

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 8 MAY 2024

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Officers in attendance: Jane Moseley (Planning Manager), Katie Kam (Lawyer), Steven Dover (Planning Officer), Wayne Nee (Principal Planning Officer), and Shaun Hughes (Democratic Services Officer).

PART ONE

104 PROCEDURAL BUSINESS

a) Declarations of substitutes

104.1 Councillor Sheard substituted for Councillor Cattell. Councilor Hill substituted for Councillor Shanks. Councillor Earthey substituted for Cuuncillor Fishleigh.

b) Declarations of interests

104.2 None for this meeting.

c) Exclusion of the press and public

104.3 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.

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

d) Use of mobile phones and tablets

104.5 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'.

105 MINUTES OF THE PREVIOUS MEETING

105.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 3 April 2024 as a correct record.

106 CHAIR'S COMMUNICATIONS

106.1 There were none.

107 PUBLIC QUESTIONS

107.1 There were none.

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

108.1 There were no site visit requests.

109 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

109.1 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:

- Item G: BH2024/00243: 10 Tumulus Road, Saltdean, Brighton
- Item H: BH2023/03111: 22 Eley Crescent, Rottingdean, Brighton

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

A BH2023/02835 - Royal Pavilion Gardens, Pavilion Buildings, Brighton - Full Planning

1. Item A: BH2023/02835 (PLA): Royal Pavilion Gardens, Pavilion Buildings, Brighton was **withdrawn** after the agenda was published.

B BH2023/02836 - Royal Pavilion Gardens, Pavilion Buildings, Brighton - Listed Building Consent

1. Item B: BH2023/02836 (LBC): Royal Pavilion Gardens, Pavilion Buildings, Brighton was **withdrawn** after the agenda was published.

C BH2023/02349 - Enterprise Point And 16-18 Melbourne Street, Brighton - Full Planning

1. The Case Officer introduced the application to the committee.

Answers to Committee Member Questions

2. Councillor Allen was informed that the flexible floor space conforms to policy and the use is considered more efficient. Co-living is new to Brighton and the concept is not referred to in policy. The use is sui generis and there is no strict requirement for mixed use. The Principal Planning Officer noted that there was a potential for the concept of co-living in the city as there a large number of residents in private rented accommodation, Homes of Multiple Occupancy (HMOs) and small flats. Co-living has the potential to free up housing stock.
3. Councillor Winder was informed that the rooms vary in size with an average of 23.5sqm. The use is sui generis housing, and any change would require planning permission. The applicant stated that there would be 10sqm of storage space in each unit with flexible spaces within the units, and each would have a small kitchen and bathroom. Each floor will have a communal living space. There would be no age limit to the development.
4. Councillor Nann was informed that the between 9 and 10 single persons would share the communal kitchen spaces located on each floor. It was noted that it was possible that as many as 24 could use the communal facilities if couples lived in the units. The case officer noted that student accommodation does have small cooking facilities in each room as well as the communal facilities. Units will be rented, and rent will cover all utilities and communal spaces and co-working areas. The Principal Planning Officer noted that the units will not be at the cheaper end of the market price. The Planning Manager noted the authority had no control over rents and this was not a planning matter.
5. Councillor Robinson was informed that the desk units in the co-working space could be used by non-residents. The agent informed the councillor that council tax will be paid by the management of the building.
6. Councillor Theobald was informed by the agent that similar schemes were starting up across the country.
7. Councillor Hill was informed that 13 trees would be lost, and most were near the boundaries of the site. Six trees are to be pruned and replacement planting forms part of the development. Trees will be assessed before removing. It was noted that the condition covering biodiversity net gain would look at trees. The S106 agreement does not cover education improvements for the nearby school. The shared boundary with the school will be improved by condition, which includes screening. The school was consulted at pre application discussions. The agent confirmed that each unit had room for a small fridge/freezer. The agent confirmed that there would be a loading bay and drop off spaces. It was noted that Highways have no objections and details of deliveries were to come by condition.
8. Councillor Earthey was informed that it was not possible to provide affordable housing on the site, but a commuted sum contribution has been calculated. A Community Infrastructure Levy would also be required. The Principal Planning Officer noted the development was sui generis, the sums offered were accepted and no viability assessment was undertaken. The Housing Enabling Officer noted the commuted sums would be used where they were most needed in the city.

9. Councillor Loughran was informed by the agent that all the units would be accessible with flat entrances and exits so could in theory be used for accommodating older people. All of the studio flats will be adaptable.

Debate

10. Councillor Theobald noted that they had voted for the scheme before, and they considered the current building to be blight on the city landscape. The councillor considered there were lots of facilities and the commuted sum was good. The councillor supported the application.
11. Councillor Allen considered the existing building bleak, and the principle of development was good. The loss of employment along Lewes Road was a concern. The councillor supported the application on balance.
12. Councillor Thomson stated they have reservations about the scheme and the loss of trees but was reassured that the conditions were good. The scheme was experimental, and it was concerning that there was no policy for co-living. The councillor supported the application on balance.
13. Councillor Sheard considered the existing building was not fit for purpose. A concern regarding demand for the building was expressed. The works space areas were good; however, the councillor did not support the application.
14. Councillor Nann considered the development was profit orientated and deeply depressing, adults in student accommodation.
15. Councillor Robinson was not depressed by the new concept, considered the development would serve a purpose and they supported the application.
16. Councillor Winder wished the scheme was more creative in design and style. The councillor considered the area needed improvements.
17. Councillor Earthey considered the development to not be inappropriate and will fill the gap in affordable housing.
18. Councillor Hill considered if the committee voted against the scheme as the rents were too high, this reason would not stand at appeal. The councillor had reservations; however, they supported the application.
19. Councillor Loughran expressed concerns regarding food cooking and storage. The councillor reluctantly supported the application.

Vote

20. A vote was taken, and by 9 to 1 against, the committee agreed to grant planning permission.

21. **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 as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **31st July 2024** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13.1 of the report.

D BH2024/00477 - 3 Westmeston Avenue, Saltdean, Brighton - Full Planning

1. The Case Officer introduced the application to the committee.

Speakers

2. Bruce Geddes addressed the committee as a neighbour and stated that they considered the normal protocol was to start works after gaining planning permission. It was noted that demolition had taken place before this application had been submitted to the planning department and it appeared the developer had not given the correct information as the consultation defers from plans submitted. The roof and landscaping have changed, and it appeared the developer was building whatever they cared to. A temporary stop notice should be served, and new drawings asked for. It was considered that the planning process was being manipulated. Real details should be provided.
3. Filip Singh addressed the committee as the applicant and stated that the situation was unfortunate. Unforeseen cracks and inappropriate wall materials led to demolition after there had been honest effects to remodel the property. The development adheres to the approved designs. The neighbours and community have been engaged with and the development has been adapted to reflect concerns raised. It was considered objections had been received to this scheme, when others had in the street had received none. The committee were asked to consider the facts and not objections based on bias.

Answer to Committee Member Questions

4. Councillor Allen was informed by the neighbour that the property overlooks the neighbouring properties. The property was built in the 1950s and the plot subdivided many years ago. This property is close to others. The rear extension is not shown on drawings. The extension will project beyond the rear building line of the neighbour. A balcony is also proposed to the rear. The distance to the boundaries to the development are less than 1m.
5. Councillor Robinson was informed by the case officer that the development was approved in February 2024.
6. Councillor Thomson was informed by the case officer that there is no balcony proposed. The neighbour considered they were adversely affected by the development and so were numbers 1 and 5.
7. Councillor Earthey was informed by the case officer that the plans were final and that enforcement officers had been on site to check the scheme accorded with the previously approved plans which it did, other than demolition. The Planning Manager noted that

enforcement action can be taken if the development differs from the plans. The applicant stated they were the final plans and that Building Control had approved them.

8. Councillor Theobald was informed that the development is the same as the February 2024 approved plans in form and mass. The materials have been changed to black UVPC. The neighbour stated that the roof included a lantern, and the roof was not flat as shown in the plans. The applicant stated that this was not the case, and that the development was not finished yet and the roof will be flat.

Debate

9. Councillor Earthey considered the application to be a disturbing case as the demolition had not been approved. The councillor noted that the area included many bungalows, and they were likely to be developed. Considering the age of the walls etc, the councillor suggested that other developments look at the structural integrity of the dwellings first before submitting plans. The councillor considered the application no worse than others.
10. Councillor Allen was disappointed to see the construction works but they considered the objectors had not shown the harm and there was no solid reason for a refusal. The Community Infrastructure Levy (CIL) would be welcomed in the area.
11. Councillor Theobald considered the application was difficult to decide as they disliked retrospective applications. However, they considered the application difficult to turn down.
12. Councillor Robinson noted the development was the same as in February 2024 and most of the concerns raised were not planning matters. The councillor supported the application.
13. Councillor Winder stated that they were unhappy with the development.
14. Councillor Loughran noted that a Temporary Stop Notice should perhaps have been issued but the proposals were clear.

Vote

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

E BH2024/00077 - West House, 34B Preston Park Avenue, Brighton - Full Planning

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

Speakers

2. Ward Councillor Pickett stated that they considered the development to be reasonable with solar panels etc and contiguous with the existing building, however, there will be a

harmful loss of amenity and be overbearing for the neighbours on this heavily developed plot. The gardens have been subdivided into two dwellings and any more massing would be too close to neighbours. It was noted that the Heritage team considered there was no impact on the street, however, this is not the case. There are two parking bays at the front of the building which are involved in a legal tangle regarding ownership. The councillor requested the committee to wait for more information on the impact of the development on parking.

3. Rory Aitkenhead addressed the committee as the agent and stated that the parking issues for 35B and 34B were unrelated to the development. Numbers 34 and 36 were to the front of the plot and therefore not relevant to the development. The application property is 10m away from other buildings. This application reflects the changes requested by the planning officers from the first application to extend the property and is smaller. The footprint of the dwelling stays the same. The committee were asked to grant planning permission as there was no reason to refuse.

Answers to Committee Member Questions

4. Councillor Thomson was informed by the agent that the distance between buildings remained unchanged from the existing. The case officer stated that the distance between buildings was considered on a case-by-case basis, and the frontages are not relevant. It was noted that there no new windows in the proposals.
5. Councillor Nann was informed that the Heritage Team considered there was no harm to conservation area as there was no view of it from the street.
6. Councillor Robinson was informed that there was considered to be no harm to numbers 34 and 34B as there were no windows proposed.
7. Councillor Hill was informed that there was a statutory duty to look at the possible harm to the conservation area and here there was considered to be no harm. They were advised that the Council was taking a more relaxed approach to development in the conservation area where it was not visible from the street following a number of appeal decisions.
8. Councillor Theobald was informed that there was no height alteration and this scheme had been reduced from the previous application to extend and this was to reduce the visual impact.
9. Councillor Loughran was informed that the development was small.

Debate

10. Councillor Thomson noted there were no windows proposed and the extension was small. The councillor supported the application.
11. Councillor Hill considered the design to be good as were the proposed UVPC panels. The councillor did not consider the development to have a significant impact and were the committee to refuse the application it would be won at appeal.

12. Councillor Loughran expressed concerns that the design was not good enough, the development would be overbearing, overlook neighbours, would not be high quality design and would be contrary to policies DM18 and DM20. Harm would be caused by the close proximity to the neighbours and the lack of space around buildings. The councillor did not support the application.

Vote

13. A vote was taken, and by 5 to 5, with the casting vote given by the chair, the committee did not support the recommendation to grant planning permission.
14. A motion to refuse the application was proposed by Councillor Loughran and seconded by Councillor Nann as the application was contrary to policies DM18 and DM20.
15. A recorded vote was taken and Councillors Winder, Nann, Earthey, Theobald, Loughran voted for the refusal. Councillors Robinson, Allen, Thomson, Sheard and Hill voted against the motion to refuse the application. The chair had the casting vote and voted for the motion to refuse the application.
16. **RESOVLED:** The committee has taken into consideration and does not agree the reasons for the application to be granted. The application is refused. The final decision wording is to be agreed with the proposer and seconder.

F BH2023/03432 - Flat 13, St Gabriels, 18A Wellington Road, Brighton - Full Planning

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

Answers to Committee Member Questions

2. Councillor Robinson was informed that the sound insulation proposed was better than usual. The case officer had visited the site and there were no rooflights proposed to keep the external changes to a minimum.
3. Councillor Thomson was informed that the total number of residents in the entire building was not known. It was noted that there was room for 5 persons.
4. Councillor Winder expressed concerns and considered that half a subdivision would be better.
5. Councillor Sheard expressed concerns and was informed that the third bedroom was acceptable in space size with 15sqm floor space. The height standards under policy DM1 are acceptable. The Planning Manager stated that over 75% of the floor area needs to have a height of 2.3m or more which it did.
6. Councillor Earthey considered the usable volume of the development to include lots of unusable space.
7. Councillor Winder was informed that the heat levels of living under the roof and insulation needed would be covered by Building Regulations.

8. Councillor Robinson was informed that the floor area would be 127sqm.
9. Councillor Loughran was informed that the development more than met the minimum communal space requirements of 20sqm per person with 35sqm per person.
10. Councillor Nann was informed that the floor area was acceptable and met requirements. The space standards are acceptable.
11. Councillor Theobald noted that the report found the floor space was adequate.

Debate

12. Councillor Hill considered the sound aspects of the development to be a concern given it was a HMO rather than a single household, however, they considered the space to be good. The councillor supported the application.
13. Councillor Robinson considered the ceiling heights to be generally acceptable other than in the shared spaces which appeared cramped. The councillor did not support the application.
14. Councillor Sheard was against the application. They understood it met the 75% requirement for floor space to be over 2.3m but the circulation spaces and third bedroom would have large areas where people of average height would have to bend down and this would be concerning in an HMO. The internal corridor is less than 2.3m in height. There will be an increase in noise pollution, and this would impact on future occupiers.
15. Councillor Thomson considered the sloping ceilings hard to ignore. The councillor did not support the application.
16. Councillor Loughran considered HMOs need more circulation space and that it would be contrary to policy DM1. There would be a lack of light, overheating, poor head heights and low living standards which would affect health/wellbeing. The councillor did not support the application.

Vote

17. A vote was taken, and by 3 to 7 the committee voted against the officer recommendation.
18. A motion to refuse the application was proposed by Councillor Sheard and seconded by Councillor Thomson as the development was considered to be contrary to policies DM1, DM20 and DM21.
19. A recorded vote was taken, and the following councillors voted for a refusal: Robinson, Thomson, Winder, Nann, Sheard, Earthey and Loughran. The following councillors voted against the refusal: Allen, Theobald and Hill.

20. **RESOLVED:** The committee has taken into consideration and does not agree to **GRANT** planning permission and refuses the application as contrary to policies DM1, DM20 and DM21.

G BH2024/00243 - 10 Tumulus Road, Saltdean, Brighton - Full Planning

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

H BH2023/03111 - 22 Eley Crescent, Rottingdean, Brighton - Full Planning

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

110 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

111 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

112 APPEAL DECISIONS

- 112.1 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 6.00pm

Signed

Chair

Dated this

day of