

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 8 JULY 2020**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hill (Chair), Henry (Deputy Chair), Littman (Opposition Spokesperson), Miller (Group Spokesperson), Fishleigh, Janio, Shanks, C Theobald and Yates

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

**Officers in attendance:** Nicola Hurley (Planning Manager), Hilary Woodward (Senior Solicitor), David Farnham (Development & Transport Assessment Manager), Chris Swain (Planning Team Leader), Stewart Glassar (Planning Team Leader), Tom Jefferies (Planning Team Leader, Policy Projects & Heritage), Joanne Doyle (Senior Planning Officer), Mark Thomas (Senior Planning Officer), Henrietta Ashun (Planning Officer), Jack Summers (Planning Officer) and Penny Jennings (Democratic Services Officer).

**PART ONE**

**12 PROCEDURAL BUSINESS**

**12a Declarations of substitutes**

12.1 There were none.

**12b Declarations of interests**

12.2 The Chair, Councillor Hill, confirmed that the Ward Councillor representations referred to in Application A, BH2019/01820, 19-14 Melbourne Street, Brighton had been made by Councillor Elaine Hills, not herself. Councillor Hill stated that they had been lobbied in respect of Applications A, B, D, E and F on that afternoon's agenda but remained of a neutral mind and would therefore remain present at the meeting during the discussion and determination. Councillor Hill was aware that other Members had also been lobbied in respect of those applications. Unless they declared otherwise it would be taken that they also remained of a neutral mind and would remain present at the meeting during consideration and determination of those applications.

12.3 Councillor Miller wished to confirm formally that he remained of a neutral mind in respect those applications. Councillor Yates confirmed that he had been lobbied in respect of applications A, D E and F. He declared a prejudicial interest in respect of Application A, BH2019/01820, 19-24 Melbourne Street in that he had been in correspondence previously with parties who had an interest in the site and involvement with a group(the Kung Fu Club) which could benefit if the development went ahead. He

would therefore withdraw from the meeting during consideration of that application and would take no part in the discussion or the decision making process.

- 12.4 Councillor Theobald declared a prejudicial interest in Application B, BH2018/01622, 295-305 Portland Road, Hove as a friend of hers was a neighbouring resident. She would therefore withdraw from the meeting during consideration of the application and would take no part in the discussion or the decision making process.

### **12c Exclusion of the press and public**

- 12.5 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.

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

### **12d Use of mobile phones and tablets**

- 12.7 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 ‘airplane mode’.

## **MINUTES OF THE PREVIOUS MEETING**

- 13.1 It was noted that the minutes of the meeting held on 10 June 2020 had been circulated for Member approval. Any amendments notified would be made to the version published on line. The minutes would be formally approved at the next scheduled meeting of the Committee on 5 August 2020.

## **CHAIR'S COMMUNICATIONS**

- 14.1 The Chair welcomed all present to this virtual meeting which was also being webcast and would be capable of repeated future viewing. In order for the meeting to run smoothly all presentations had been sent to the committee and Members had had time to ask questions of the Planning officers. The presentations were also online for viewing by members of the public. Addendums were also available for public viewing. Presentations had in general taken into account that no site visits have taken place.

## **PUBLIC QUESTIONS**

- 15.1 It was noted that one public question had been received. Mr Paul Bowes was invited to put his question which is set out below:

### **Question from Paul Bowes — HMO Planning Applications**

“In view of the recognition in City Plan 2 (which builds on existing adopted policy) for the need for the development of HMOs that do not create noise disturbance and that therefore take account of acoustic considerations on neighbouring properties, please can the Council clarify what steps are being taken in respect of HMO applications to ensure that Environmental Health Officers are always consulted, to make this assessment when planning applications are being determined? Is the Environmental Health Officer routinely consulted on HMO planning applications? “

15.2 The Chair, Councillor Hill responded in the following terms:

“Policy CP21 of City Plan Part One relates to HMOs and is used in the determination of planning applications to restrict new HMO development in areas of existing high concentrations. Once adopted, the City Plan Part Two will introduce additional criteria through Policy DM7 relating to concentrations of HMO. The purpose of the criteria in these policies is to maintain balanced communities and to mitigate against the negative effects on a community that can result from high concentrations of HMOs, for example more frequent noise nuisance. The policy also recognises that larger HMOs are likely to have a proportionately greater impact on surrounding occupants and neighbourhoods. In the supporting text to the new HMO Policy DM7 there is some commentary about the need to control concentrations of HMO because they “can cause a number of negative impacts on local communities, for example more frequent noise nuisance. However, there are no specific technical criteria relating to acoustics.

All new development in the city is required to comply with Local Plan Policy QD27 which states that planning permission will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers.

If there is a history of noise complaints, case officers may discuss the case with Environmental Health, however, it is also important to be mindful of appeal decisions, where Inspectors do often take the view that a C4 HMO is similar to a house occupied by a single family dwelling house.

For these reasons Environmental Health are not consulted as a matter of course in respect of HMO applications.”

15.3 **RESOLVED** – That the question and the Chair’s response to it be received and noted.

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

16.1 The Chair explained that in line with current Central Government guidance in relation to the Covid 19 pandemic, formal site visits had not been arranged. To reflect that in depth presentation material and visuals had been circulated in advance of the meeting and had also been appended to the agenda papers published on the council website. If, however, Members considered that they required more detailed information in order to determine any application a site visit could be requested either at this point on the agenda or at any point in the proceedings.

**TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

- 17.1 The Democratic Services Officer read out Items 7 A to K. It was noted that all Major applications and any Minor applications with speakers were automatically reserved for discussion.
- 17.2 It was noted that the following item(s) 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:** BH2020/00440 – 26 Gloucester Road, Brighton – Full Planning
  - **Item H:** BH2020/01101 – Girton House, 195 Kingsway, Hove - Full Planning
  - **Item I:** BH2019/02368 – 16 Clifton Terrace, Brighton - Householder Planning Consent
  - **Item J:** BH2019/02367 – 16 Clifton Terrace, Brighton – Listed Building Consent

**A BH2019/01820, 19-24 Melbourne Street, Brighton -Full Planning**

Demolition of existing auto servicing centre and joinery building and erection of a new development of 4 and 6 storeys, plus basement level, comprising 587 m2 of co-working business floor space (B1) including gym/community space (80m2) and ancillary café. Provision of 83no co-living residential units (Sui Generis) with ancillary storage, landscaped residents roof terrace and access, together with cycle storage, associated plant and electrical sub-stations and associated works. (Revisions to loading bay arrangements and cycle storage).

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application were:
- the principle of the proposed uses on this site and the site allocation in City Plan Part 1 for employment-led mixed use development with housing
  - the provision of affordable housing
  - the mix and quality of the accommodation and amenity of the occupiers
  - the impact on neighbours including daylighting and privacy
  - the quality of design and impact to the character and appearance of the locality including setting of conservation areas
  - the impact on the tree belt in Woodvale Crematorium
  - the impact on parking and servicing in the vicinity and promotion of sustainable modes of transport
  - sustainability and biodiversity
  - whether the demand for infrastructure is adequately addressed through S106/conditions
  - the council's housing supply position.

- (2) Overall, the scheme was considered acceptable and was recommended minded to grant.

### **Public Speakers**

- (3) Councillor Powell spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme and those of neighbouring objectors. The scheme was too high in this narrow street and would have a detrimental impact on the amenity of neighbouring properties, particularly Viaduct Lofts, where the bedrooms, kitchens and living spaces of a number of units would be directly overlooked. The high level of rent proposed believed to be around £1,000 pcm was likely to encourage short-term lets which would create a transitory population.
- (4) Mr Snow spoke on behalf of the applicants in support of their application. He explained that significant work had been undertaken to answer an identified need. Brundell's had experience of delivering similar projects in other parts of the country. Councillor Shanks stated the proposed development was not centrally located, and in response it was explained that their experience in creating similar developments indicated that their tenants sought accommodation close to good transport/ public transport links rather than necessarily a central location.
- (5) Councillor Theobald enquired regarding the high rental levels and enquired regarding the apparent lack of on-site facilities. It was explained that rental levels were comparable with other housing units in that use type with?? a number of on-site facilities. and running costs including a gym/ community spaces and cafe were included within the monthly rental fee, whereas tenants living elsewhere would need to pay for these in addition to their rent. Additional amenity space would be provided at roof level.
- (6) Councillor Miller expressed similar concerns and sought clarification regarding the proposed mix which would be solely co-living units. It was explained that the proposed development represented a new model of housing development but did respond to a market need.

### **Questions for Officers**

- (7) Councillor Miller sought clarification regarding the level of s106 housing contribution being sought towards off-site affordable housing provision and in respect of the sui generis nature of provision. He considered that the level of contribution sought was very low considering that the opportunity to use a different rental model or for the Council to seek an uplift should be able to be factored in. Also, whether comparisons with other local authorities had been sought. The Planning Manager explained that each scheme needed to be considered on its merits, that rental levels were not a consideration as local authorities could have differing policies.
- (8) The Planning Officer, Henrietta Ashun explained that this was a new type of housing development for the city and detailed the rationale used when applying the sui-generis category in this instance. Reference was also made to the detailed comments received from the housing strategy team.

- (9) Councillor Shanks enquired whether the council would have allocation rights in terms of off-site provision.
- (10) Councillor Miller stated that he was very unhappy that the sum and discount being proposed equated to only one year's affordable housing provision and sought advice regarding whether the s106 could be amended to include for a larger sum in light of operation of the scheme. The Legal Adviser to the Committee explained that this was not advised in the absence of policies to support it, also that if the scheme was refused and that refusal was not underpinned by existing policies that could be difficult to support in the event of an appeal.
- (11) Councillor Littman referred to the apparent divergence of opinion between highways and planning stating that he was concerned that the scheme would give rise to parking displacement and on- street parking in an area where the streets was narrow and the surrounding streets were already heavily trafficked. The Development and Transport Assessment Manager, David Farnham, explained that whilst some aspects of the proposals were considered to be less than ideal they were able to recommend conditions or obligations to resolve them. In addition to the other concerns cited in the report there were outstanding design concerns in relation to the loading bay on the southern side of Melbourne Street and further amendments to widen the footway on the northern side of Melbourne Street. These could be addressed through a Grampian Condition requiring a suitable scheme to agreed with highways prior to commencement of the development. Their other concerns remained.
- (12) The Planning Manager, Nicola Hurley, stated that it whilst the comments of the highways team had been taken into account, planning officers were of the view that suitably robust conditions could be put into place.

### **Debate and Decision Making Process**

- (13) Councillor Theobald stated that in her view the scheme would lead to overdevelopment of the site to the detriment of neighbouring residents, particularly occupiers of Viaduct Lofts. There was also insufficient on-site parking and cycle parking provision and she could not support the application
- (14) Councillor Henry considered that the scheme would provide good quality housing with on-site facilities of a type that was new to the city and on balance he supported it.
- (15) Councillor Shanks concurred with the views expressed by Councillor Henry and would be voting in favour of the application.
- (16) Councillor Fishleigh considered that further amendments could have been made to improve the scheme, but could however accept it as put forward.
- (17) Councillor Janio commented that he considered the scheme was imaginative and made good use of the site.
- (18) Councillor Littman felt that he could support the scheme if the issue of the parking and traffic flow during construction and in respect of the bay in Melbourne Street could be addressed by officers making amendments to the wording of Condition 4.

- (19) Councillor Miller stated that he would be unable to support the application unless a 40% contribution could be sought towards off-site affordable housing provision. The Planning Manager, Nicola Hurley, asked whether the Committee wished to defer consideration of the application, stating that the applicant's might consider such a requirement to be unreasonable and might not agree to it. If the application was deferred further discussions could take place with the applicants and the housing team as it could give rise to viability issues. The legal adviser to the Committee re-iterated her earlier advice in relation to any subsequent appeal and potential financial risk to the council, stating that it might not be possible to require a 40% contribution in any event.
- (20) Councillor Miller formally proposed that the s106 require a 40% contribution towards off-site affordable housing provision which was seconded by Councillor Shanks but was lost.
- (21) The Chair, Councillor Hill stated that whilst she considered the scheme to be acceptable, also considering that it could be beneficial to revisit existing policies in future in reflect provision of this type of housing offer.
- (22) Councillor Littman requested that consideration be given to amending Condition 4 as suggested and that it be voted upon. Other Members of the Committee were in agreement.
- (23) A vote was taken and on the proposed amendments to Condition 4 which were agreed on a vote of 5 to 3. A further vote was taken with that included in the substantive recommendations and on a vote of 6 to 2 Minded to Grant planning approval was given.
- 17.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO GRANT** planning permission, subject to a s106 Planning Obligation and the Conditions and Informatives also set out in the report, including amendments to Condition 4 SAVE THAT should the s106 Planning Obligation not be completed on or before 29 September 2020 the Head of Planning be hereby authorised to refuse planning permission for the reasons set out in the final section of the report.

**Note:** Having declared a prejudicial interest in the above application Councillor Yates left the meeting consideration of the above application and took no part in the decision making process.

## **B BH2018/01622, 295-305 Portland Road, Hove - Outline Application**

Outline application for demolition of existing 6no dwellings (C3) to facilitate a mixed-use redevelopment comprising of the erection of 1no four storey building and 1no three storey building incorporating up to 1650sqm of commercial space (B1) and up to 47no dwellings (C3) with associated basement level vehicular and cycle parking with landscaping to include layout, scale and access (appearance and landscaping to be reserved matters)

- (1) The Planning Team Leader, Planning Applications, Chris Swain, explained that two further letters of objection had been received following publication of the agenda and the Late/Additional Representations List, no new matters had been raised. Proposed Condition 36 was to be revised as referred to in the Late/Additional Representations List and would now be a pre-commencement condition. Proposed Condition 25 duplicated another condition and was to be removed.
- (2) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to:
  - The principle of re-development of the site, and type and scale of uses proposed in this location,
  - Scale, massing, density and layout and impact on the character and appearance of the locality,
  - Housing: layout, mix, affordable housing provision,
  - Impact on the amenity of neighbouring occupiers,
  - Standard of accommodation including provision of private and communal amenity space,
  - Sustainable transport: parking, access and highway safety,
  - Air Quality,
  - Sustainability, biodiversity, ecology and flood risk,
  - Accessibility,
  - Infrastructure and developer contributions.
- (3) The site predominantly consisted of 6 semi-detached properties and their respective gardens. The remainder of the site took in land to the west of the access to Portland Road Trading Estate. This land was designated as protected employment land CP3.4 which was allocated for mixed employment/residential development.

### **Public Speakers**

- (4) A statement was read out on behalf of Mr Paul Taylor a neighbouring resident and on behalf of other local objectors by the Democratic Services Officer, Shaun Hughes. The proposed form of development was considered to be out keeping with traditional family housing in the vicinity, was excessive in its massing, height and scale, was not in an area designated for tall buildings and would have a detrimental impact on neighbouring amenity.
- (5) Councillor Peltzer Dunn spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme and those of his fellow ward Councillor, Councillor Nemeth which echoed and supported the concerns expressed by local residents. Councillor Peltzer Dunn cited the exceptionally large number of objections to the proposed scheme which indicated the level of very real concern regarding these proposals which would dwarf neighbouring development and represented complete over development of the site

- (6) Mr Landivar spoke on behalf of the applicants in support of their application. He explained that the configuration of the proposed development within the site had been considered carefully and the scheme had been put together following detailed discussions. The scheme would supply much needed housing for the city and would include 19 affordable units and make an employment contribution.
- (7) Councillor Fishleigh sought clarification regarding the appearance of the development once built. It was explained however that the final details of the scheme were to be agreed as it was an outline application at this stage.
- (8) Councillor Janio noted that it did not appear that any changes were proposed to the existing road network. Given the potential increase in traffic movements he wanted to know what mitigation measures were proposed. It was explained that parking would be provided at basement level and that a safety audit was to be carried out.

### Questions of Officers

- (9) Councillor Miller asked for confirmation of the number of units to be provided and it was confirmed that the mix of units within the site had been improved and had been reduced from 50 to 47.
- (10) Councillor Shanks sought clarification as to whether any other outside/amenity space would be provided other than that provided by balconies. It was explained that had yet to be finalised but that it was anticipated dependant on the final mix within the development that it was possible limited amenity space could be provided at the rear.
- (11) It was confirmed that as this was an outline application, the principle of the development, access, layout and scale were the only matters for consideration at this stage, all other matters were reserved.

### Debate and Decision Making Process

- (12) Councillor Miller stated that he supported the proposed scheme which he considered represented a good use of the site.
- (13) A vote was taken and the 8 Members present voted by 5 to 1 with 2 abstentions to give minded to grant planning approval was given.

17.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms and Conditions and Informatives also set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before **30 September 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.1 of the report.

**Note:** Having declared a prejudicial interest in respect of the above application Councillor Theobald left the meeting and took no part I consideration of the application.

**C BH2020/00895, Palmer and Harvey House, 106-112 Davigdor Road, Hove- Full Planning**

Erection of an additional storey and extension to fourth floor to provide 7no two bedroom flats and 1no one bedroom flat (C3), erection of 3 storey front extension to create a further 298sqm of office space (B1) together with associated external alterations, access, car parking and landscaping.

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the impact on the amenity of occupiers of nearby buildings; the standard of accommodation of the proposed flats for future occupiers; transport implications, including vehicle and cycle parking and compliance with relevant Development Plan policies and site allocations.
- (2) No harm to residential amenity had been identified which would warrant refusal of the proposed development. The assessment made had taken in existing buildings in the vicinity and those which could reasonably be expected to come forward on surrounding development sites.

**Debate and Decision Making Process**

- (3) Councillor Theobald stated that she considered that the additional floor would make the development too tall, in all other respects she considered it to be acceptable.
- (4) No other matters were raised and a vote was then taken. On a vote of 8 with one abstention minded to grant planning approval was given.

17.3 **RESOLVED** – The Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to satisfactory amended plans, a s106 agreement on the Heads of Terms and the Conditions and Informatives also set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 30 September 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9.1 of the report.

**D BH2020/00440, 26 Gloucester Road, Brighton - Full Planning**

Increase to the existing ridge height and rear roof extension to create an additional floor incorporating 4no dormers, solar panels and associated works.

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

17.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons and on the informatives also set out in the report.

**E BH20200/00961, Nile House, Nile Street, Brighton- Full Planning**

Formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the principle of development, design and appearance, heritage impact on amenity, highways and sustainability issues. Overall the scheme was considered acceptable and it was recommended minded to grant.

**Questions of Officers**

- (2) Councillor Littman noted that the previous scheme had been refused and sought clarification regarding amendments which had been made which overcame the previous reasons for refusal. The Planning Team Leader, Policy Projects and Heritage, Tim Jefferies explained that the current application had a simplified roof form and the roof terrace had been reduced and set back. The roof structure was more modest than previously and was no longer visible in the street scene and was therefore considered to be acceptable. There had been no objection to the proposal in principle and any potential detrimental impact had been addressed.

**Debate and Decision Making Process**

- (4) Councillors Miller and Yates concurred stating that this scheme represented a significant improvement on that which had been put forward previously.
- (5) A vote was taken and the .8 Members of the Committee who were present when the vote was taken voted unanimously that minded to grant approval be given.

- 17.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to satisfactory amended plans, a s106 agreement on the Heads of Terms and Conditions and Informatives, also set out in the report **SAVE THAT** should the s106 Planning Obligation not be completed on or before **30 September 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9.1 of the report.

**Note:** Councillor Henry was not present during consideration of the above application.

**F BH2020/0962, Nile House, Nile Street, Brighton -Listed Building Consent**

Formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the principle of development, and the impact on the visual amenities of the public areas, the listed buildings, the street scene and the wider Conservation Areas, as well as the setting of listed buildings within the locality of the site.
  - (2) A vote was taken and the 8 Members of the Committee present voted unanimously that listed building consent be granted.
- 17.6 **RESOLVED – To GRANT** Listed Building Consent subject to the Conditions and Informatives set out in the report.

**Note:** Councillor Henry was not present during consideration of the above application.

**G BH2019/03387, 126 Church Road, Hove - Full Planning**

Change of use from retail (A1) to café/restaurant (A3) incorporating new shopfront, installation of canopy, ventilation ducting and associated works (Part retrospective).

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the principle of development, the design and appearance of the external alterations and the impact of the proposal on neighbouring amenity, sustainable transport was also a material consideration.
- (2) The current application followed the refusal of BH2018/00552, which sought permission for a change of use of the site from A1 to A3/A4 and the incorporation of no. 126 into the existing A3/A4 use at no. 128 Church Road. BH2018/00552 also proposed the relocation of the access to the upper floor residential use from the front to the rear of the building. An appeal had been lodged and dismissed due to the Inspector finding that the proposal would harm the amenity of nearby residents and the character and appearance of the area (reasons for refusal 2 and 3). The Inspector did not uphold the first reason for refusal, finding that the loss of the A1 unit would not conflict with Policy SR5. Since that time the site had made use of the available temporary permitted development rights in Part 4, Class D of the GPDO and the premises was currently in A3 use. It was considered that the previous grounds for refusal had been addressed and as the Planning Inspector had taken the view that the change from A1 to A3 did not conflict with Policy SR5 approval was recommended.

**Public Speakers**

- (3) Councillor Moonan spoke in her capacity as a Local Ward Councillor setting out her objections to the scheme and in support of neighbouring objectors. Councillor Moonan stated that there had been a significant shift from retail to restaurant use classes with a resultant loss of amenity to residents. Most premises were now cafes, bars or

restaurants The which had led to an increase in the night-time economy with noise and associated nuisance and pressure on local parking and traffic. This use would add to that and in addition the existing extractor fan was not considered fit for purpose, the proposed lighting was also considered to be un-necessarily dominant.

### **Questions of Officers**

- (4) Councillor Shanks, noted that a number of complaints appeared to have been received in relation to the premises take-away operation and referring to proposed condition 8 and sought clarification that should take-away use of the restaurant operate as cycle/motorcycle/vehicle or similar delivery service, rather than a carry out service that enforcement action could be taken. It was confirmed that if breaches of conditions were notified they would be investigated and appropriate action taken either by the enforcement team or the highways enforcement team.
- (5) Councillor Henry referred to the fact that complaints had been made regarding noise and odour emanating from the premises. He was aware that this had been cited as an issue by residents in the vicinity and had actually visited this premises. There appeared to be a flume, rather than an extractor fan protruding from the side of the building resulting in noise and fumes being released onto a busy junction. Councillor Henry asked if it would be possible for a condition to be added to any permission granted to seek to control noise and odour emissions. The Planning Manager referred to proposed Condition 5 which was a standard condition stating that it would be possible to add a condition relating to odour control if members wished to do so.
- (6) Councillor Theobald referred to the previous refusal and to the fact that at that time amongst other reasons it had been considered that the proposed use would result in a break in the existing retail frontage, asking why/how that situation had changed and why the proposed scheme was now recommended for grant. It was explained that the Inspector's Decision that the proposed change of use from A1 to A3 did not conflict with local plan policy was a material consideration. As the other grounds for refusal had been overcome approval was now recommended.
- (7) Councillor Janio asked for details of chronology of use of the site and confirmation regarding whether it was currently in A3 use and whether complaints had been received in respect of that current use. It was explained that the premises was currently in A3 use and that permanent change of use to that use was being sought. An on-going enforcement case was pending dependant on the outcome of this application.

### **Debate and Decision Making Process**

- (8) Councillor Littman stated that he considered the decision of the Planning inspectorate was very unfortunate. Three premises in a row were now cafes/restaurants and with a number of others nearby the retail/ mixed use of the area had changed and it was no longer a shopping street. Whilst unhappy with the Inspector's decision in view of it he did not consider that planning permission could be refused.

- (9) Councillor Theobald agreed that loss of the retail use along this frontage was regrettable stating that she hoped that a traditional shop-front appearance would at least be retained.
- (10) The Chair, Councillor Hill, considered that the Inspector's decision drove a coach and horses through the Committees' desire to retain a retail frontage and was regrettable.
- (11) A vote was taken in respect of Councillor Henry's proposal, seconded by Councillor Janio, that it be delegated to officers to add a condition to ensure that an extractor fan/flume was fitted which was of an appropriate quality to control odour and noise, it was agreed on a vote of 8 with 1 abstention. A further vote was then taken on the substantive recommendations and planning permission was granted on a vote of 6 with 3 abstentions.

17.7 **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 set out in the report. It be delegated to Officers to add a condition to seek to ensure control of odour/noise from the extractor fan/ flume located to the rear of the premises.

**H BH2020/01101, Girton House, 195 Kingsway, Hove - Full Planning**

Erection of roof extension to create additional fifth floor to north elevation forming 1 no one bedroom flat incorporating 2no dormers to the west side and associated alterations.

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

17.8 **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 also set out in the report.

**I BH2019/02368, 16 Clifton Terrace, Brighton-Householder Planning Consent**

Rebuilding of random rubble, brick and flint garden wall in lime mortar to the rear of the site.

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

17.9 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives also set out in the report.

**J BH2019/02367, 16 Clifton Terrace, Brighton - Listed Building Consent**

Rebuilding of random rubble, brick and flint garden wall in lime mortar to the rear of the site.

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

17.10 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** Listed Building Consent subject to the conditions and informatives also set out in the report.

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

18.1 Please refer to the note set out at Item 16 above.

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

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

**INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**APPEAL DECISIONS**

21.1 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 5.28pm

Signed

Chair

Dated this

day of