

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 6 APRIL 2022

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Littman (Chair), Ebel (Deputy Chair), Barnett, Fishleigh, Janio, Moonan, Shanks and C Theobald

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

Officers in attendance: Jane Moseley (Planning Manager), Ben Daines (Planning Team Leader), Sonia Gillam (Senior Planning Officer), Rebecca Smith (Planning Officer), Emily Standbridge (Senior Planning Officer), Jack Summers (Planning Officer), Chris Swain (Planning Team Leader), Hilary Woodward (Senior Solicitor) and Shaun Hughes (Democratic Services Officer)

PART ONE

101 PROCEDURAL BUSINESS

a) Declarations of substitutes

101.1 There were none for this meeting.

b) Declarations of interests

101.2 Councillors Janio and Barnett stated they had spoken on item D - 8 West Way BH2021/04397 before and would leave the meeting when the item was discussed.

c) Exclusion of the press and public

101.3 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.

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

102 MINUTES OF THE PREVIOUS MEETING

102.1 **RESOLVED:** The 9 March 2022 Planning committee minutes were agreed as a true record of the meeting.

103 CHAIR'S COMMUNICATIONS

103.1 The Chair greeted everyone and stated the following: We've a packed agenda today, so I won't take up too much time on my communications. However, I would like to encourage colleagues to attend the Planning Enforcement Workshop on the 26th April. Enforcement is a key area within the planning Department and one which I am sure we all hear a lot about from concerned residents. The workshop is our opportunity to shape the emerging enforcement policy document, including setting priorities for the enforcement team ahead of it going to TECC committee in June.

104 PUBLIC QUESTIONS

104.1 There were none.

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

105.1 There were none.

106 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2021/04390 - 28A Crescent Road, Brighton - Full Planning

1. This application was withdrawn after the agenda was published.

B BH2021/04436 - 16 Talbot Crescent, Brighton - Full Planning

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

Speakers

2. Ward Councillor Fowler addressed the committee and stated that they objected to the application and considered the proposal to be an overdevelopment of the area. Houses of Multiple Occupancy (HMO) already exist in the area and have created parking and noise issues from parties. The development would have the potential to introduce six more cars where parking is already bad. The councillor considered there were too many HMOs and requested that the committee consider the residents and refuse the application.

Answers to Committee Member Questions

3. Councillor Janio was informed that the objections from the Coldean Neighbourhood Planning Forum had been taken into consideration. The Senior Solicitor informed the councillor that the forum has no formal status as a consultee, however, the points raised had been taken into account as others have.

4. Councillor Shanks was informed that the application was for a change of use and a single storey rear extension.
5. Paul Joyce acting as the agent on behalf of the applicant stated that the application was for change of use and the single storey extension to improve the standard of accommodation, which would be 'permitted development' if it related to a dwelling.
6. Councillor Shanks was informed by Ward Councillor Fowler that there are no resident parking permits in the area. The only permits are for match days.
7. Councillor Theobald was informed there was still parking for one car after the conversion of the garage to habitable accommodation.

Debate

8. Councillor Theobald noted there were 29 objections and along with the Forum objection and they were concerned at the loss of a family home in this Crescent.
9. Councillor Barnett considered the rooms to be small with no shared space. The councillor was against the application.
10. Councillor Fishleigh stated they were against the application because of the impact on highways, infrastructure, social facilities, layout and density.
11. Councillor Ebel considered the application to be compliant with policy, not in the city centre, having communal areas and enough bathrooms and toilets. The councillor stated they supported the application.
12. Councillor Janio considered there was no legal reason to refuse, and they would abstain from the vote.
13. Councillor Moonan considered the proposals to be well developed, there to be enough space, and policy compliant. The councillor supported the application.
14. Councillor Littman considered the development to be fine with enough space and noted the need for housing. The councillor supported the application.

Vote

15. A vote was taken, and by 4 to 3, with 1 abstention 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.

C BH2021/02805 - Land to the Rear of 28-30 Longhill Road - Full Planning

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

Answers to Committee Member Questions

2. Councillor Moonan was informed that there was an integral garage and parking for two cars in front of each property.
3. Councillor Fishleigh was informed that the planning team were not aware of a bomb shelter being uncovered on the site. This is not a protected feature, but an archaeological watching brief was required so this would have been highlighted as part of that. No objections have been received from consultees and the pre-commencement conditions have been discharged. The number of bedrooms has not changed, and the planning permission is extant. Highways have not objected, and it would be outside of the planning remit to condition more busses on existing routes, particularly for an application of this scale.
4. Councillor Theobald was informed that the hard landscaping at the front of each property has been removed and the two visitor spaces are new on plans.

Debate

5. Councillor Ebel liked the new design with lots of light and views. The integrated parking spaces are good. The councillor supported the application.
6. Councillor Moonan considered the changes to be minor. The councillor supported the application.
7. Councillor Theobald stated they were not happy. The councillor was against the application.
8. Councillor Littman considered the integrated garages to be good and the proposals an improvement on the previous scheme.

Vote

9. A vote was taken, and by 5 to 3 the committee agreed to grant planning permission.
10. **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 BH2021/04397 - 8 West Way, Hove - Full Planning

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

Speakers

2. Ward Councillor Lewry addressed the committee and stated the application was very unpopular and the impact of this large scale development would be great. It was noted there were seventeen objections, which is more than for the last application. The nursery will bear the brunt of the development, with sleep time interrupted and the loss

of some of the front garden buggy parking. The parents of the nursery children have not been contacted and there is not parking for the development. The impact of the development will be felt across the area. The committee were requested to refuse the application.

3. Kevin Tyler addressed the committee as an objector and stated that the nursery owner objected on loss of front garden and the landlord had not been spoken to. The nursery would lose business as the building site will put parents off. There is no parking in the location, and when the bus stops there is chaos in the area at the moment. 8 - 10 more cars will have an impact. The plans are bigger than before. The quiet time at the nursery will be affected. The extension will cause overshadowing of the neighbouring property and have a huge effect with overlooking of the garden and, as the neighbour we would have to move. Hundreds more would object on parking grounds. The flats opposite have parking restrictions, and the development would make parking worse.
4. The Planning Manager noted that the front garden play space will not be used for parking, and the play space is not to be closed, there is no additional parking provided at the application site, which has no access for nursery users. A construction management plan will be submitted to the Council by condition. The planning department would not have access to the contact details of nursery users to notify them.

Answers to Committee Member Questions

5. Councillor Ebel was informed that a soft play area to the front of the nursery is proposed with some open space, once the bins have been moved. There are other outdoor areas at the nursery.
6. Councillor Theobald was informed that there are additional outdoor play areas, the dental parking is to remain, and Highways are happy with the application.
7. Councillor Moonan was informed that there is no parking in the development. The Senior Solicitor noted that use of the front garden by the nursery could be protected by condition. The nursery were informed of the application, the dental practice parking is to remain the same and Highways have not objected.
8. Councillor Shanks was informed that the previous application has expired, and the scale of the current proposal was the same as the previous application which was refused in 2010 and allowed at appeal.

Debate

9. Councillor Littman noted that the previous application had been refused at committee and costs had been granted against the Council by the inspector. The councillor did not feel there was much choice but to approve the application.
10. Councillor Theobald understood the nursery were unhappy at parking issues, the development would be dark for the neighbour, the general layout was bad, and there was no extra parking.

11. Councillor Moonan considered the applicant could have proposed demolition, so building on top of the existing was better for the environment and considering the housing need. The councillor supported the application.

12. Councillor Moonan proposed a condition to retain the front garden play area at the nursery. The proposal was seconded by Councillor Littman.

Vote

13. A vote on the proposed additional condition was taken and agreed unanimously.

Vote

14. A vote was taken, and by 5 to 1, the committee agreed to grant planning permission. (Councillors Janio and Barnett took no part in the decision making process or the vote on this application).

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 and the condition proposed by Councillor Moonan.

E BH2021/03761 - 24 Holland Road, Hove - Full Planning

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

F BH2021/04003 - 295 Dyke Road, Hove - Outline Application Some Matters Reserved

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

Answers to Committee Member Questions

2. Councillor Theobald was informed that the mature Elm tree at the front of the property had been removed as it had Elm disease. The arboricultural officer accepts the scheme and new trees will be planted by condition.

3. Councillor Janio was informed that the informatives relate to this application and not the previous one. The previous permission requested that the trees be retained, however, the ones removed were diseased. New trees are to form part of the landscaping by condition. Condition 3 relates to landscaping and is to be agreed.

Debate

4. Councillor Theobald was not happy with the loss of trees and the effect on the neighbouring properties with loss of privacy. The application will set a precedent and will be harmful to the area.

5. Councillor Moonan noted that planning permission already existed, and they had no problem with the application. The councillor supported the application.

Vote

6. A vote was taken, and by 6 to 2, the committee agreed to grant planning permission.
7. **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 BH2021/02689 - 19 Hampton Place, Brighton - Householder Planning Consent

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

H BH2021/02690 - 19 Hampton Place, Brighton - Listed Building Consent

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

I BH2021/04485 - Garage Rear of 46 Boundary Road, Hove - Full Planning

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

J BH2022/00280 - 155 Westbourne Street, Hove - Full Planning

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

K BH2021/03276 - Flints, Ovingdean Road, Brighton - Full Planning

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

L BH2021/03277 - Flints, Ovingdean 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.

M BH2022/00428 - 46 Ridgeside Avenue, Brighton - Householder Planning Consent

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

Answers to Committee Member Questions

2. Councillor Ebel was informed that the building would be used as a workshop/studio and that the incidental, non-residential use would be secured by condition.
3. Councillor Fishleigh was informed that the permitted development criteria of being two metres away from the boundary fence did not apply as the applicant was requesting express planning permission.
4. Councillor Theobald was informed that the application was for this position in the garden, in part to avoid impact on existing trees, and had been assessed as acceptable.
5. Councillor Moonan was informed that there was not a shower included in the plan.

Debate

6. Councillor Fishleigh considered the building to be too close to neighbours and noted that there were no objectors at the meeting. The councillor supported the application.
7. Councillor Shanks was happy to support the application.
8. Councillor Theobald noted that others have been turned down and considered that the building should be moved away from the boundary. The councillor was not happy with the application.
9. Councillor Moonan noted the building was not adjacent to other buildings.
10. Councillor Littman noted the building backed onto neighbouring gardens. The councillor supported the application.

Vote

11. A vote was taken, and by 6 to 2 the committee agreed 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.

N BH2021/04478 - 141 Elm Grove, Brighton - Removal or Variation of Condition

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

Answers to Committee Member Questions

2. Councillor Theobald was informed that the communal space within the property would be the living room to the rear of the property.

3. Councillor Moonan was informed that there would be a shower room on the lower ground floor, and a bathroom on the first floor, which gives a total of two toilets and two showers.

Debate

4. Councillor Janio supported the application.
5. Councillor Shanks considered the house to be small for the number of proposed occupiers. The councillor was against the application.
6. Councillor Theobald considered it was a pity to lose the dining room and did not consider there would be enough bathrooms and toilets.
7. Councillor Fishleigh considered the application should be refused on noise, capacity and highway issues.
8. Councillor Ebel was concerned at the number of toilets for more than 6 people and the communal space to be small. The councillor was against the application.
9. Councillor Littman considered the property over three storeys did not offer enough living space. The councillor was against the application.

Vote

10. A vote was taken, and by 2 to 6, the committee voted against the officer recommendation to grant planning permission.
11. Councillor Fishleigh proposed a motion to refuse the application on the grounds of the introduction of a further resident and the resultant loss of shared living space would be unacceptably detrimental to the quality of life of future residents.

Vote

12. A recorded vote was taken and Councillors Ebel, Fishleigh, Moonan, Shanks, Theobald and Littman voted for the motion to refuse. Councillors Barnett and Janio abstained.
13. **RESOLVED:** That planning permission be **REFUSED** as the introduction of a further resident and the resultant loss of shared living space would be unacceptably detrimental to the quality of life of future residents.

O BH2022/00447 - 14 Millcross Road, Portslade - Prior Approval Extension

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

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

107.1 There were none.

108 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

109 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

110 APPEAL DECISIONS

110.1 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 4.20pm

Signed

Chair

Dated this

day of