levant also spoke for the Beaconsfield Arches Community Organisation and stated that the increased number of cars would be a danger as there had been a number of near collisions at the entrance. The proposals would be detrimental to enjoyment of the neighbouring homes.
3. Ward Councillor Hill addressed the committee and stated that they considered the noise assessment to be incorrect as certain measurements were not taken. The proposals would be detrimental to the surrounding residents, with car horns, mechanical works, gear changes, jet wash and vacuum noise. The net gain of biodiversity would be affected. The bat boxes under the arches will be affected by the increase in noise by the coming and going on the site. There had been no engagement with residents. The committee were requested to refuse the application.
4. The Planning Manager stated that there was no increase in the movement of vehicles over previous site use and there was no limitation on hours currently. An ecological assessment has been submitted and ecology is protected by condition.
5. Chris Dodds addressed the committee as the agent acting on behalf of the applicant and stated that they recognised residents' concerns and noted that Enterprise was a respectful company, and they wanted to avoid conflict. All requested reports have been submitted and all statutory and non-statutory consultees have supported the application. The proposals comply with policies and there is positive weight given to the use of a brownfield site, provision of jobs, and business improvements. It was noted that the majority of vehicles are either hybrid or electric. The committee were requested to approve the application.

## Answers to Committee Member Questions

6. Councillor Fishleigh was informed by Lucy Duckworth that the site parking spaces will be next to the residents' gardens and will be only 1.3m away. There is a wildlife corridor outside the gate to the site including 3 ponds. This and the residents' amenities will be affected by car fumes. The case officer stated that 2m fences would be erected along the site boundary, required by condition.
7. Councillor Cattell was informed by Lucy Duckworth that the wildlife corridor was on private land at the moment. The application site was not formerly open to the public and would be secured.
8. Councillor Allen was informed by Lucy Duckworth that the previous owners reached out to the community and reduced the lighting. The applicant has not contacted residents.
9. Councillor Shanks was informed by the case officer the 2m high fencing will be on the northern side of the site.
10. The Planning Manager noted the jet wash was allowed 60 minutes each day which would be secured by condition.
11. Councillor Nann was informed that the applicant had submitted the timescale for the jet wash. The agent stated that 2 minutes per vehicle would be sufficient, and this was the reason for being happy with its use being limited to 60 minutes/day.
12. Councillor Robinson was informed by the agent that the public would be accompanied by staff at all times when on site and that vehicles to be used that day would be at the front of the site. The front gate will be opened in the morning and closed by the pub in the evening.

## Debate

13. Councillor Theobald considered the existing buildings to be unsightly and the hours to be moderate. The councillor supported the application.
14. Councillor Cattell considered the current noise and proposed to be similar to the previous use, and noted that new cars will produce less pollution. The County Ecologist has agreed the conditions, however there may be slow worms on site which should also be protected. The Planning Manager confirmed that ecological report included reference to slow worms so these would therefore be protected.
15. Councillor Nann considered they preferred cars to a building merchant. The councillor supported the application.

## Vote

16. A vote was taken, and the committee voted unanimously to grant planning permission.

17. **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 BH2023/01799 - Garages to the Rear of 10 Bavant Road, Brighton - Full Planning**

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

Speakers

2. Jethro Carr addressed the committee as an objecting resident and stated that they represented ten families. The design will be impactful, contrary to Policies DM18 and DM26. The small bungalows are in an elevated position and are not well positioned adjoining the boundaries with the neighbours. The buildings will overshadow neighbours and are not subservient to them. The scheme is an overdevelopment which does harm to the local amenities. The committee were requested to defer and carry out a site visit to see the impact of the proposals. The applicant has not contacted the neighbours. The applicant is trying a twin track method alongside the appeal, trying to rush the council.
3. Ward Councillor Pickett addressed the committee and stated they considered the development was lacking as reflected by the huge number of objections. The development should fit in with the area and not have a negative impact. The height has been reduced; however, it is still considered to be overbearing. The development is close to the boundaries of neighbours against Planning Policy DM20. The development is considered too substantial for the site. The garden areas proposed are not in keeping with the area and will have a negative impact on the occupiers, one house would be better. The committee were requested to refuse the application if the relevant policies are not met.
4. Sarah Sheath addressed the committee as the agent acting on behalf of the applicant and stated that the previous application had been refused by the case officer under delegated powers, as the scale of the development was considered out of keeping with an overbearing impact on neighbours. The pair of chalet style dwellings have been reduced and are subservient to existing buildings. There are limited views of the proposals, following the reduction of the eaves height. This is a built-up area where development is encouraged. The committee were asked to agree the application as there were no planning reasons to refuse the proposals.

Answers to Committee Member Questions

5. Councillor Theobald was informed by the agent that the existing garages were rented out to persons who were not locals, therefore, no extra parking would be created on local roads.
6. Councillor Nann was informed that the previous application was refused under delegated powers.
7. Councillor Cattell was informed that the new occupiers would be able to apply for parking permits.

8. Councillor Loughran was informed by the agent that the development was in an elevated position, and that the obscured glazed skylights allowed light into the dwellings but prevented overlooking the neighbouring properties. Obscure glazing and louvres were proposed for the first-floor windows and clear windows on the ground floor.
9. Councillor Robinson was informed by the case officer that the gardens would be different from others in the area and access to the south elevation would be from the rear garden.

#### Debate

10. Councillor Shanks considered the development a good use of the land. The councillor supported the application.
11. Councillor Cattell stated they knew the area and noted other back land buildings were well designed, however the proposals were not. They were a poor solution to the site, a modern design would be better, and only one dwelling.
12. Councillor Nann considered the development impacted on the amenities of neighbours.
13. Councillor Loughran considered the site to be very constrained and the development too close to neighbours, contrary to Planning policy DM26.

#### Vote

14. A vote was taken, and by 1 to 9 the committee did not approve the officer recommendation.
15. Councillor Nann proposed, and Councillor Robinson seconded a proposal that the application be refused for the same reasons given for the previous application as well as the impact on the conservation area.

#### Vote

16. The following councillors voted for the proposal to refuse the application: Allen, Cattell, Fishleigh, Hamilton, Nann, Robinson, Theobald, Winder and Loughran. Councillor Shanks voted against the refusal.
17. **RESOLVED:** The committee refused the application. The Planning Manager to agree the reasons for refusal with the proposer and seconder.

### **E BH2023/02163 - Shermond House, 58 - 59 Boundary Road, Hove - Full Planning**

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

#### Speakers

2. Colin Wood addressed the committee as an objecting resident and stated that they were speaking on behalf of other residents. During the 18 months the application has been with the council the applicant has not contacted residents. In the amendments the large windows have been removed and a car park barrier has been erected to prevent use of the car park, cars are now parking to the east of Worcester villas. The application appears to be the same as the previous which was refused. The proposed metal side elevation panels could be easily removed, and windows inserted. The development is considered too large and overbearing. The committee were requested to refuse the application.
3. Ward Councillor Sankey sent a speech to read out as follows: I'd like to raise objections and concerns about factors that are material to your consideration of the application. There are a number of issues raised which are viewed *on balance* as not presenting a sufficient reason for the application to be opposed. Most importantly, overdevelopment. Having a detached building set to the rear of a primary building goes against the urban grain. And given the openness of the existing area, represents overdevelopment. It would remove much needed parking provision for the area, given the mixed commercial and residential use. This massing of office space would present significant visual disruption to residents on Worcester Villas. Applications for two-storey developments to the rear of the buildings fronting Boundary Road have been refused in the past due to "scale, massing and site coverage", having an "unduly dominant, discordant and unsympathetic relationship with the adjacent properties and an overbearing impact on the appearance of the wider area". City Plan Part 2 requires office space to be suitable for subdivision and flexible. As officer report notes there is a tension with this application and that policy requirement. It is inflexible and does not lend itself to flexible use. This, combined with the long term availability of similar office space in the area leads me to conclude that this type of inflexible office space is not currently warranted and that taken together with the objections, this application should, on balance be refused.
4. Simon Bareham addressed the committee as the agent acting on behalf of the applicant and stated that the previous application was refused for overlooking and this scheme has no windows. The first floor will have metal panels which are buttressed to give support. The size of the building has been taken into consideration, with the ground and first floors being sub divided. General improvements in the scheme include a green roof, a parking cover and will create approximately 18/19 jobs in area. The proposals overcome reasons for refusal. The committee were requested to agree the application.

#### Answers to Committee Member Questions

5. Councillor Hamilton was informed by the objector that the proposals were 4 metres from the closest boundary.
6. Councillor Cattell was informed by the case officer that the car park was defined by white lines. The agent informed the councillor that the car park was existing and was constructed at the same time as the building over it. The case officer noted that the 1972 planning permission included the car park.
7. Councillor Fishleigh was informed by the Planning Manager that reasons for refusal needed to be reasonable.

- Councillor Hamilton was informed by the case officer that the report included conditions preventing change of use without planning permission.

Debate

- Councillor Nann considered the previous objections to the large windows, still remained as the large building will overlook residents' gardens and that blocking the windows was insufficient. The councillor was against the application.
- Councillor Cattell did not consider the application to be overbearing on neighbouring properties as there was some screening on the boundary. The councillor supported the application.

Vote

- A vote was taken, and by 4 to 3, with 1 abstention, the committee agreed to grant planning permission. (Councillors Shanks and Theobald took no part in the vote or decision making process).
- 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 BH2023/00839 - 9 The Ridgway, Brighton - Full Planning**

- The Planning Manager introduced the application to the committee.

Speakers

- Ward Councillor Allen addressed the committee and stated that there were strong objections to the application, which is considered overdevelopment of the site. The ridgeway was a 1920s development with generous plots. The development is close to the neighbour's boundary and includes a roofscape out of character for the area. The development will lead to an increase in traffic at this busy section of the road, which is reduced to one lane by cars parking on both sides. The development will be a burden on parking and drivers. The committee were requested to refuse the application.

Answers to Committee Member Questions

- Councillor Fishleigh was informed by the Planning Manager that it was not possible to refuse application on the basis that the Committee found the drawings submitted with the application difficult to read.

Debate

- Councillor Robinson considered the proposals to be out of keeping with the area.
- Councillor Loughran considered the design of the proposals to be out of keeping appearing to be a chalet building divided down the middle, with small windows and a large roof.

6. Councillor Cattell considered there were many different styles in the area with a lot of back land development. The design was not considered to be bad.
7. Councillor Robinson was concerned about the design as the site was too small for two dwellings, and they were not in keeping with the area.

Vote

8. A vote was taken, and by 2 to 4, and 1 abstention, the committee voted against the officer recommendation. (Councillors Shanks, Theobald and Allen took no part in the vote or decision-making process).
9. Councillor Robinson proposed, and Councillor Loughran seconded a proposal to refuse the application on the grounds that the proposals would have a detrimental effect on streetscene by virtue of the proportions of the building and its roofscape resulting in an incongruous feature with a negative impact on the character of the area.

Vote

10. A recorded vote was held, and the following councillors voted for the proposal to refuse the application: Nann, Robinson, Winder, Loughran. Against the refusal were councillors: Hamilton and Cattell. Councillor Fishleigh abstained. (Councillors Allen, Shanks and Theobald took no part in the vote or decision-making process).
11. **RESOVED:** The application should be refused and the wording to be agreed by the Planning Manager with the proposer and seconder.

#### **G BH2023/02174 - 18 Rosebery Avenue, 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.

#### **H BH2023/01573 - 44 The Cliff, Brighton - Full Planning**

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

Answers to Committee Member Questions

2. Councillor Fishleigh was informed that there was a condition requiring a bin store at the site. The Planning Manager informed the councillor that the adding a condition to stop the change of use to House of Multiple Occupancy (HMO) was not necessary because planning permission would be required for such a use.
3. Councillor Cattell was informed by the case officer that there 5 bedrooms in total, 2 above and 3 below. The Planning Manager stated that 5 unrelated persons, and below,

was not considered an HMO. The case officer confirmed that the existing permission included a unilateral undertaking that the flat was ancillary to the ground floor flat. There was no condition to use as a 'granny annexe'.

4. Councillor Robinson was informed that the garden structures were ancillary to the ground floor flat.

Debate

5. Councillor Cattell did not consider the kitchen to be correctly located for Building Regulations.
6. The case officer noted that the bedrooms had means of escape other than through the kitchen.

Vote

7. A vote was taken, and by 5 to 2 the committee granted planning permission. (Councillors Shanks and Theobald took no part in the vote or decision-making process).
8. **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 BH2023/02170 - 25 Freehold Terrace, Brighton - Full Planning**

3. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
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 the Conditions and Informatives in the report.

#### **56 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

#### **57 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

#### **58 APPEAL DECISIONS**

- 58.1 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 7.32pm

Signed

Chair

Dated this

day of

