

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 9 JUNE 2021

HYBRID MEETING

MINUTES

Present: Councillors Littman (Chair), Childs (Opposition Spokesperson), Barnett, Fishleigh, Janio, Moonan, Shanks, C Theobald, Yates and Deane

Co-opted Members: Jim Gowans (Conservation Advisory Group)

Officers in attendance: Nicola Hurley (Planning Manager), Luke Austin (Principal Planning Officer), Sam Bethwaite (Assistant Planning Officer), Russel Brown (Senior Planning Officer), Helen Hobbs (Senior Planning Officer), Sven Rufus (Planning Officer), Maria Seale (Planning Team Leader), Jack Summers (Planning Officer), Andrew Renaut (Head of Transport, Policy and Strategy), Hilary Woodward (Senior Solicitor) and Shaun Hughes (Democratic Services Officer).

PART ONE

138 PROCEDURAL BUSINESS

a) Declarations of substitutes

138.1 Councillor Deane substituted for Councillor Ebel

b) Declarations of interests

138.2 Councillor Yates declared that they had submitted a letter of representation on item D: BH2021/00769 - 52 Barcombe Road, Brighton and would withdraw from the meeting for this application.

c) Exclusion of the press and public

138.3 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.

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

139 MINUTES OF THE PREVIOUS MEETING

139.1 **RESOLVED:** That the Chair be authorised to sign the minutes of the meeting held on 5 May 2021 as a correct record.

140 CHAIR'S COMMUNICATIONS

140.1 The Chair welcomed everyone in the Hove Town Hall council chamber and online via Teams to the first hybrid Planning committee. The Chair also welcomed the new committee Members and thanked those who were no longer on the committee for their hard work and dedication.

141 PUBLIC QUESTIONS

141.1 There were none.

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

142.1 There were none.

143 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2021/01031 - Land South of Ovingdean Road - Reserved Matters

1. The Planning manager introduced the application and noted that the late list informed the committee that revised drawings have been received.

Questions for officers

2. Councillor Theobald was informed that the online presentation gave a street view of the application site.
3. Councillor Yates was informed that various finishes and materials will be used on the development, all in keeping with the area.
4. Councillor Shanks was informed that the 40% of the development will be affordable housing which will be spread across the site.

Debate

5. Councillor Fishleigh noted the homes were nearly finished and the disruption has been horrendous for local residents and neighbours. Councillor Fishleigh requested that the trees on site be saved and native species be used in the landscaping. It was requested that the lighting plan for the site be light pollution aware and the delivery drives who arrive before the site opens in the morning turn off engines and radios.
6. Councillor Theobald noted the application was refused and approved by the planning inspector at appeal. It was considered by the councillor that the terraced housing design could be improved and that decent trees should be used in the landscaping of the site.

Vote

7. A vote was taken, and the committee voted unanimously that planning permission be granted.
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.

B BH2020/02776 - The Pines, Furze Hill, Hove - Full Planning

1. The Planning Manager introduced the application.

Speakers

2. Clare Jennings spoke to the committee as an objector and informed the councillors that house sparrows were nesting on the site and noted that house sparrows are protected. The speaker noted that Brighton and Hove City Council (BHCC) recognise the protection in policy. The site is a wildlife corridor and demolition will disturb the birds on site. A survey was requested by the speaker, who also requested that nesting be encouraged with premade nest boxes being placed on the buildings by condition and that no works be carried out during nesting season. A biodiversity survey was also requested.
3. Charlie James spoke to the committee on behalf of the applicant and informed the councillors that the developers were a family run organisation. It was noted that the design was strong, however, some elements needed changing. The access to the communal space needs improving for example, as do the internal layouts of the properties. The applicant has worked hard with the council and any concerns regarding York Avenue will be agreed and it is considered that the proposals will improve the building. The committee were asked to approve the application.

Questions

4. Councillor Moonan was informed that the applicant would be happy to add nesting boxes to the development by condition.
5. Councillor Janio was informed that the 30% of the site would be communal space.
6. Councillor Barnett was informed that the conservatory to be demolished was difficult to maintain an even temperature in. The proposals will have a fully glazed wall with concertina doors and rooflights, making the new space a high quality area.
7. Councillor Yates was informed that the current outdoor amenity space was considered low grade and the proposals at the south facing front of the building will be better and will link to the existing communal area. The development is considered to be delivering quality over quantity.

8. Councillor Deane was informed that the care home staff and residents were informed of the proposals and that trying to upgrade the existing conservatory was not a good idea.
9. The Planning manager commented that the front of the proposed development will be fully glazed, the existing car park will be removed and it was considered that the residents amenity space would be better south facing.
10. Councillor Theobald was informed that the proposals will improve the resident's amenity space with fold back doors onto the lounge area.
11. Councillor Janio was informed that the proposed cycle parking would be for staff and the applicant was keen to encourage no cars on site and lockable storage would be provided for staff.

Debate

12. Councillor Yates considered that high quality care facilities were needed and that the changes proposed were on balance an improvement. The cycle parking is considered a good idea to encourage more cycles. The councillor requested that there be no damage to the environment resulting from the proposals.
13. Councillor Theobald considered the existing conservatory to look good and was enjoyed by residents. The proposed three storey block at the front of the building will not be good. The councillor considered the proposals would be wrong for the residents and they would be voting against the application.
14. Councillor Moonan considered that conservatories were old fashioned and that the proposals would be better for the residents.

Vote

15. A vote was taken, and the committee voted by 9 to 1 that planning permission be granted.
16. **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 and the additional informative: The applicant is advised to install replacement nesting boxes for birds.

C BH2021/00921 - 72-74 Walsingham Road, Hove - Full Planning

1. The Planning manager introduced the application.

Speakers

2. The objector scheduled to speak did not attend the committee, therefore, following the 'speakers at committee' protocol the agent did not speak either.

Questions for Officers

3. Councillor Moonan was informed that the application site was formally a care home created from two properties, which have now been returned to two separate dwellings.
4. Councillor Theobald was informed that the large garden to the rear of the dwelling belonged to the application property.
5. Councillor Shanks was informed that the property has been extended in the past with a two storey extension and conservatory.
6. Councillor Deane was informed that the flat roof to the rear of the dwelling was being used as a terrace.

Debate

7. No debate was instigated.

Vote

8. A vote was taken, and by a unanimous vote planning permission was granted. (Councillor Yates did not take part in the discussions or decision making process for this application).
9. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives in the report.

D BH2021/00769 - 52 Barcombe Road, Brighton - Full Planning

1. The Planning manager introduced the application.

Questions

2. Councillor Theobald was informed that there were no bathrooms on the top floor of the property, the closest being on the floor below.

Debate

3. Councillor Childs stated they would be voting against the application as the proposals were too much for the property. Eight bedrooms in this size of property was a concern.
4. Councillor Fishleigh stated they were against the application on the grounds of traffic, noise, amenity, parking and community resources.
5. Councillor Moonan considered that there would be too many rooms and the application had been turned down once and then allowed at appeal by the planning inspector.
6. The Senior Solicitor informed the committee that the inspectors decision carried weight and the inspector would strive to be consistent.

7. The case officer informed the committee that the principal of development had been accepted and no new survey of house of multiple occupancy (HMO) had been carried out as the previous survey was considered acceptable.
8. Councillor Theobald felt sorry for the neighbours and considered that eight bedrooms was a lot and the three in the loft area were not great.

Vote

9. A vote was taken, and the committee voted 2 to 4 against the officer recommendation, 3 abstentions. (Councillor Yates did not take part in the discussions or any part of the decision making process).
10. Councillor Childs proposed a motion, seconded by Councillor Fishleigh, to refuse the application on the grounds of traffic, loss of amenities for neighbours, and noise and disturbance.
11. A vote was taken, and the committee voted 5 to 3, with 1 abstention, for the motion to refuse the application. (Councillor Yates did not take part in the discussions or any part of the decision making process).
12. **RESOLVED:** That the Committee has taken into consideration and does not agree with the reasons for the recommendation and the application is REFUSED.

E BH2021/00779 - 1 Falmer Gardens, Brighton - Full Planning

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **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 BH2021/00229 - Rockwater, Kingsway, Hove - Full Planning

1. The Planning manager introduced the application.

Questions

2. Councillor Janio was informed that the application was for a further six months permission following the existing temporary permission. It was confirmed that the proposals required planning permission in the location and the structures were originally erected as sales units during the Covid-19 pandemic.
3. Councillor Childs was informed that the six months was the usual period for temporary permission for this type of structure.
4. Councillor Shanks was informed that the issue of a lift in the main building was a separate matter and not relevant to this application.

5. Councillor Fishleigh was informed that the any issues with delivery of service at the huts was a separate matter and not relevant to this application.

Debate

6. Councillor Theobald considered the proposals, created during the pandemic lockdown, to be good, however control of customers congregating would be appreciated. The councillor considered the proposal of six months to be fine and would be voting for the application.
7. Councillor Childs stated they would be voting for the application as they considered the structures to improve the area and they felt six months would be fine. The councillor requested a queuing system to assist with congregating customers.
8. Councillor Moonan stated they would be voting for the application as business' were fragile at this time and this was a good use of the huts.
9. Councillor Janio agreed with the previous Members and stated that he would be voting for the application.
10. Councillor Fishleigh requested that an informative be added to the application relating to the management of the customer queuing system.

Vote

11. A vote was taken, and the committee voted unanimously to grant planning permission. (Councillor Yates did not take part in the discussions or the decision making process).
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 and the additional informative: The applicant is reminded to keep the promenade clear and to manage queues to the kiosks without causing an obstruction to the promenade.

G BH2021/00998 - 16 Lloyd Road, Hove - Householder Planning Consent

1. The Planning manager introduced the application.

Speakers

2. John Rowcroft submitted a speech to read out in objection to the application: We welcome no.16s response that the wood burner on this garden room may be replaced with an oil heater radiator. However their wording 'we are happy to consider an alternative heating solution' is ambiguous, and this is such an important issue to us and others, that we would seek it becoming a condition of the planning approval that no wood burner is installed in it.

Of the utmost relevance to this, is the way the existing wood burner affects us at no.14. As others have commented, it fills out neighbourhood with pollution, but its impact on us at no.14 is greatest. We believe it is installed too low and close to our half of the semi-

detached house to comply with building regulations document J, as it sits beneath (and above) several windows but moreover it simply does not clear the smoke away affectively. On installation we were not consulted. It was left virtually dormant for two years before use, meaning we had no say with the building control once it had become a problem as the 2 year inspection window had expired.

The foul smelling smoke engulfs out house. Brighton typically has a PM2.5 pollution level of around 10ug/m3 but with the wood burner on, our sustained readings are typically 3-4 times that inside our garage, or on the front doorstep or patio – even into the thousands. We don't feel we can open out two skylights or the 3 windows nearest the flue at all now, as we have no control over when the burner is used, and we risk filling our house with smoke. The flue also drops soot on our skylights.

When our boys have accidently left their bedroom windows open, their rooms have filled with disgusting toxic smoke, with inside readings of 300. These blue readings are higher even than red levels and highly toxic and dangerous to our boy's health. We have extensive evidence of this. Bedding and clothes have to be washed when this happens. We find it very upsetting and stressful that this has been inflicted on us. Even going for an evening walk, we have to step through a cloud of smoke on our front doorstep. I regularly have to abandon the patio, with worsened asthma, watering eyes, sore throat and cough. During the pandemic we struggled to ventilate out house and our outside space was severely compromised. Our difficulty in broaching this matter is that the only real solution is removal or relocation to the rooftop. We feel we have a right to unpolluted air all the time, not just a times of our neighbours choosing.

So, the suggestion of another wood burner in the garden is a frightening prospect for us. The existing one is used most days for 10 months of the year (contrary to claims of use only in the colder winter months). We had no opportunity to object to the first wood burner due to the effective circumventing of building control scrutiny and environmental health has been no help to us, unable to visit during the pandemic and now only offering a 2 week diary option with full prior warning given to no.16.

Apart from asthma, another of the touching property owners has a serious lung condition, and another a serious heart condition. All are greatly concerned regarding he health impact should a condition not be imposed, and another burner installed, even it at a later date.

3. Councillor Bagaean was unable to attend the meeting and submitted comments stating that they were disappointed at the recommendation to grant planning permission for this application and they supported the objector.
4. Paul McKay addressed the committee as the applicant and stated that they were confused by the comments by the objecting neighbour since the comments did not seem relevant to the application being considered by the committee. The wood burner referred to by the objector was not in use all the time and the proposed structure would be used by the owners and their children only.

Questions

5. Councillor Childs was informed that the smoke flume referred to by the objector was not part of the planning application.
6. Councillor Theobald was informed that the swimming pool pump did not require planning permission.

Debate

7. Councillor Shanks noted that the wood burner can be looked at by the environmental health team under policy.
8. Councillor Moonan noted that the chimney was not before the committee and the environmental health team will be able to help with this matter.
9. Councillor Theobald considered the proposed structure to be large on a long and narrow plot. The councillor considered the wood burner to be an issue.
10. Councillor Childs considered the smoke flume to an issue but was not relevant here. The councillor supported the application.
11. Councillor Janio suggested that the wood burner should be conditioned as the applicant had said they would be amenable. The councillor proposed a motion to a condition preventing any further wood burners. The motion was seconded by Councillor Shanks.
12. A vote was taken, and the motion was agreed by a vote of 5 to 3 with one abstention.

Vote

13. A vote was taken, and by a vote of 8 with 1 abstention Planning permission was granted. (Councillor Yates did not take part in the discussions or decision making process).
14. **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 and an additional condition: Add new condition: Notwithstanding the approved plans, the scheme shall not include a wood burner. Reason: In order to protect neighbouring amenity in accordance with policy QD27 of the Brighton and Hove Local Plan.

H BH2021/00897 - 6 St Aubyn's Gardens, Hove - Full Planning

1. The Planning manager introduced the application.

Speakers

2. The objector did not attend the committee meeting, therefore, under Speaking to committee protocol, the agent was not able to speak.

Questions

3. Councillor Shanks was informed that the structure had been completed and the application was for retrospective planning permission.

Vote

4. A vote was taken, and by a unanimous vote Planning permission was granted. (Councillor Yates did not take part in discussions or any part of the decision making process).
5. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives in the report.

I **BH2020/03287 - 18 Valley Drive, Brighton - Householder Planning Consent**

1. The Planning manager introduced the application.

Speakers

2. Ward Councillor Davis addressed the committee and stated they were objecting to the application on behalf of the residents. The councillor requested that the committee take on board the concerns of the local residents who value the peace and quite of the back gardens. It is considered that there will be overlooking issues and the neighbours are very worried that the screening will not be enough. If planning permission was granted, it was requested that the officers ensure that the condition regarding screen is enacted. The councillor noted the special community spirit in the area and asked the committee to consider the application carefully.
3. Colm McKay addressed the committee as the applicant's agent and noted that most of the objections had been submitted from one household. The applicant sees the site as a family area and noted that other properties have erected large summer houses in neighbouring gardens. The application is for some simple terracing with some of the build being below ground level. The proposals were agreed to conform to planning legislation at pre application stage. The proposed planting scheme includes 4 silver birch trees to add to the existing hedging. The privacy requested by neighbours already exists. The proposed materials will include reclaimed Sussex stone. The committee were requested to approve the application.

Questions

4. Councillor Fishleigh was informed that the proposals would be a stone construction cut into the hillside and planning permission was required for the exaction works.
5. Councillor Theobald was informed that the hedging is existing, and the trees would be planted by condition.

Debate

6. Councillor Janio stated he approved the application.

7. Councillor Shanks made a plea to residents and asked that neighbours speak to each other regarding proposals.

Vote

8. A vote was taken, and the committee agreed unanimously to grant planning permission. (Councillor Yates did not take part in the discussions or the decision making process).
9. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives in the report.

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

- 144.1 There were none.

145 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

146 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

147 APPEAL DECISIONS

- 147.1 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 4.11pm

Signed

Chair

Dated this

day of