

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

12.00pm 6 MARCH 2024

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Loughran (Chair), Allen (Deputy Chair), Cattell, Nann, Robinson, Shanks, C Theobald, Thomson, Winder and Earthey (Substitute)

Officers in attendance: Jane Moseley (Planning Manager), Katie Kam (Lawyer), Alice Johnson (Assistant Planning Officer), Helen Hobbs (Senior Planning Officer), Rebecca Smith (Planning Officer), Emily Stanbridge (Senior Planning Officer), Jack Summers (Senior Planning Officer), and Shaun Hughes (Democratic Services Officer).

PART ONE

86 PROCEDURAL BUSINESS

a) Declarations of substitutes:

86.1 Councillor Earthey substituted for Councillor Fishleigh.

b) Declarations of interests

86.2 Councillor Thomson declared they had views on item A: BH2023/02756: 65 Orchard Gardens and would not be taking part in the discussions or voting.

c) Exclusion of the press and public

86.3 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.

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

d) Use of mobile phones and tablets

86.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

87 MINUTES OF THE PREVIOUS MEETING

87.1 **RESOLVED:** The committee agreed the minutes of the meeting held on 7 February 2024.

88 CHAIR'S COMMUNICATIONS

88.1 There were none.

89 PUBLIC QUESTIONS

89.1 There were none.

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

90.1 There were no requests for site visits to items on the agenda.

91 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

91.1 The Democratic Services officer called the agenda applications to the committee. The following items were not called for discussion and were therefore taken to be agreed in accordance with the officer's recommendation.

- J: BH2023/03245: 8 Wayfield Avenue, Hove

All other applications were called for discussion, including major applications and those with speakers.

A BH2023/02756 - 65 Orchard Gardens, Hove - Full Planning

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

Speakers

2. Jo Elsdon addressed the committee as a resident and stated that they considered the development not to be in keeping with the area and too high, dwarfing other buildings. The slope of the site has not been shown on the plans. The planning history of the site is controversial with previous refusals. The development feels like planning permission by stealth. Parking is an issue in the area and the development will have an overspill onto the surrounding streets. The scheme will reduce daylight to nearby houses and the proposed balconies will overlook neighbouring properties. There is no water runoff. The scheme is an overdevelopment of the site, will result in parking issues in the area and leads to environmental concerns by residents.

3. Ward Councillor Bagaeen addressed the committee and stated that planning permission should not be granted. There was zero affordable housing. The planning inspector in

Essex recently dismissed a similar scheme as a result of the effect on the character and appearance of the area. The scheme contrasts with existing homes and will be out of step with the two storey neighbours. The relationship between them will be discordant. Ward Councillor Lyons addressed the committee and stated that the existing works were not attractive, however, a more in keeping development would be preferred up against the two storey neighbours. This application is too large and not enough parking spaces. More houses would be preferred over flats. 104 objections is a lot and the ward councillors support the residents. The committee were requested to refuse the application.

4. Sarah Hufford addressed the committee as the agent acting on behalf of the applicant and stated that they considered the variations to be minor. The design has already been approved. Surveys of car ownership in the area indicate that most residents of the scheme will not own cars, so parking will not be an issue. The scheme has been revised with increases in height on Neville Roadside of the development. Through CIL and the S106 agreement £1m will be spent in the area. There is no sound planning reason to refuse the application on this brownfield site.

Answers to Committee Members' questions

5. Councillor Allen was informed that the Southern Water response and conditions remained the same as the previous approved application.
6. Councillor Shanks was informed that the development was outside parking zones and there was capacity in on street parking at night.
7. Councillor Robinson was informed that if the committee refused this application the applicant could build the previously approved scheme. It was noted by the District Valuer that the build costs consisted of several elements which change over time, hence the need for a review mechanism to ensure the real build and sale costs were reflected in affordable housing provision. The Head of Transport Policy & Strategy noted that the parking surveys carried out did not include future parking demand. The Planning Manager noted the scheme complied with planning policy.
8. Councillor Nann was informed by the agent that the previous scheme was considered less profitable and less deliverable, and not as viable as the scheme before the committee.
9. Councillor Theobald was informed by the agent that the viability assessment looked at affordable housing and it was not viable for this scheme. Basement parking has been included in the development which added to the cost.
10. Councillor Loughran was informed by the agent that the cost of the parking was included in the viability assessment. In previous schemes the parking had been removed but that was not popular with locals or members. For this scheme it was not viable to have both affordable housing and parking. The Head of Transport Policy & Strategy stated that the application included parking, and this was assessed and deemed acceptable.

Debate

11. Councillor Shanks considered there was not much difference between the previous scheme and the proposed. The councillor noted there was no residents' parking scheme and the development would be an improvement on the existing.
12. Councillor Theobald considered the position to be prominent and the development too big with an effect on the neighbours. A commuted sum would not be as good as affordable housing. The councillor was against the application.
13. Councillor Allen noted the application was on a brownfield site and a similar development had been approved on Old Shoreham Road. The councillor considered the scheme to be good and supported the application.
14. Councillor Robinson considered the scheme was not very different from the approved development, however, they were disappointed that there was no affordable housing to be provided on site. The councillor noted more housing was needed and they supported the application.
15. Councillor Theobald considered that the 106 objections should be taken into account.
16. Councillor Cattell considered that the commuted sums were welcome and if refused the council would lose the money secured through legal agreement and CIL.
17. Councillor Loughran noted that the need for housing was serious, and the scheme made a good contribution. They were sorry to lose the affordable housing. The councillor supported the application, and they invited the applicant to review the affordable housing if possible.

Vote

18. A vote was taken, and by 8 to 1 the committee agreed to grant planning permission. (Councillor Thomson took no part in the discussion or decision-making process).
19. **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 set out in the report and the Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **6 September 2024** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 14.1 of the report.

B BH2023/02027 - 64 Edward Street, Brighton - Full Planning

1. The application was withdrawn after the agenda was published.

C BH2023/02872 - Land Adjacent to American Express Stadium, Village Way, Brighton - Full Planning

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

Answers to Committee Member Questions

2. Councillor Cattell was informed that the green walls would be required to be maintained by condition.
3. Councillor Earthey was informed that no additional fan numbers were expected as a result of the development and the building hours would be limited by condition.
4. Councillor Nann was informed that 'away' games would be shown at the stadium.
5. Councillor Shanks was informed that the alcohol licence restrictions were not a planning issue. Lighting at the stadium would be controlled by condition to minimise impacts on South Downs National Park.
6. Councillor Robinson was informed that an up-to-date travel plan was required by condition and the Transport Team had found the development acceptable.
7. Councillor Winder was informed that the proposals were policy compliant with greenways and two trees being planted.
8. Councillor Theobald was informed that the structure would be used on non-match days.
9. Councillor Loughran was informed that the noise report had been found acceptable by Environmental Health Team and doors would be closed by 11pm.

Debate

10. Councillor Allen noted that many other stadiums included fan zones, the student accommodation close by would be used to existing noise. The councillor supported the application.
11. Councillor Cattell considered the use of space to be good and the fan zone would make the site more welcoming, and the additional toilets are good. The Councillor supported the application.
12. Councillor Theobald noted that students could access the site via the A27 tunnel. The councillor considered the design to be great with good access and the building may help congestion after matches.
13. Councillor Nann noted that no complaints had been received from the nearby student accommodation.
14. Councillor Earthey supported the application.
15. Councillor Loughran supported the application.

Vote

16. A vote was taken, and the committee agreed the recommendations unanimously.

17. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 26th July 2024 Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13.1 of the report.

D BH2023/03236 - Emblem House, Home Farm Business Centre, Home Farm Road, Brighton - Full Planning

1. The application was withdrawn after the agenda was published.

E BH2023/02679 - St Joseph's Church Hall, 6 Milton Road, Brighton - Full Planning

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

Answers to Committee Member Questions

2. Councillor Cattell was informed that the render was through colour render.
3. Councillor Robinson was informed that the design of the development was agreed following amendments by the applicant in response to comments from the previous Urban Design Officer.
4. Councillor Theobald was informed that events will be held in the new hall and would be available to the community for hiring; however, there would be a gap between demolition and completion of the new building.
5. Councillor Allen was informed that the date of the existing building was not known, however, the estimate was 1960/70s.

Debate

6. Councillor Allen noted that anecdotally they had been informed the existing building was used as a Sunday school in 1950s. The councillor was glad the building would remain as a community asset. They did not consider the new design to be a blight, but an interesting building. They considered careful thought should be given to materials.
7. Councillor Earthey was glad the community facility would continue, and even though they considered the design out of keeping they supported the application.
8. Councillor Cattell considered the design out of context as are all churches. The existing building is not acceptable and the new build in an interesting design and will be huge improvement to the area. The councillor supported the application.
9. Councillor Nann considered the proposals to be better than the existing and supported the application.
10. Councillor Allen considered the existing building would have been rejected.

11. Councillor Theobald considered the proposed lift, toilets and general accessibility were all improvements and disabled parking would also be good. The councillor supported the application.
12. Councillor Shanks considered the materials should be recycled after demolition.
13. Councillor Robinson considered the development to be good for the community, however, they considered the external cladding to be unacceptable and they were therefore against the application.
14. Councillor requested that materials be brought back to committee for consideration.

Vote

15. A vote was taken, and by 9 to 1 against the committee agreed the recommendations.
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.

F BH2023/03090 - 22 Osmond Road, Hove - Householder Planning Consent

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

Answers to Committee Member Questions

2. Councillor Shanks was informed that the proposals included a roof space.
3. Councillor Robinson was informed by the agent that the architect had changed, and this resulted in changes to the scheme. The roof area would be a crawl space only used for storage so was too low to provide additional living space.
4. Councillor Loughran was informed that a materials condition was not required as the aluminium exterior finish was already indicated as matched the existing.
5. Councillor Theobald was informed that the aluminium was powder coated to last 50/60 years of weathering.

Debate

6. Councillor Shanks supported the application.
7. Councillor Theobald considered that most of the development was already approved, and this was a very small change. The councillor supported the application.
8. Councillor Robinson supported the application.

9. Councillor Loughran did not support the application as the front elevation would have a negative impact on the townscape and the Victorian style neighbouring properties.

Vote

10. A vote was taken, and by 9 to 1 against the committee agreed the recommendations.
11. **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.

G BH2023/02789 - 10 Meadow Close, Hove - Full Planning

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

Answers to Committee Member Questions

2. Councillor Theobald was informed that the development was 1m from the boundary with the neighbour.
3. Councillor Earthey was informed that the red site boundary line had been corrected and the height of the neighbouring property was considered to be sufficiently accurate but could not be required to be surveyed through planning.
4. Councillor Loughran was informed that the proposed front elevation mixture of materials and styles was considered acceptable. The agent considered the hanging tiles and mock Tudor effects to add interest. The agent confirmed that policy SPD17 was taken into account.
5. Councillor Robinson was informed by the agent that the front elevation porch was to provide a covered entrance to the property and was common in the area.
6. Councillor Allen was informed by the agent that the existing dwelling was erected in 1954 and the proposals were within scale. The case officer noted that it was common in the area to demolish the existing property and erect a large replacement.

Debate

7. Councillor Theobald considered the design good, even though the front elevation façade was not. The councillor supported the application.
8. Councillor Allen stated that 'McMansion' meant that the design was incoherent.
9. Councillor Cattell noted there were many different designs in the area and design varied. A better garage door was requested.

Vote

10. A vote was taken, and by 6 to 4 against the committee agreed the recommendations. (Councillor Allen voted against the application).

11. **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 BH2023/03253 - Hollingbury Library, Carden Hill, Brighton - Full Planning

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

Answers to Committee Member Questions

2. Councillor Shanks was informed that 7 out of the 9 flats would have private terraces and there was a communal roof terrace.
3. Councillor Theobald was informed that all the flats would be affordable rented and the impact on neighbouring properties would be lessened by the topography of the hillside site.
4. Councillor Thomson was informed that there were no parking controls in the area. There is on street parking and the car share scheme was not considered to be justified.
5. Councillor Nann was informed that the affordable housing would have capped rents but that this was not a material planning consideration.
6. Councillor Allen the site was allocated for development before the existing building was locally listed in 2017. A photographic record will be kept of the existing building.
7. Councillor Robinson was informed that the solar panels will be included on the roofscape by the applicant. It was noted that the heating system was not a planning issue by the Planning Manager.
8. Councillor Shanks was informed by the applicant that there was no gas heating/power in the development and the improvements such as the air source heat pumps were being looked at.
9. Councillor Loughran was informed by the applicant that the height of the development had been limited to reduce the impact.

Debate

10. Councillor Allen considered it was a shame to lose the existing prefab building, however, they supported the application.
11. Councillor Nann noted the housing situation was desperate and supported the application.
12. Councillor Shanks supported the application.
13. Councillor Earthey supported the application.

14. Councillor Theobald noted that the library had been replaced, they preferred a lower development with some parking, however, the affordable housing was good, and they supported the application.
15. Councillor Cattell considered it was great to see council supported housing and they expressed concerns over balcony treatments. The councillor supported the application.
16. Councillor Thomson supported the application.
17. Councillor Loughran considered the development to be of a high-quality design and good affordable housing. The councillor supported the application.

Vote

18. A vote was taken, and the committee agreed the recommendations unanimously.
19. **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 and the Conditions and Informatives, SAVE THAT should the s106 Planning Obligation not be completed on or before the **6th September 2024** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.3 of the report.

I **BH2023/03224 - 14 Millcross Road, Portslade - Householder Planning Consent**

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

Speakers

2. Janet Morgan addressed the committee as a neighbouring resident and stated that they objected to the scheme as it added to the destruction of the area. The development overlooked the garden, and allowed no light to the washing line, making the house dark and damp leading to health conditions. The speaker was a music and light therapist and they had had to abandon the work. The speaker considered the structure 2 inches too high and 10 inches too long. Communications had been unclear, and the council owed a duty of care to the council taxpayers. Due to overlooking the speaker felt uncomfortable in the garden and would retreat to the kitchen. The slope of the site meant neighbours overlooked gardens. The tall building was vulnerable on this high, steep windy site. The committee were requested to refuse the application.
3. The applicant sent the following speech which was read out by the Democratic Services officer: This planning application follows a Prior Approval application approved at Planning Committee in April 2022 for a single storey rear extension, extending beyond the house by 3.25m. The current planning application seeks to regularise consent as the rear extension now includes 2 lantern rooflights. The roof lanterns were fitted during construction due to unforeseen issues on site and are the only revised detail from the approved scheme. The loft conversion built was intended to be constructed under permitted development rights, however the decision was taken for the dummy pitch of the ground floor extension to be attached to the bottom of the rear dormer. Whilst the loft on this property could be converted and extended under permitted development

rights, the connected extensions as a whole development require planning permission, and so the loft conversion has subsequently been included within this application. The scale and massing of the proposals are not considered unusual for a single storey extension and loft conversion to a semi-detached bungalow of this nature. The rear extension is of the same modest depth as the previous Prior Approval application and replaces a pre-existing conservatory which had a similar depth. It should also be noted that the depth of the extension is only 0.25m over permitted development rights. The addition of the raised lantern rooflights, given their positioning and glazed nature, do not result in the extension having any greater impact than the approved scheme. Prior to submission of the original Prior Approval application, the immediately adjoining neighbours were consulted with the proposals, and during design stages consideration was given to the impact that the extensions may have on neighbours in terms of overshadowing. This can be attested in the design of the modest proportions and depth of the rear extension, as well as the flat roof design. The extension has been set away from the shared boundary to the east by approximately 0.3m to ensure the existing boundary is not affected. Prior to the construction, the applicant instructed a Right for Light surveyor on the request of the adjoining neighbour, to ensure that the extension would not impact the internal light levels of the adjoining property under the requirements of the Right for Light Civil Law. The report concluded that if the proposed extension was completed, there would not be a substantial interference with the light to 120 Foredown Drive as a whole or any room within it. They also stated that the remaining light would be enough for comfortable use and enjoyment of the house according to the ordinary requirements of humankind. Aside from the 1 objection received by the Council, no concerns have been raised by any other neighbouring residents, and no complaints were received about the development during construction. Concerns have been raised by one neighbour that the bungalow is not for residential purposes. We would like to put on record that the applicant is the owner of the property, and this is their full-time residence. The applicant has moved to the city in retirement to be closer to her family. The extensions were part of a general refurbishment and modernisation of the layout of the property following purchase, to future proof the dwelling, and enable immediate family members and her grandchildren to be accommodated when they visit.

Answers to Committee Member Questions

4. Councillor Cattell was informed by the neighbour that the rear garden was overshadowed by the development which blocks light and leads to overlooking. The Planning Manager confirmed that the loft was converted under permitted development and a planning application was required when the dormer was attached to the roof extension.
5. Councillor Theobald was informed that the extension is subservient to the dwelling and below the roofline. The dormer is 1.3m high, 1.6m deep and 3.5m wide.
6. Councillor Robinson was informed that the application was retrospective, but this is not relevant. The extension is new, the dormer was erected under permitted development rights, however, the two elements join and therefore the whole requires planning permission.

7. Councillor Nann was informed that all the elements of the development combined resulted in the requirement for planning permission.

8. Councillor Shanks was informed that the dormer was permitted development.

Debate

9. Councillor Theobald considered the neighbour was suffering as a result of the development and they did not therefore support the application.

10. Councillor Nann sympathised with the neighbour; however, they supported the application.

11. Councillor Robinson noted the extension was agreed. They sympathised with the neighbour however, they supported the application.

Vote

12. A vote was taken, and by 7 to 3 the committee agreed the recommendations.

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

J BH2023/03245 - 8 Wayfield Avenue, Hove - Householder Planning Consent

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

92 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

93 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

94 APPEAL DECISIONS

.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 4.30pm

Signed

Chair

Dated this

day of