

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 8 JANUARY 2025

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Loughran (Chair), Allen (Deputy Chair), Earthey, Galvin, Nann, Robinson, Shanks, Thomson, Winder and Lyons (Substitute)

Officers in attendance: Jane Moseley (Planning Manager), Alison Gatherer (Lawyer), Steven Dover (Planning Officer), Sonia Gillam (Senior Planning Officer), Vinicius Pinheiro (Assistant Planning Officer) and Shaun Hughes (Democratic Services Officer)

PART ONE

49 PROCEDURAL BUSINESS

a) Declarations of substitutes

49.1 Councillor Lyons substituted for Councillor Theobald.

b) Declarations of interests

49.2 There were none for this meeting.

c) Exclusion of the press and public

49.3 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.

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

d) Use of mobile phones and tablets

49.5 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'.

50 MINUTES OF THE PREVIOUS MEETING

50.1 **RESOLVED** – The minutes of the meeting held on 4 December 2024 were agreed.

51 CHAIR'S COMMUNICATIONS**51.1 City Plan consultation**

The Council has launched the first stage of consultation on our City Plan which expires on 20 January. It is very important that residents, developers and agents respond to the consultation as the requirement to determine applications in accordance with the Local Plan has been made stronger under the Levelling Up and Regeneration Act 2024 ("the LURA").

Section 58 was inserted into the new Act which states that:

Local plans will be given more weight when decisions are made on applications so that there must be strong reasons to override the plan, providing communities with more certainty.

The same weight will be given to other types of plan, including neighbourhood plans prepared by local communities and spatial development strategies produced by Mayors or combined authorities.

The more feedback the Council receives from residents, developers and stakeholders the more informed Cllrs and officers will be regarding support for new and updated policies.

Policies should make clear where and in what circumstances new development can be supported so that more certainty can be given to the planning system with respect to decision making of applications. Certainty helps to speed up the planning process. Design guidance regarding proposals for some parts of the city will refer to design codes to indicate how design preferences and local character will be taken into account.

After this first consultation stage has been completed further consultation will be held on a full draft plan which will include draft policies and proposed site allocations. The next stage of the consultation is called "Issues and Options". We don't expect to get to that stage until early 2026. There is then a final stage to the consultation which includes the production of a Proposed draft Submission Plan which will be sent to the Planning Inspectorate for formal public examination.

We look forward to receiving feedback from the public. Please make your comments to the City Plan using the Council's on line portal Your Voice so that comments can be quickly and efficiently processed and filed under the correct topic. Your Voice – consultations and engagement.

National Planning Policy Framework (NPPF) 2024

The Government published a new National Planning Policy Framework in December 2024. This NPPF is aligned with the new statutory provisions of the LURA. It places great emphasis on increasing housing supply including affordable housing, and the release of land called grey belt where previously developed land on Green Belt is identified. In 2023/24 1,075 new homes were delivered in the city, the largest annual increase in the housing stock for at least 15 years.

The updated NPPF introduces changes to the standard methodology for calculating housing need. The revisions are significant and are in line with the pro-growth NPPF to drive forward the Government's commitment to rebuilding Britain, delivering 1.5m new homes during the current parliament along with critical infrastructure that underpins economic growth.

The Government has increased the housing need figure for Brighton & Hove from 2,333 to 2,498 homes per year. This target presents a significant challenge due to the constraints facing this coastal city with the South Downs National Park boundary tightly drawn around the urban area. Our new City Plan must robustly consider ways of increasing housing supply in the city.

NPPF headlines have also addressed changes to Green Belt policy, however, it is important to note that the City has no Green Belt and there is an even stronger emphasis on the value of brownfield redevelopment. There has been welcome clarification that while proposals for development on brownfield land should be approved unless substantial harm would be caused, this should not promote low quality unsustainable development. Most development in the city already takes place on brownfield sites with 88% of planned development in the current City Plan being on brownfield land.

We welcome the changes to the approach to affordable housing that remove prescriptive national requirements and give greater control to local areas. This means we can prioritise the delivery of more genuinely affordable homes to rent, including a clearer priority for social rent. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required), and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.

Local Government Reform

As part of local government reform, the LURA brought in new proposals for devolution. The Government issued an invitation to the Council to respond to its call for this reform on 19 December 2024. The Council is considering how these reform proposals which were published in a Government White Paper in December 2024 may affect our unitary Council. These reforms will in due course engage with a review of the Planning Committee structure and process. The Council will update the public on the consultation process about that in due course.

52 PUBLIC QUESTIONS

52.1 There were none.

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

53.1 There were no site visit requests.

54 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

54.1 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 C: BH2024/02461: 42 Waterloo Street, Brighton
- Item F: BH2024/02132: 14 Nicholson Place, Rottingdean

All other applications were called for discussion.

A BH2024/02331 - 9 The Upper Drive, Hove - Full Planning

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

Speakers

2. Ward Councillor O'Quinn sent a speech as follows: I am objecting to this planning application on behalf of local residents. It was disappointing to see yet another application to extend one of the 4 blocks of flats that make up 9 Upper Drive as there have been applications to extend both Block A and Block D since 2018. I know 9 Upper Drive well and I saw 2 other blocks of flats built on this section of Upper Drive which have created a very disjointed appearance as there are 2 detached houses between no 9 and the new blocks. The 2 new blocks appear to have encouraged applications for extra stories at no 9. To apply for yet another extension in height to accommodate 2 new flats at Block C does create a growing sense of dominance on Upper Drive. Opposite are 2 storey detached houses with one low level flat development which is attractive and fits in with the street scene as it's only 2 stories in height. The first section of the Upper Drive up to Caisters Close is also made up of detached houses with gardens - with a block of flats on the corner of Upper Drive and The Drive - so no 9 does stand out. The report states that the loss of light where there are windows facing the application site would be minor as the windows are small and are only for kitchens and bathrooms. There appears to be no proper survey of loss of light taken. I would argue that every window in a kitchen is very important as any loss of light can have a major impact on residents. There also appears to be a loss of sunlight to the relevant gardens and this is not considered to be of sufficient importance to refuse the application. I note that a parking survey was carried out in the early hours of the morning. This is at a time when visitors are likely to have left and only residents' cars remain. Also, it seems odd to choose Wilbury Villas as people in Block C would be far more likely to park in Wilbury Avenue or The Drive – where the parking is very definitely at maximum capacity these days. I think the parking report stating that there will probably only be one car is optimistic. I would ask that you refuse this application.

3. Edward Addison addressed the committee as the applicant and stated that the Design & Access Statement looked at the policies and they had not been breached. The critical issues of loss of light and parking were addressed. The Transport Report assessed the quantity of parking spaces and traffic movements and found both satisfactory. It was noted that there would be two new flats, but only one extra floor on top of the building.
4. The case officer stated that there would be one additional storey, which had a staggered appearance and was set back, there was no more room on site for parking and Highways were happy that on street parking could be accommodated.

Answers to Committee Member Questions

5. Councillor Earthey was informed that blocks A and D had been built lower as they were near existing residential dwellings but upward extensions were allowed at appeal for block D and following that decision, at planning committee for block A.
6. Councillor Lyons was informed that if the extension to block C was approved, block B would be the only one at a lower level. The case officer confirmed that the windows on existing flats that would be subject to additional overlooking related to non-habitable rooms, and the roof terrace will be set back with screening.
7. Councillor Robinson was informed that a light survey was not required.

Debate

8. Councillor Robinson considered the blocks of flats to be nice looking and the proposals will add to the appearance, not subtract. The councillor supported the application.
9. Councillor Allen stated they were a fan of increasing housing density and going higher was good to avoid the need to use greenfield land. The councillor supported the application.
10. Councillor Earthey considered it was inevitable that block B would be extended as well. The councillor supported the application.
11. Councillor Thomson noted the development was for one storey only. The councillor supported the application.
12. Councillor Winder considered the proposals to be no threat to the surrounding properties. The councillor supported the application.
13. Councillor Loughran considered the proposals to comply with policy and would not cause harm. The councillor supported the application.

Vote

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

15. **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 BH2023/02742 - Les Reveurs, 17B Meadow Close, Hove - Full Planning

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

Speakers

2. Ward Councillor Lyons addressed the committee and stated that the application is for one replacement property demolishing a bungalow and constructing a two-storey property instead. The councillor agreed with the recommendation to refuse for overdevelopment and an incongruous rear terrace that would overlook neighbouring properties. This is a new design different to the planning permission given in 2017. The proposal is overdevelopment in height, creating overshadowing and loss of privacy. The design does not fit in the Close and projects too far forward at the front.
3. Radek Vic address the committee as the applicant and stated that they had implemented all the requests made by the case officer and the bungalow was situated on a large plot next to large neighbouring properties. It was noted that the floor area of the development was not 414sqm as stated in the report but only 310sqm. The proposals will not be closer to the neighbouring properties. The front of the development will align with other properties.
4. Alan Phillips addressed the committee as the architect and stated that they had built similar properties in the area, and two had won awards. It was considered that the case officer claims were incorrect. There was no evidence to support the claim of being overbearing or overlooking and loss of privacy. The 90-page design statement was not referenced in the case officer's report. No meetings had taken place with the case officer. The committee were requested to make a site visit.
5. The case officer stated that they had negotiated at length with the applicant, that the measurements were correct, and the proposals were a significant increase on the site, resulting in over-extending the property unacceptably, and beyond the previous permission. The scale of the development was mentioned in the report, which recommends a refusal. It was considered that other sites were not similar.

Answers to Committee Member Questions

6. Councillor Thomson was informed that a contemporary design was acceptable, however the bulk and appearance of this design in the street scene were not. The massing was too much and would cause harm to the amenities of the neighbours and the surrounding area. The bulk, mass and materials proposed result in the recommendation for refusal. The proposals are against policy. The majority of the road is open in appearance, the development proposed is too far forward and prominent in the street scene. The case officer confirmed that site visits had taken place, and the agent had been informed that the proposals were too much. The councillor was informed by the applicant that they had tried to address all requests by the case officer and the proposals were not on the boundary with the neighbour to the rear.

7. The Planning Manager noted that there was a hedge on the front boundary, but this could be removed or reduced so could not be relied on to provide visual screening.
8. Councillor Shanks was informed that the amenity loss for neighbours was from a raised terrace to the rear which significantly increased overlooking. Screening had been introduced; however, overlooking was only part of the amenity concern in the reasons for refusal.
9. Councillor Nann was informed that the report findings regarding loss of light were the case officer's professional opinion not measured impacts.

Debate

10. Councillor Robinson considered there had been similar large, modern applications before the committee, however, they had more space around the building. The councillor considered the design was squeezing something into a place it did not belong.
11. Councillor Nann considered the neighbours' amenities were impacted and supported the case officer's recommendation for refusal.
12. Councillor Shanks had no problem with the development and considered the view of the massing to be subjective and the design good. The councillor stated they would vote against the officer recommendation and would approve the application.
13. Councillor Thomson stated they wanted to support development, just not this much as it impacted on the street scene. The councillor supported the case officer's recommendation.
14. Councillor Allen considered the site ripe for development, but this design is not in line with spirit of DM18. The councillor supported the case officer's recommendation.
15. Councillor Earthey considered the site to be underused, however, they agreed with the case officer's recommendation.
16. Councillor Winder considered a large property could overwhelm and this proposal was not suitable. The councillor agreed with the case officer's recommendation.
17. Councillor Loughran noted the development was against policy DM18 and others in the City Plan. The site was long and thin, the proposed large dwelling was out of keeping. The councillor supported the case officer's recommendation.
18. A vote was taken, and the committee voted 8 to 1 against that planning permission be refused. (Councillor Lyons took no part in the debate 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 **REFUSE** planning permission for the reasons set out in the report.

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

D BH2024/01873 - Studio Workshop at Rear 49 Elm Drive, Hove - Householder Planning Consent

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

Answers to Committee Member Questions

2. Councillor Robinson was informed that the development was already approved and the application before the committee today did not increase the property but sought minor amendments.
3. Councillor Shanks was informed that the applicant had made changes that were not approved, however, they were not considered to be more harmful.

Debate

4. Councillor Lyons considered the changes to be reasonable as they were set back from the road and of a good design. The councillor supported the application.
5. Councillor Winder considered they had no choice but to approve the application, and they were concerned that more changes may be made in the future.
6. The Planning Manager assured the Members that they did not have to approve the application because it was retrospective, they could propose a refusal.
7. Councillor Robinson considered the neighbours would not be happy; however, it was good to get more housing. The councillor supported the application.
8. Councillor Earthey considered the applicant may make further changes; however, they supported the application.
9. Councillor Galvin considered the applicant had complied with the planning officers.
10. Councillor Loughran suggested the applicant should be careful and comply with the officer's recommendations. The councillor supported the application.

Vote

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

E BH2024/00553 - 149 Surrenden Road, Brighton - Householder Planning Consent

1. The case officer introduced the application to the committee.

Speakers

2. Peter Lynton addressed the committee as an objecting neighbour and stated that the proposals included converting the garage 3m from the neighbour's property. The garage is on the boundary and reaches into the rear garden. The development will have a huge impact and will unnecessarily affect amenities.
3. James Cockle addressed the committee as the applicant and stated that the development will increase privacy and replace the current unattractive extensions. The two-storey dwelling offers more space. The proposed roofscape is similar to others and will include rooflights to the rear. The conservatory will be removed. The garage conversion could be carried out under permitted development. It was considered that the proposals, forming an attractive family home, would not affect the amenities of the neighbours. The committee were requested to approve the application.
4. The case officer noted that the proposals would not affect the views, which would remain similar to the existing. The glazing will be obscured by condition. The proposals were not considered harmful enough for a refusal.

Answers to Committee Members Questions

5. Councillor Loughran was informed that the garage was on the boundary and was 2.5m from the corner of the neighbouring property at 147.

Debate

6. Councillor Galvin considered the applicant had made the requested changes. The councillor supported the application.
7. Councillor Thomson supported the application.
8. Councillor Robinson considered the proposals were an improvement on the existing, bringing all the elements together. The councillor supported the application.
9. Councillor Allen noted that the conditions required obscure glazing and stated they supported the application.
10. Councillor Earthey considered the proposals a better use of the footprint and supported the application.
11. Councillor Loughran considered the proposals an improvement on the existing.

Vote

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

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.

F BH2024/02132 - 14 Nicholson Place, Rottingdean - Householder Planning Consent

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

55 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

56 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

57 APPEAL DECISIONS

- 57.1 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.
- 57.2 The Planning Manager draw the committee's attention to the following decisions made by the inspectorate:
- BH2022/02810 & 02809: St Agnes Church: Refusal Upheld
 - BH2024/00077: 34B Preston Park Avenue: Appeal allowed
 - BH2022/02492: Trafalgar Street, Brighton: Appeal allowed

The meeting concluded at 4.13pm

Signed

Chair

Dated this

day of