

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 1 DECEMBER 2021**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

**Co-opted Members:** Jim Gowans (Conservation Advisory Group) and Mr Roger Amerena (Conservation Advisory Group)

**Officers in attendance:** Nicola Hurley (Planning Manager), Liz Arnold (Planning Team Leader), Don Anyiam (Highway Agreements Officer), Charlotte Bush (Senior Planning Officer), Joanne Doyle (Senior Planning Officer), Lesley Johnston (Principal Planning Officer), Emily Standbridge (Senior Planning Officer), Jack Summers (Planning Officer), Hilary Woodward (Senior Solicitor) and Shaun Hughes (Democratic Services Officer).

**PART ONE**

**51 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

51.1 None

**b) Declarations of interests**

51.2 Councillor Fishleigh declared that they had a son at Brighton College - item B. Councillor Ebel declared they objected to the original planning application being discussed under item A. Councillor Theobald declared they had friends at Brighton College, however, they remained of an open mind on item B.

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

51.3 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.

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

**52 MINUTES OF THE PREVIOUS MEETING**

52.1 **RESOLVED:** The committee accepted the minutes of the meeting held on 3 November 2021 as a correct record.

**53 CHAIR'S COMMUNICATIONS**

53.1 Last week, as part of the Local Government Association's Planning Advisory Service, I was one of a team of peer mentors asked to gather data and then recommend changes in process, for a Local Planning Authority elsewhere in the country. This LPA was struggling and was brave enough to ask for help.

Not only did this prove to be a really rewarding experience for me personally, and, I hope, beneficial for the recipient LPA, but it also helped demonstrate just how far the planning service in B&H has come in recent years.

It was only five years ago, in 2016, that B&H called on the services of the LGA PAS to help us identify how to reform our service, which was, at the time, under enormous pressure.

The change from a recipient authority to one where the Chair of Planning Committee is asked to help out a peer authority, is dramatic and extremely rapid. This speaks volumes for both the PAS process, and B&H's planning service who were brave enough to ask for help and wise enough to implement that help once it was forthcoming.

I'm afraid that I personally, can claim virtually none of the credit for this. That belongs primarily to all the Officers and secondarily to those Members, past and present, involved in the process. I won't do a roll-call, but you know who you are. Many thanks.

**54 PUBLIC QUESTIONS**

54.1 There were none.

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

55.1 There were none.

**56 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2020/01403 - 64 - 68 Palmeira Avenue & 72 - 73 Cromwell Road, Hove - Heads of Terms for S106 to be tabled to Planning Inspectorate for Appeal**

1. The Principal Planning Officer introduced the application report to the committee.

Responses to Questions

2. Councillor Shanks was informed that the S106 Heads of Terms would be in draft form for the Planning Inspector to agree should they or they grant the appeal. The

inspector has the ability turn down or change the Heads of Terms suggested by the council.

3. Councillor Fishleigh was informed that Community Infrastructure Levy (CIL) had been brought in since application was refused and the open spaces would be included in the CIL. It was noted that no formal consultation process had taken place regarding the CIL, however the Ward councillors had been informed and the three Members are proposing to attend the appeal hearing.
4. Councillor Childs was informed that the introduction of CIL had resulted in a revisit of the finances for the development company, and the district valuer also revisited the scheme, and all commuted sums are CIL viable. It was noted that it would be unviable to build affordable housing within the scheme. The viability statement shows the reasonable profit built into the scheme.
5. The Planning Manager stated that the Heads of Terms has a review mechanism, and the costs and sales can be revalued and put towards affordable housing contributions.
6. Councillor Theobald was informed that the costs of the scheme had increased since the application was submitted to the authority and the district valuer had noted this.
7. Councillor Moonan was informed that the extra costs would be commuted sums.
8. Councillor Yates was informed that the committee were being asked to agree the S106 agreement as it would have been last year provided the viability statement was correct and if the appeal was allowed. The Planning Manager informed the councillor that the difference between S106 and CIL is a wider matter and not for this meeting. The viability assessment was undertaken for CIL and could change over time.

#### Debate

9. Councillor Yates stated agreed that the council needed to defend the authorities position and they supported the report.
10. Councillor Moonan agreed with the objections raised by the council and felt the lack of provision for affordable housing within the scheme was not good.
11. Councillor Theobald considered the development to be too much for the plot and hoped the appeal was not successful. The councillor supported the report.
12. Councillor Shanks asked that the difference between CIL and S106 be looked at later and noted the lack of affordable housing within the scheme.
13. Councillor Childs raised concerns at the lack of affordable housing. The councillor supported the report and felt that affordable housing needs to be prioritised.
14. Councillor Fishleigh considered the conclusion would be done to the Planning Inspector. The councillor did not support the report.

15. Councillor Littman noted the affordable housing objective of 40% and supported the report as the Heads of Terms would be needed should the Planning Inspector uphold the appeal.

Vote

16. A vote was taken, and the committee agreed 6 to 1 the Heads of Terms. (Councillor Ebel took no part in the discussions or decision making process).
17. **RESOLVED:** That the Committee has taken into consideration and agrees with the Heads of Terms set out below for a draft S106 agreement to be tabled to the Planning Inspectorate for the forthcoming Appeal Hearing, in the event that the appeal is allowed by the Secretary of State.

## **B BH2021/01845 - Brighton College, Eastern Road, Brighton - Full Planning**

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

Answers to Committee Member Questions

2. Councillor Moonan was informed that the application has been deferred to gain more accessibility information and that Historic England had looked at the balance of scale and reported no issues. Access to the first floor for wheelchair users would have increased the height of the building which was not possible. It was noted that wheelchair access was extensive along with hearing impaired assistance. The development included 8 wheelchair accessible viewing places and toilets. It was noted that 20 other schools would have access to the facility without charge, including 3 local primary schools. The names of the schools was noted to be in the report, as was the landscaping scheme which includes tree planting.
3. Councillor Yates was informed that the current science block was larger than the proposed replacement theatre building, and this would create space between the buildings allowing views across the area of the listed building. The development improves the link between the existing buildings with greater circulation spaces around the buildings. It was noted that the application was for a theatre in a school and would form part of the education facilities within the performing arts programme. The councillor was informed by Paul Westbrook of Brighton College that the college was happy to share the accessibility policy with the committee Members. The architect, Michael Brennan stated that the technical box located on the lower level would allow operation of all lighting etc and would be accessible to all users. Steve Patton of Brighton College noted that all the lighting and flying bars can be dropped to stage level and thereby accessed by all users.
4. Councillor Shanks was informed that there would be provision for accessible toilets on both levels of the theatre and the dimensions would be agreed by Building Control. It was noted that access would be for students and visitors.
5. The Senior Solicitor stated that the Building Regulations were separate legislation to planning and committee Members should only take material considerations into account.

6. Councillor Littman stated they supported Changing Places Toilet. The councillor was informed that the impact on Heritage was considered acceptable. It was noted that if the development did not meet Building Regulations the scheme would need to return to Planning committee.

Debate

7. Councillor Yates stated they understood the relative benefits of the scheme and noted that the design was not an issue, however, they struggled to see how this would improve the listed building. It was noted that the local school's opportunity to use the building would amount to less than one night per year. The councillor was much happier about the accessibility in the scheme and supported the application.
8. Councillor Theobald stated they were happy with the accessibility and toilet arrangements and noted that both Heritage and Theatre organisations supported the scheme and considered there were lots of benefits to the development. The councillor supported the application.
9. Councillor Moonan stated they were satisfied on most queries and they liked the design, however they considered a better balance of scale could be achieved, and smaller would be better. On balance the councillor supported the application.
10. Councillor Shanks considered there was a balance between theatre and school building for educational purposes. The councillor considered the access to be acceptable and supported the application.

Vote

11. A vote was taken, and the committee agreed by 6 to 1 to grant Planning permission. (Councillor Fishleigh took no part in the discussions or 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 be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 23 February 2022 the Head of Planning is hereby authorised to refuse Planning permission for the reasons set out in section 11 of the report.

**C BH2021/02932 - 123-126 Kings Road, 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 BH2021/02909 - 125-126 Kings Road, Brighton - Listed Building 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** Listed Building Consent subject to the Conditions and Informatives in the report.

**E BH2021/03143 - 39 Crescent Drive North, Brighton - Full Planning**

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

Debate

2. Councillor Theobald considered that five houses would be too much for the site, even on this large plot. The development of four homes fits the site. The councillor supported the application.
3. Councillor Childs considered the application to look good and the homes were much needed. The councillor support the application.

Vote

4. A vote was taken, and the committee agreed unanimously to grant planning permission.
5. **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 BH2021/02511 - 27 Palmeira Avenue, Hove - Full Planning**

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

Answers to Committee Member Questions

2. Councillor Childs was informed that the development was not considered to cause harm to the next door neighbours by overshadowing.
3. Councillor Moonan was informed that the balcony would have glazed screening over brick. The councillor requested a condition preventing the use of coverings and was informed that the conditions related to the balcony not any coverings.
4. Councillor Theobald was informed that there was no lifts included in the development.
5. Councillor Moonan put forward a motion to condition obscure glazing for the balconies. Councillor Yates seconded the motion.

Debate

6. Councillor Yates considered the scheme to be pleasant and more housing was desperately needed. The councillor supported the application.
7. Councillor Theobald considered the development should have a lift and was too high compared to neighbours and an eyesore. The councillor did not support the application.
8. Councillor Ebel considered that given the number of blocks of flats in the area, one more floor would be acceptable. The councillor supported the application.
9. Councillor Childs considered the desperate need for housing. The councillor asked the Planning Members Working Group to look at lifts in new developments and stated they supported the application.
10. Councillor Littman considered extra floors are usually an issue, however in this case they had no objections and supported the application.

#### Vote

11. A vote was taken on the proposed condition for obscured glazing on the balcony, the wording of which would be left to the Planning Manager. This was agreed unanimously by the committee.
12. A vote was taken, and the committee agreed by 6 to 1 to grant planning permission. (Councillor Fishleigh had left the meeting before the item was discussed).
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.

#### **G BH2021/03176 - 141 Elm Grove, Brighton - Full Planning**

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

#### Speakers

2. Ward Councillor Powell considered the development would have a negative impact with regards to noise, loss of light, pressure on community services, and parking. There are a large number of Homes of Multiple Occupancy (HMO) in the area. The councillor objected to the application and asked the committee to refuse the application.
3. Patrick Eraut addressed the committee as the owner and developer of the site and stated that they had developed other properties across the city and noted that HMOs were often unpopular, and they did not mean to inconvenience the neighbours. The property would be developed to a high standard and would be in accordance with policy. The speaker considered that HMOs provide a vital option for renters across the city, the local density to the application area is low, the number of bedrooms has been reduced to five and some of the works have been carried out, including a secure cycle store to the front of the property.

#### Answers to Committee Member Questions

4. Councillor Shanks was informed that the works already carried out were under permitted development and previous planning permissions.
5. Councillor Moonan was informed that the property would have two bathrooms.
6. Councillor Childs considered the bike storage was good and was informed by the Highway Agreements Officer that parking was not considered an issue as five people could live in a single household and not all renters would necessarily have a vehicle.
7. Councillor Theobald was informed that the rear extension had been constructed with planning permission and the loft conversion under permitted development. It was confirmed that the application was for one property and did not include the neighbouring property.
8. Councillor Littman considered the HMO mapping was not a representation of the true picture and was informed that a number of HMOs were located in a nearby block of flats.

#### Debate

9. Councillor Yates considered the negatives to be that there were 3.22% HMOs in the area and noted that new policies would protect areas from over development. The positives were that the development was good, well designed and considered there was no reason to refuse. The Councillor noted that little action can be taken against unlicensed HMOs and considered the mapping to show the correct number of licensed HMOs and this would allow the proposals.
10. Councillor Fishleigh considered the area to overcrowded and they were against the application for reasons of overlooking, road safety and parking.
11. Councillor Childs considered the HMO numbers were incorrect and asked for them to be reviewed. The councillor considered the design to be better than others, however, the properties in the area are very close to each other. The councillor stated they were against the application. The councillor was informed that the licensing of HMOs would be an issue for the licensing committee.
12. Councillor Ebel noted the application complied with Planning regulations however they were concerned that two bathrooms was not enough and should more people move in this would be an issue. Although they had concerns, the councillor supported the application.
13. The Planning Manager informed the committee that the number of occupiers was limited under condition 3.
14. The case officer informed the committee that the mapping shows the number of licensed HMOs in the area and council tax records were inspected to see if the property was commercial or private.



15. Councillor Theobald considered the dormer window to be out of place and another bathroom was needed.
16. Councillor Moonan requested that the Planning Members Working Group look at enforcement of unlicensed HMOs.
17. Councillor Littman considered the figures to be correct and considered the application to be compliant and noted that there is an article 4 in the Elm Grove area to help balance accommodation in the area where the rents are very high. The councillor considered the two bathrooms was sufficient and they supported the application.

#### Vote

18. A vote was taken, and the committee agreed by 4 to 5 to grant planning permission. (The chair used a casting vote).
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 **GRANT** planning permission subject to the Conditions and Informatives in the report.

#### **H BH2021/03177 - Former Electricity Substation Land to Rear of Highcroft Lodge, Highcroft Villas, 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.

#### **I BH2021/03588 - 8 Blatchington Road, Hove - 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.

#### **J BH2021/01814 - 4 Coldean Lane, Brighton - Full Planning**

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

#### Speakers

2. Kai Penny addressed the committee as the applicant's agent and stated that the application was for a local take away business that offers financial support for the owner's family and letters of support have been received. The site is located on a busy residential road with shops some 50 metres away. The open hours are low key with nothing beyond 9pm. The average customer numbers are two per hour therefore this low scale business has low impact, with low noise and few comings and goings. Most

customers walk to the site or cycle. Those arriving by vehicle have been asked to park in nearby parking bays and not to park on the pavement. The committee were informed this was a local family business and asked to support the application.

Answers to Committee Member Questions

3. Councillor Yates was informed that the case officer was not sure if the Amex Stadium parking exclusion zone reached the application site.
4. Councillor Shanks was informed by the Senior Solicitor the licensing of the business was not a planning issue and committee should look at the planning issues only.
5. Councillor Moonan was informed that the planning permission was required regardless of where the catering truck was located on the site. The Senior Solicitor noted that a business run from the kitchen within the house would be assessed by fact and degree as to whether planning permission would be required.

Debate

6. Councillor Theobald considered the location of the food truck to be difficult on this residential street and should be removed.
7. Councillor Ebel stated they agreed with the officers and the application was out of character and they supported the recommendation to refuse change of use.

Vote

8. A vote was taken, and the committee voted unanimously to refuse planning permission. (Councillor Fishleigh left the meeting before the item was discussed. Councillor Childs took no part in the discussions or the decision making process).
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 **REFUSE** planning permission for the reasons set out in the report.

**K BH2021/02310 - 83 Mile Oak Road, Portslade - 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.

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

- 57.1 There were none.

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

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

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

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

**60 APPEAL DECISIONS**

60.1 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 4.48pm

Signed

Chair

Dated this

day of