

# BRIGHTON & HOVE CITY COUNCIL

## PLANNING COMMITTEE

2.00pm 3 NOVEMBER 2021

### COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

**Present:** Councillors Littman (Chair), Ebel (Deputy Chair), Childs (Opposition Spokesperson), Barnett, Fishleigh, Moonan, Theobald and Yates

**Officers in attendance:** Jane Moseley (Planning Manager), Russell Brown (Senior Planning Officer), Steven Dover (Assistant Planning Officer), Joanne Doyle (Senior Planning Officer), Jonathan Pennick (Planning Officer), Emily Standbridge (Senior Planning Officer), Andrew Renaut (Head of Transport, Policy and Strategy), Michael Tucker (Planning Officer), Hilary Woodward (Senior Solicitor) and Shaun Hughes (Democratic Services Officer).

#### PART ONE

#### 41 PROCEDURAL BUSINESS

##### a) Declarations of substitutes

41.1 There were no substitutes

##### b) Declarations of interests

41.2 Councillor Barnett declared they had submitted a letter of objection on item B (BH2021/00617 - 57 Northease Drive, Hove) and would withdraw from the meeting after speaking to the committee as Ward councillor. Councillor Fishleigh declared they had submitted a letter of objection on item F (BH2021/02657 - 44 The Cliff, Brighton) and would withdraw from the meeting after speaking to the committee as Ward councillor.

##### c) Exclusion of the press and public

41.3 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.

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

#### 42 MINUTES OF THE PREVIOUS MEETING

- 42.1 **RESOLVED:** The committee accepted the minutes of the meeting held on 6 October 2021 as a correct record.

**43 CHAIR'S COMMUNICATIONS**

- 43.1 The Chair stated: Following the golden thread of disability access and equalities which characterised our last meeting I will be meeting with Pippa Hodge, along with Cllrs Ebel and Osbourne and senior Planning Officers, to determine what equalities needs should be fed into both training for Councillors and Officers and our Local Planning Authority's future policy developments.

Secondly, there have been repeated requests for us to publish the details of objectors and supporters of applications on our website. The research into this idea has now been carried out, and this is the final outcome:

In line with the new rules introduced by GDPR in May 2018, officers sought legal advice and reviewed the need to share the location of representations received on planning applications. As a result, the view was taken that the location of representations was not a material consideration in assessing planning applications. Therefore, there was no legal basis to reveal addresses in committee reports or on the Register.

In the autumn of 2019, the then Planning Member Working Group requested that this be reviewed as those sitting on the group at the time felt respondent addresses should be a material planning consideration.

Officers have been working with ICT and our application database (Uniform) to explore options on how this can be achieved efficiently. The Planning Register can be changed to show addresses automatically, however, residents' information before 2018 and since 2018 would be revealed as well as current information, which would be a breach of GDPR rules - so this is not possible.

Officers have also researched what neighbouring authorities do. It has been confirmed that none of our neighbours provide a list of addresses in reports or reveal addresses on their Planning Register. In addition, providing addresses is contrary to the current advice of the Planning Advisory Service.

For these reasons, officers have recommended that we do not pursue making this change in reports and to the Planning Register and this was agreed at the Planning Committee Member Working Group on the 27th October 2021.

**44 PUBLIC QUESTIONS**

- 44.1 There were none.

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

- 45.1 There were none.

**46 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2021/00770 - 43-45 Bentham Road, Brighton - Full Planning**

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

#### Speakers

2. Anne Hammond spoke to the committee as an objector and stated that she considered the development to be unnecessary with no respect for the area and poor design standards. The small rooms are considered to induce a high turnover of tenants. There are concerns regarding fire safety and noise from the property outside to the front and rear. There is considered to be a loss of privacy resulting from the development for the neighbouring properties. The bin arrangements are not considered acceptable. The lack of parking would be a challenge in this already difficult area where road safety issues are a concern. There are concerns relating to anti-social behaviour. The room size standards are not good for occupiers. The development does not seem to be sustainable or consider biodiversity. There are concerns regarding the large elm tree to the front of the property on the roadside. The developer has not contacted the community where this development will impose on those already living there.
3. Ward Councillor Powell spoke to the committee in objection and stated that the development did not respect the character and appearance of the existing building, the application was an overdevelopment of the site, the design created fire hazards, the bins were in the wrong place, the standard of accommodation was poor, and the development would result in noise and disturbance for the neighbours. The councillor requested that the elm tree on the roadside outside the property be retained and attention should be paid to biodiversity. The councillor stated they were very against the development.
4. Ward Councillor Gibson spoke to the committee in favour and stated that the property has been empty for a long time and there is a housing need in the city, and an affordable homes crisis. Planning usually asks for 40% of a development to be affordable housing, sometimes less. This development will be 100% affordable housing. It was noted that Brighton Housing Trust support the application. The councillor considered that the need outweighed the design issues and asked the committee to bring the building back into use.
5. Paul Burgess, the applicant's agent, spoke to the committee and stated that the former church building had not been used since 1990. The development will retain the existing windows and walls, and the one- and two-bedroom flats on offer are of good quality meeting minimum space standards, and will be 100% affordable. The agent was perplexed by the references to noise in this tightknit housing area and confirmed that no changes were proposed to the front of the property, where the elm tree is located. The committee were asked to support the application.

#### Questions

6. Councillor Theobald was informed that the application was slightly different from the previous application in 2020, and that the elm tree was outside the property boundary and it was considered that the works would have a minimum effect on the tree.
7. Councillor Fishleigh was informed that there was no signed agreement with Brighton Housing Trust. The Senior Solicitor stated that any planning permission ran with the land and there was no reason to make this a personal permission for Brighton Housing

Trust. Ward Councillor Gibson stated that the Trust managed sites and do not own them, and they were not aware of any formal agreement. The Planning Manager confirmed there was an extant permission for flats on land to the rear of the site, granted in 2004, which had not been built.

8. Councillor Yates was informed that the alleyway to side of the property was not within the red line site boundary and was not a new alleyway, however, the development would result in more use of the alleyway. It was noted that the refuse bins would be stored to the rear of the property and brought to the front on collection day. Ward Councillor Gibson considered there was a need for all sizes of accommodation across the city and they were in favour of studio flats, in this area of smaller houses, as there is an overriding need for houses due to the housing crisis.
9. Councillor Moonan was informed that the developer had another development in a nearby road. The developer's agent confirmed the other site was granted permission previously and the same architect had been used for both developments.
10. Councillor Childs was informed that the developer considered the design was the best use of the site in this high-density area.
11. Councillor Ebel was informed that the one bed flats were 37m<sup>2</sup> and the two bed flats were 90m<sup>2</sup>, and this met minimum standards. It was also noted that there was no limit in planning terms to the number of studio flats in one development.

#### Debate

12. Councillor Moonan considered there was the potential for good design at this location and noted there was not a long- or short-term guarantee with the Brighton Housing Trust. The councillor considered the application to be an overdevelopment of the site and requested the developer re-think the development. The councillor supported the officer's recommendation to refuse the application.
13. Councillor Theobald considered the re-use of the church building to be good and felt a better mix of accommodation could be achieved, with a design that included family units. The councillor noted that no cycle or car parking were included in the application, and the bins were an issue. The councillor considered the development too small, an overdevelopment of the site and supported the officer's recommendation to refuse.
14. Councillor Barnett considered the units to be too small and claustrophobic, resulting in mental health issues for the occupiers. The councillor requested the application be refused.
15. Councillor Ebel considered the provision of affordable housing was good, however this should not be achieved at any cost. The councillor requested the developer re-think the design and asked the committee to refuse the application.
16. Councillor Childs considered the building to be handsome and in need of renovation, however the application is an overdevelopment of the site. The councillor considered the loss of the community asset to be an issue even though the building had not been used for many years. The councillor stated they were against the application.

17. Councillor Yates considered that cycle parking should be included, however, it was understood that car parking could not be included in the scheme. The councillor considered the re-use of the building to be good and noted the community use has stopped. It was noted that the pavements in the street were crowded and the councillor had no concerns relating to the existing alleyway or the elm tree. The councillor considered some of the windows, and all of the accommodation to be too small and of a low standard. The councillor did not support the development as there were too many flats in the building and requested that the application be refused.
18. Councillor Littman considered that other church conversions to accommodation had been done well, however, this was not a good conversion. The councillor requested the developer to come back with a better scheme.

#### Vote

19. The committee voted unanimously with the officer's recommendation to refuse the application.
20. **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 following reasons:
1. The proposed development would fail to provide a good mix of units and would represent an overdevelopment of the site by virtue of the number and cramped size of the studio units. The studio units would provide a cramped and oppressive environment and with restricted usability. Further, the size and enclosed nature of the amenity space would be neither useable nor private. The development would fail to achieve a good housing mix and would provide a poor standard of accommodation for future occupants, contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan, Policies DM1 and DM20 of City Plan Part Two, and Policies CP14 and CP19 of City Plan Part One.
  2. The proposed development would represent an unneighbourly form of development by virtue of the high concentration of smaller units which would cause unacceptable levels of noise and disturbance to adjoining occupiers. Further, as a result of the addition of rear window openings the development would result in direct and obtrusive views into the rear windows and rear gardens of the extant development to the rear and would be detrimental to the amenity of the future occupiers. The proposed development would therefore consequently be contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan, and Policy DM20 of City Plan Part 2.

#### **B BH2021/00617 - 57 Northease Drive, Hove - Full Planning**

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

#### Speakers

2. Ward Councillor Barnett addressed the committee and stated that the property had formerly been a 3bed house and was now a 6-bed house, with a rear extension which prohibits access to the rear garden. The councillor considered the development out of character for the area, an overdevelopment of the site, and unfair on the neighbours. The committee were requested to refuse the application.

#### Questions

3. Councillor Yates was informed that the red line on the 3D aerial shown in the presentation was incorrect and should only surround the application site and not the neighbouring dwelling.
4. Councillor Ebel was informed that the single bedroom proposed was slightly below minimum standards of 7m<sup>2</sup> at 6.8m<sup>2</sup>.
5. Councillor Theobald was informed that the property had an existing single storey extension, a large rear garden and 41m<sup>2</sup> communal space.

#### Debate

6. Councillor Ebel raised concerns regarding the size of the single bedroom, where it was considered that only a bed and no other furniture could be used in the room. The standard of living was considered too low as the room was considered cramped. The committee were asked to refuse the application.
7. Councillor Yates considered the single room to be a box room, however the rest of the development was good for residents. The councillor considered that all the rooms in the development should meet standards and they could not agree to bad quality accommodation. The councillor was against the development.
8. Councillor Theobald considered the application to be an overdevelopment of the site and the single room to be too small. The councillor was against the application.
9. Councillor Moonan did not consider the proposal to be overdevelopment, however, one bedroom was below space standards.
10. Councillor Littman considered the development was nearly right, however, the single room was too small. The councillor was against the application.

#### Vote

11. A vote was taken, and committee voted by 0 to 7 against the officer recommendation. (Councillor Barnett was not present for the vote and took no part in the decision-making process).
12. Councillor Ebel proposed that the application be refused as it did not meet minimum standards and so the standard of accommodation proposed was unacceptable. The motion was seconded by Councillor Yates.

#### Vote

13. A recorded vote was taken, and committee voted by 7 to 0 to refuse the application. (Councillor Barnett was not present for the vote and took no part in the decision-making process).
14. **RESOLVED:** That the application be **REFUSED** on the basis of not meeting minimum room standards.

## C BH2021/03029 - Cedar Centre, Lynchet Close, Brighton - Full Planning

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**D BH2021/02310 - 83 Mile Oak Road, Portslade - Householder Planning Consent**

1. The report was withdrawn from the agenda after publication.

**E BH2021/02084 - Ditchling Court, 136A Ditchling Road, Brighton - Removal or Variation of Condition**

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**F BH2021/02657 - 44 The Cliff, Brighton - Full Planning**

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

Speakers

2. Ward Councillor Fishleigh stated that the application property had many issues relating to several planning applications and Airbnb rentals. The property was constructed as two dwellings, a house and flat, concerns were raised regarding the use of the house. Noise and disturbance had been reported from the property by the neighbours and the councillor requested that the planning enforcement team investigate the use of the property. The councillor noted that the bins were often overflowing and asked that a condition requiring a bin store be added. The councillor considered that the two windows in the application may result in more rooms internally.
3. The Planning Manager stated that the application was for two windows and that was what was under consideration by the committee.

Questions

4. Councillor Yates was informed that the property was constructed as two dwellings, a house with a 'granny flat' below, granted in 1989.

Debate

5. Councillor Moonan commented that they had sympathy for the objectors, however, the application was for two windows. The councillor supported the application.
6. Councillor Yates considered that the design was good, and they supported the application as there was no planning reason to object.

7. Councillor Theobald considered an investigation into the use would be good and they supported the application.
8. Councillor Childs asked that the issues raised by the ward councillor be investigated and requested that councillors call on the government to let councils act on Airbnbs.
9. Councillor Littman sympathised with the neighbours and noted there were other issues being raised and asked that action be taken within the powers of planning enforcement. The councillor supported the application.
10. The Planning Manager noted that there was a enforcement file open on the property.

Vote

11. A vote was taken, and the committee voted unanimously to grant planning permission. (Councillor Fishleigh did vote or take part in 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.

**G BH2021/02475 - 55 Goldstone Crescent, Hove - Removal or Variation of Condition**

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

Questions

2. Councillor Yates was informed that there were tweaks only to the internal layout of the property, nothing significant.

Debate

3. Councillor Theobald considered the property to be of a poor design, overbearing, out of keeping in the streetscene and should be family homes, not blocks of flats. They considered the blocks of flats to be too big and would vote against the application.
4. Councillor Fishleigh considered that the developer was submitting this design now as they wouldn't have got planning permission originally. The councillor stated they would vote against the application.
5. Councillor Barnett considered that the character of the road had gone as a result of the blocks of flats.
6. Councillor Yates stated they supported the application.
7. Councillor Littman commented that they understood the issues raised, however, planning permission has been granted and they would support the variation of condition.

Vote

8. A vote was taken, and by 5 votes to 4 the committee voted to grant planning permission. (The chair used the chair’s prerogative of a casting vote).
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 as set out in the report.

**H BH2021/02478 - 57 Goldstone Crescent, Hove - Removal or Variation of Condition**

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

Questions

2. Councillor Yates was informed that the front elevation showed the correct roof line between the two proposed properties.

Debate

3. Councillor Theobald considered the impact of the development to be unacceptable on the street scene, the materials to be out of keeping, and the bulking and massing to be too much for the location. The councillor considered the development to be ugly and would change the streetscene. The councillor was against the application.
4. Councillor Littman noted that no.55 had been accepted and considered no.57 the same.

Vote

5. A vote was taken, and by 5 votes to 4 the committee voted to grant planning permission. (The Chair used the chair’s prerogative of a casting vote).

**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 as set out in the report.

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

- 47.1 None

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

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

**49 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**50 APPEAL DECISIONS**

50.1 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 4.19pm

Signed

Chair

Dated this

day of