

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 2 AUGUST 2023

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Loughran (Chair), Allen (Deputy Chair), Cattell, Fishleigh, Hamilton, Nann, Robinson, Shanks, C Theobald and Miller (substitute)

Officers in attendance: Nicola Hurley (Planning Manager), Jane Moseley (Planning Manager), Alison Gatherer (Lawyer), Don Anyiam (Highway Agreements Officer), Charlotte Bush (Senior Planning Officer), Sonia Gillam (Senior Planning Officer), Rebecca Smith (Planning Officer), Wayne Nee (Principal Planning Officer), Michael Tucker (Senior Planning Officer) and Shaun Hughes (Democratic Services Officer).

PART ONE

21 PROCEDURAL BUSINESS

a) Declarations of substitutes

21.1 Councillor Miller substituted for Councillor Pumm.

b) Declarations of interests

21.2 Councillors Theobald, Fishleigh, Robinson, Cattell, Nann and Loughran stated they had received emails from objecting residents relating to BH2022/03810: 15-26 Lincoln Cottages, Brighton. Councillor Fishleigh stated they had received emails from the agent for BH2022/03810: 15-16 Lincoln Cottages, Brighton.

c) Exclusion of the press and public

21.3 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.

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

d) Use of mobile phones and tablets

21.5 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'.

22 MINUTES OF THE PREVIOUS MEETING

22.1 **RESOLVED:** That the minutes of the meeting held on 5 July 2023 were agreed.

23 CHAIR'S COMMUNICATIONS

23.1 There were none.

24 PUBLIC QUESTIONS

24.1 There were none.

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

25.1 There were none.

26 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

26.1 The following items were not called by the Committee and were taken to be agreed in accordance with the officer's recommendation(s):

- Item D: BH2023/01539: 6 West Hill Street, Brighton

A BH2022/03385 - 239-243 Kingsway, Hove - Removal or Variation of Condition

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

Answers to Committee Member Questions

2. Councillor Shanks was informed that the 5% of the units would remain accessible. The only issue in the adaptable units would be the length of the kitchen worksurface. It was noted that the development meets policy M4 (3) which complies with policy. The Principal Building Control Surveyor the proposed buildings include optional M4 (2a and 2b). These regulations are not enforceable.
3. Councillor Theobald was informed by the Principal Building Control Surveyor that the two accessible units were on the ground floor and compliant with building regulations regarding door widths, bathrooms etc.
4. Councillor Robinson was informed that both accessible units were on the ground floor and exceeded the 5% of accessible units required.
5. Councillor Miller was informed by the agent acting on behalf of the applicant that the kitchens in the accessible units would be tailored to the occupiers needs.

Debate

6. Councillor Fishleigh noted the application has been refused at committee and allowed at appeal. The councillor considered the developers were 'land banking'. It was noted by the Planning Manager that the works had started, and this site could not be therefore considered as 'land banking'.
7. Councillor Theobald considered it a shame the application had been agreed at appeal, however the reduction in the number of units was a good thing.
8. Councillor Shanks stated that they did not support the application and considered the constant changes to the scheme to be good.
9. Councillor Cattell noted that the applicant can come back to the Local Planning Authority (LPA) any time and request variations to conditions.

Vote

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

B BH2022/03810 - 15-26 Lincoln Cottages, Brighton - Full Planning

1. The Planning Manager introduced the application to the committee. It was noted that the applicant has taken the application to the Planning Inspectorate as the application was not determined within the set timescales. The committee were therefore being requested to give an opinion as to whether they would have granted or refused planning permission. The case officer updated the committee noting that the date on condition number 5 had been updated, condition 6 was to remain the same following agent enquires, the turning space was deemed acceptable, and the Fire and Safety consultation found the amended plans acceptable.

Speakers

2. Liz Cook addressed the committee on behalf of the objecting residents and stated that the represented more than 60 households surrounding the proposal site. The community are open to a development that enhances the city, the report does not give enough weight to the serious harms the development will cause. The following are disputed: access – is not fit to support the burden of the proposed level of use; disturbance and intrusion – the area is characterised by back to back housing; however, this development creates a new street outside our bedroom windows, noise and light pollution and disturbance from human traffic. If approved the light levels should be controlled by condition. The report does not mention the serious harm caused by the bins for the development. Harms to health will come from the large bin collection point adjacent to existing properties. Traffic increase has been seriously underestimated in the report. The report acknowledges there is no light assessment and losses of light to the existing neighbours are likely to be greater than stated. Over shadowing and overlooking: the proposals will cause significant loss of privacy for neighbouring gardens

and bedrooms, if approved the non-use of roofs and no replacement of opaque windows should be required by condition. The development would lead to a cramped and intrusive arrangement for existing and future occupiers. Please refuse the proposals and aspire to something better for the community.

3. Ward Councillor Rowkins addressed the committee and stated that they had been watching the application carefully, which is located in the heart of the city. The existing structures are used as work spaces and should be comparably used in the future. The foot print of the development needs to be reduced with more room for trees and wildlife. The bins collection space needs to be better designed. Under urban design policy the site needs to be put to better use. An amended scheme is in the application system already and committee could look at that as a way forward. The committee were requested to refuse the application before them.
4. Oliver Milne addressed the committee as the agent acting on behalf of the applicant and noted that the site had been set aside under the local plan for 18 homes and this application was for only 9. The development consisted of much needed 3 bedroom homes on this brownfield site. The development is a good use of the site and not an overdevelopment. The preapplication advice received from the council and consultation with the public has led to changes in the proposals. Biodiversity will form part of the development. Green technology has been included to future proof the homes were possible. The development will be car free, and no objections have been received from the consultations. The committee were requested to agree the planning permission.

Answers to Committee Member Questions

5. Councillor Fishleigh was informed that the amended application still to be decided was not for consideration at the meeting and the Members were to be decide the application before them. The councillor was informed by the resident that the street lighting proposed would be too bright for the existing homes and that no invites had been received to the consultation event and those who did attend considered it a presentation only with on interaction from residents.
6. Councillor Loughran was informed by the resident that the closest property to the proposed bin collection store would be number 89.
7. Councillor Theobald was informed by the agent that the existing garages were mostly vacant, and the remaining would be soon. It was noted that sprinklers would be installed in the new properties.
8. Councillor Shanks was informed that the affordable housing threshold for onsite provision was 15 or more units, and this application was for 9 and therefore a financial contribution was acceptable. The case officer noted that more units would have a greater impact on the local amenities.
9. Councillor Cattell was informed by the resident that they were not aware of the consultation process undertaken for City Plan Part Two. The Principal Planning Policy Officer informed the committee that there had been a series of consultations for City Plan Part Two in the summer of 2018 and autumn of 2019 and there had been a number of options to make representations. No comments were received regarding this

site. The consultations were evaluated in 2021 and published online. The Planning Manager noted that the City Plan Part Two was adopted and due process had been carried out.

10. Councillor Miller was informed by the resident that tree planting was wanted by the residents, however, the existing landscaping scheme included deciduous trees not evergreen. The Planning Manager noted that condition 14 required the landscaping scheme to be secured by condition and therefore agreed at a later date if the appeal was allowed. The resident considered there was not enough room to plant big enough trees in this scheme to provide privacy.
11. Councillor Robinson was informed by the agent that the street lighting details were to be agreed. The case officer agreed that a further condition could be added for more details of the lighting.
12. Councillor Nann was informed by the Highway Agreements Officer that four vehicles per day were estimated at the site and the access road would be private. The developer would be responsible for maintaining the access. The officer confirmed that the impact of the delivery vehicles was not considered significant enough to refuse the application.
13. Councillor Miller was informed by the resident that they wanted to Green up the Hanover community and trees would be welcomed. The nine large bins would total 18 with the recycling bins and collection point would be preferred to be an alleyway. The Planning manager noted that condition 13 covered the storage of bins for each property and collection. The agent stated that communal bins were not preferred, and each property would store their own bins and wheel down for collection day from the private access.
14. Councillor Theobald was informed that the landscaping scheme was to be approved by condition. If the Planning Inspector approves the appeal, they will look at conditions suggested by the council.
15. Councillor Cattell was informed by the case officer that the design of windows in the development allowed only oblique views of neighbouring properties.
16. Councillor Loughran was informed by the agent that the details of the heat pumps and solar panels would be submitted by condition.

Debate

17. Councillor Cattell noted there were no objections to the selection of the site for housing. The site could hold 18 dwellings however the application was for 9.
18. Councillor Loughran considered there were many constraints on the site and the spacing around the homes was an issue. The councillor considered that the developer had not worked with the community and felt their inadequate circulation, harm to the neighbours. More details were required relating to the green energy.
19. Councillor Shanks wanted affordable housing and considered that homes were needed and supported the application.

20. The Planning Manager noted that the current scheme in the system could not be considered in the debate and the committee were to make a decision on the application before them.
21. Councillor Nann considered that the traffic was underestimated, and the character of the area would be changed. They did not consider the development was a good use of the site.
22. Councillor Miller considered that if the application was agreed, the residents should be consulted to minimise impact.
23. Councillor Hamilton noted the site had been set aside for development in City Plan Part Two however the committee did not need to accept the scheme before them. The proposals are an overdevelopment of the site with no parking. The councillor considered the scheme would have a detrimental impact on local residents. The committee were requested to refuse the application.
24. Councillor Fishleigh considered the development have a detrimental impact on light and privacy; layout and density were harmful with loss of amenities to residents. The councillor was against the application.
25. Councillor Theobald considered the application difficult and considered the site visit very helpful to understand the application. The access for emergency vehicles would be difficult and bin collection point was not good. The councillor considered that two storey dwellings would be better as the current design blocked views. The councillor stated they could see both sides.

Vote

26. A vote was taken, and by 1 to 9 against the committee voted against the officer recommendation.
27. Councillor Fishleigh proposed a refusal, seconded by Councillor Miller, on the grounds of overdevelopment, loss of light, privacy, density, loss of amenity and traffic.
28. A recorded vote was taken to refuse the application on the grounds proposed. Councillors: Allen, Cattell, Fishleigh, Hamilton, Nann, Robinson, Theobald, Miller and Loughran voted for the refusal. Councillor Shanks abstained.
29. **RESOLVED:** That the committee was minded to refuse the application. The reasons to be agreed with the proposer and seconder.

C BH2023/00953 - 9 The Village Barn, Church Hill, Brighton - Householder Planning Consent

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

Answers to Committee Member Questions

2. Councillor Theobald was informed by the case officer that there was one existing rooflight facing Vale Avenue and one proposed. There were rooflights on the barn opposite the application site. The Planning Manager confirmed the officer recommendation was for approval.

Debate

3. Councillor Miller considered Solar Panels to be good and supported the application.
4. Councillor Robinson considered the symmetry would change.
5. Councillor Theobald noted as Ward Councillor that the application site was in a conservation area and opposite an historic barn. There are no other rooflights or glazed roof areas and the application will set a precedent. The nearby church is listed. Residents have objected. The councillor was against the application.
6. Councillor Allen noted the proposals would not be visible from the nearby listed church.
7. Councillor Loughran noted there had been no objections from the heritage officer.

Vote

8. A vote was taken, and by 8 to 1 against the committee agreed to grant planning permission. (Councillor Fishleigh had left the meeting and took no part in the discussions or 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 in the report.

D BH2023/01539 - 6 West Hill Street, Brighton - Householder Planning Consent

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.

E BH2023/00722 - 100-104 Church Road, Hove - Full Planning

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

Answers to Committee Member Questions

2. Councillor Robinson was informed as Ward Member by the case officer that it was not acceptable to condition deliveries to front only as the use was existing. The planning manager informed the committee that to add a condition the condition needed to be reasonable and as there was no change of use at the premises, to add a condition regarding deliveries would be unreasonable. The case officer noted there had been

some small deliveries to the rear of the property under the previous owner. The councillor was also informed that the air conditioning units were already existing and could not be conditioned to reduce the noise. The case officer noted that noise levels were a matter for the Environmental Health team and the noise assessment for the application was found to be acceptable.

3. Councillor Robinson proposed a condition to prevent deliveries to the rear of the property, however, no other committee Member seconded the motion.
4. Councillor Allen noted the formula for measuring noise was very difficult to define and give a level of acceptability for the site.
5. Councillor Loughran noted there were British Noise standards.

Debate

6. There was no debate.

Vote

7. A vote was taken, and the committee agreed unanimously to grant planning permission. (Councillors Theobald and Fishleigh had left the meeting and took no part in the discussion or vote).
8. **RESOVLED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

F BH2023/00789 - Land to the rear of 69 Centurion Road, Brighton - Full Planning

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

Speakers

2. Paul Bowes addressed the committee as an objecting resident and stated that they lived in Centurion Road, and they objected to the proposed garage. The garage was bought last year, and the proposals would make the structure three times bigger. Commercial use was originally requested and then withdrawn. It is considered that the size will be for commercial use. The development will increase parking pressures on the site. If the council were to approve, please use a S106 agreement for non-commercial use. Please also have an informative to maintain the right of way. The committee were requested to refuse the application.
3. Ward Councillor McLeay addressed the committee and noted there had been 32 objections and there were many concerns including over development, intended use, wall maintenance and scale of development in a tight area of the site. The use is unclear as business use was previously applied for and the application was submitted under a company name. The local residents want clarification and a tighter agreement on use. The maintenance of the retaining wall will be an issue and the design is close to the wall.

4. James Oliver addressed the committee as the applicant and stated that they thanked the case officer for the changes agreed. The use would be for private storage and car parking. The space is derelict at the moment and anti-social behaviour has been noted in the area. Planting is planned to deter intruders.
5. The Planning Manager clarified that the maintenance of the retaining wall was a private matter and not a planning consideration. The suggestion of s106 agreement would not be advised. If the unit is used for commercial purposes, then a condition could be enforced effectively.

Answers to Committee Member Questions

6. Councillor Allen was informed by the architect that the roof was pitched, and guttering would deal with the rainwater and there would be a gulley to the rear of the building against the retaining wall.
7. Councillor Cattell was informed by the architect that the B8 use was withdrawn as it had become clear to the applicant it was not needed. The applicant confirmed the garage was not for commercial use.
8. Councillor Shanks was informed that the access to the retaining wall was not a planning matter, and the land was not owned by the council.
9. Councillor Theobald was informed by the applicant that they owned an electric bike business in Lewes and the garage would be for private storage only such as a canoe and personal bikes. The applicant was happy to have a condition restricting the use to private. The Planning Manager noted that condition 3 restricted the use to private.

Debate

10. Councillor Allen noted that the site was not attractive, and the drainage proposed was acceptable. The councillor supported the application.
11. Councillor Theobald noted that the gap between the retaining wall and the structure was tiny. The councillor did not support the application.
12. Councillor Robinson noted the current space was used for anti-social behaviour. The new garage would be better, and they supported the application.
13. Councillor Fishleigh noted the Planning Enforcement team were very good.
14. Councillor Shanks considered they were not able to oppose and asked that if any commercial use was seen that it be reported.

Vote

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

G BH2023/01017 - Studio Workshop at rear of 49 Elm Drive, Hove - Householder Planning Consent

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

Speakers

2. Philip Bryman addressed the committee as an objecting resident and stated they represented some twenty families. Overlooking is an issue as is parking in the area. The retrospective application is not considered to be good for the area. Common sense should be used as the building is too close to the boundary, is overbearing and cramped on the site. The development is against policy in the National Planning Policy Framework (NPPF). Previous applications have extended the height with larger extensions. It was requested that an article 4 be placed on the property for no further extensions. The resident stated they spoke for neighbours. The development has caused great anxiety.
3. Ward Councillor Hewitt addressed the committee and stated that they objected to the development as it was too large in this space for a garage and something smaller. The structure is too high and can be seen from surrounding roads. The development is overlooking and overshadowing the neighbours, who also have reduced light. Access for emergency vehicles is an issue. Parking is limited, which may lead to double parking and over obstructions. The increased height will set a precedent. Previous applications at the property have been withdrawn. The committee were requested to refuse the application.
4. Paul Heath addressed the committee as the applicant and stated that they had tried to reach out to local residents and the precedent for back garden developments had been set already. The development replaced large garages and bin store. Previous applications that were withdrawn were completely different from this application with a new roof that is smaller but higher than the existing. The proposed clay tile roof will be better with conservation style dormers. The development requires no underpinning and is a good design.
5. The Planning Manager clarified that the photos handed to the committee were not verified by the council officers. Covenants were not a planning issue. Parking matters were not considered as this is an existing property. A previous application was refused for too many windows not overshadowing.

Answers to Committee Member Questions

6. Councillor Cattell was informed by the applicant that the ground floor of the property was open plan with one bedroom and the first floor has a new bathroom and bedroom. The dwelling is a two bedroom property.

7. Councillor Robinson was informed by the applicant that windows do look at over properties. The Planning Manager stated that the windows do not look directly into other property windows and the windows are obscure glazed at first floor.
8. Councillor Theobald was informed that the height increase was by 1.8 metres and the property was a separate dwelling from the main house following the issuing of a Certificate of Lawfulness proving the property to be a dwelling.
9. Councillor Loughran was informed by the applicant that the structures formerly on the plot were a summer house and a small wall. These have now been removed and trees for screening have been proposed.
10. Councillor Cattell was informed that there were no Permitted Development (PD) rights for the property and any further development would require planning permission.
11. Councillor Miller was informed that any new Velux windows would require planning permission.

Debate

12. Councillor Allen considered the proposals to improve the dwelling and they supported the application.
13. Councillor Miller supported the application.
14. Councillor Theobald considered that the change from studio to property was unfair on the neighbours. The roof was visible from neighbouring gardens. The two storey property was too big.
15. Councillor Loughran considered the property too big and takes up too much space, causing harm to the neighbours from overshadowing. The property has adverse effects on the residents as it is visible to many. The property is overbearing and damages the townscape and character of the area. The councillor was against the application.

Vote

16. A vote was taken, and by 5 to 4 against the committee agreed to grant planning permission. (Councillor Fishleigh had left the meeting and took no part in the discussions or vote).
17. **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.

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

- 27.1 There were none.

28 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

29 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

29.1 There were none.

30 APPEAL DECISIONS

30.1 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 Planning Manager informed the committee that the Planning Inspector had dismissed two telecom masts applications as the operators had not considered alternative sites, in particular rooftop installations on buildings in the vicinity that could and the inspector had agreed with the council regarding the grounds for refusal. It was noted that this was a change to previous inspector decisions.

The meeting concluded at 6.16pm

Signed

Chair

Dated this

day of