

**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 1 SEPTEMBER 2021****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

**Co-opted Members:** Apologies were received from Mr Gowans, CAG

**Officers in attendance:** Nicola Hurley, Planning Manager, Liz Arnold, Planning Team Leader, Russell Brown, Senior Planning Officer, Andrew Renaut, Head of Transport Policy and Strategy, Hilary Woodward, Senior Solicitor and Penny Jennings, Democratic Services Officer

**PART ONE****21 PROCEDURAL BUSINESS**

Apologies were received from Councillor Childs and Mr Gowans, CAG.

**21a Declarations of substitutes**

21.1 There were none.

**21b Declarations of interests**

21.2 Councillor Ebel stated that she had been lobbied in relation to Application C, BH2021/02054, Goldstone Retail Park, Newtown Road, Hove confirming that she remained of a neutral mind and would therefore remain present during the decision making process.

**21c 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.

**21d 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 Councillor Shanks referred to Paragraph 9 of the minute relating to application BH2021/01985, 98 Portland Road, Hove, currently, it read as follows:

“Councillor Shanks was informed by the case officer that if the basement were to be split into two units it would require planning permission, however, if two units were reunited into one unit, this would not require planning permission.”

Councillor Shanks requested that it be amended to read:

“Councillor Shanks was informed by the case officer that if the building had been one dwelling house split into flats it would then be possible to return to one unit without requiring planning permission. It was the change of use to an office that caused the issue.”

22.2 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 4 August 2021 as a correct record subject to the amendment set out above.

**23 CHAIR'S COMMUNICATIONS**

23.1 The Chair reminded Members that a Member Development training session had been arranged for 6 September between 4.00 – 5.30pm. There were still vacancies for any Members who had yet to sign up.

**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**

**A BH2021/01328 - Dolphin House, 2 -6 Manchester Street, Brighton - Full Planning**

**MAJOR APPLICATIONS**

1. The Planning Manager introduced the application by reference to aerial photographs, plans and elevational drawings and explained the rationale for the Officer recommendation. It was noted that although there would be no public speaking in respect of this application, Mr Parke was in attendance representing the applicants in the event that Members had any questions that it would be more appropriate for him to respond too.

## Questions

2. Councillor Theobald sought confirmation regarding noise containment measures and whether there were pick up and drop off arrangements outside the premises. It was explained that conditions would be applied to any permission granted requiring the ground, first and second floor windows facing residential properties to remain closed at all times. Condition 7 referred to the need for a Travel Plan to be submitted in relation to travel to and from the site.
3. Councillor Moonan enquired regarding the precise nature of the proposed educational establishment, whether it would be a school for secondary school age children with an emphasis on music whether it would specialise in music and whether it was anticipated the 200 pupils in attendance would come from across the city or from beyond. Councillor Moonan stated that she wanted to seek to ascertain the potential impact of journeys to and from the site.
4. Mr Parke was able to confirm that that the facility would operate as a higher education establishment to university degree level, no younger children would be in attendance who might require to be dropped off/picked up from the site.
5. Councillor Shanks enquired whether students attending the music school were accommodated nearby and it was explained that they would be living in student accommodation owned and managed by BIM who would be taking over the site. This was located at various locations across the city.
6. It was confirmed in answer to questions by Councillor Yates that there would be no increase in the number of BIM students overall as they would be relocating from other sites, and that there would be no impact on student housing across the city. Councillor Yates also asked for clarification regarding the very specific condition(s) applied to the earlier permission in relation to the language school use and the rationale by which the change to a music school use was considered acceptable.
7. Councillor Janio enquired regarding any assessments made regarding sound generated in consequence of the building being used as a music school. It was confirmed that acoustic consultants had made an assessment of proposed noise impact, a detailed acoustic report had been submitted. Mitigation measures were proposed in relation to that part of the building used as a music school, it had been carefully designed internally and it should be noted that there would be office and administrative uses within the building as well as music rooms. Also, Environmental Health had raised no objections to the proposed use.

8. In answer to questions by Councillor Shanks it was explained that requirements of disability access legislation would need to be met.

#### Debate

9. Councillor Theobald stated that notwithstanding that she had concerns regarding potential noise generated by the proposed use she was satisfied that adequate mitigation measures were to be put into place.
10. Councillor Yates stated that he welcomed the proposed use which would result in dispersal of activity from the existing Lewes Road site. This also represented a sensitive use of an existing educational site.
11. Councillor Ebel said that she had whilst she had initially had concerns in respect of noise generation she was re-assured that this would be well managed and that this was a good use of the building.
12. A vote was taken and Members voted unanimously that planning permission be granted.
- 26.1 **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 also set out in the report.

#### MINOR APPLICATIONS

##### **B BH2021/01394 - 1 Withyham Avenue, Saltdean, Brighton - Full Planning**

1. The Planning Manager introduced the application to the Committee by reference to photographs, plans and elevational drawings. A presentation was given setting out the rationale for the officer report recommendation. Reference was also made to one additional objection which had been received which was set out on the late list. In view of amendments made to address concerns regarding design and form the scheme was considered acceptable and that there would be a public benefit in terms of a contribution towards five-year land supply.
2. It was explained that the recommendations set out in the report required amendment to include reference that the S106 agreement was required to secure an affordable housing commuted sum of £159,000 and that should the S106 agreement not be successfully completed within 12 weeks of the date of planning permission the Head of Planning be authorised to refuse planning permission for the reasons set out in section 10 of the report.

#### Questions

3. Councillor Theobald sought clarification of the outcomes of previous applications in respect of the site and it was explained that pre-application discussions had taken place in relation to various different designs, but that none had been submitted as formal applications. It was confirmed that no trees were to be removed and the Arboriculturist had not submitted any objections to the proposed scheme.

4. Councillor Fishleigh referred to the side road which bounded the site asking whether conditions could be applied which would ensure that this would be satisfactorily maintained as it was understood that it would be used by refuse/recycling vehicles, currently it was in a poor condition and it would be preferable for it to be tarmacked and maintained. It was explained that this would not be possible as this was an unadopted highway and it fell outside the boundaries of the site.
5. Councillor Theobald considered that it was unfortunate that there would be two points of access to the site, also enquiring regarding the car parking and cycle parking arrangements to the site.
6. Councillor Yates enquired whether cycle parking arrangements would take the form of standard Sheffield cycle racks. When it was confirmed that they would he requested that the wording of the condition applied if permission were to be granted could be amended to ensure that reasonable adjustments could be made to provide alternative provision as/if appropriate. Councillor Yates cited wording used in relation to a recent application approved by Committee, requesting that similar wording be adopted in this instance. This was formally proposed by Councillor Yates and seconded by Councillor Shanks.

#### Debate

7. Councillor Fishleigh considered that the proposal which would result in the loss of a good family home was out of keeping with the prevailing street scene which was characterised by art deco style and white rendered buildings including Saltdean Lido itself which was close by. Councillor Fishleigh did not consider that the proposed form of development was acceptable and that it should be refused.
8. Councillor Theobald was in agreement considering that the loss of this family home would change the character of the area by introducing flatted development; she did not support the scheme.
9. Councillor Barnett considered that the proposed building was hideous considering that more family homes were needed rather than flats.
10. Councillor Moonan expressed concern that there was a lack of outdoor space and that the scheme could have been better designed and less bulky.
11. Councillor Yates whilst having some sympathy for Councillor Fishleigh's view regarding the design and appearance of the scheme considered that overall it was acceptable and was consistent with similar designs in the vicinity which had been agreed recently.
12. Councillor Janio was in agreement that the design was acceptable and responded to a housing need as did Councillor Ebel.
13. Councillor Shanks was of the view that a better design solution could have been used but it was acceptable.
14. Councillor Littman, the Chair, stated that it had been useful to conduct a site visit as it had enabled the site to be seen in the context of neighbouring development which did

also include some flatted development. On balance he considered the scheme to be acceptable.

Vote

15 A vote was taken and on a vote of 6 to 3 planning permission was granted, to include the additional conditions set out below to include the wording in request of cycle parking arrangements suggested by Councillor Yates:

26.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolved **MINDED TO GRANT** planning permission subject to a s106 agreement to secure an affordable housing commuted sum of £159,000 and to the Conditions and Informatives also set out in the report and to the additional condition/amended conditions set out below. Should the S106 agreement not be successfully completed within 12 weeks of the date of the permission the Head of Planning be authorised to refuse planning permission for the reasons set out in section 10 of the report:

Condition 19:

Notwithstanding the approved plans and prior to the occupation of the development, a revised third floor plan limiting access between the terrace at the front and the rear. No access between the front and the rear terraces are permitted. The scheme shall be carried out and screens provided in full in accordance with the approved details prior to first occupation of the development and the privacy screens shall thereafter be retained at all times.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies policies DM20 of the City Plan Part Two, and QD14 and QD27 of the Brighton & Hove Local Plan.

Amend condition 11:

Notwithstanding the approved plans, the development hereby permitted shall not be occupied until revised cycle parking facilities have been submitted and approved in writing to include different types of cycle storage. The facilities shall be implemented in strict accordance with the agreed details prior to occupation. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

**C BH2021/02054 - Goldstone Retail Park, Newtown Road, Hove - Full Planning**

1. The Planning Manager introduced the application to the Committee by reference to photographs, plans and elevational drawings. A presentation was given setting out the rationale for the officer report recommendation.

Public Speakers

2. Councillor Bagaeen spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme. He stated that there had been a lack of engagement with local residents and the proposed building itself was a hideous ugly shed which he was very surprised was recommended for grant. He did not consider that there would be any social value for the local community. Generally, Costa Coffee had long opening hours and this use would therefore impact negatively on the retail park and neighbouring residents.
3. Councillor Allcock spoke in his capacity as a neighbouring Ward Councillor stating that he was in agreement that this proposed use in an obscure and dimly lit area of the retail park which would be trading outside the hours of other businesses could encourage/give rise to anti-social behaviour and would have a negative impact.
4. Mr Price was in attendance on behalf of the applicants in support of their application. He explained that it was not proposed that this outlet would operate after 10.00pm. In answer to questions it was explained that screening would be provided and all existing vegetation would be retained. It was not considered that there would be additional trip generation, deliveries would be made using small delivery vehicles and this additional small unit of 167sqm would provide an additional offer and new jobs.

#### Questions

5. Councillor Theobald asked how many covers would be provided and clarification regarding delivery arrangements. Mr Price explained that details of the precise number of covers were unavailable at present. Deliveries would be from the front and rear of the premises, although it was likely that they would take place predominantly from the rear, it was anticipated that there would be no more than 3 deliveries per week.
6. Councillor Shanks asked whether account had been taken of the number of coffee shops which were already in existence in the vicinity. It was explained that this had been considered, however given the small size of the unit, 167sqm, it was a use class E and the fact that the neighbouring units were not solely retail it was not considered that refusal was sustainable on those grounds.
7. Councillor Janio stated that he considered the design of the unit was acceptable given its retail park location. He did however have concerns particularly as the unit would be located in a dark corner of the site that it could attract anti-social behaviour enquiring whether the applicants would agree to a condition requiring CCTV to be provided and Mr Price confirmed that they would. It was confirmed that no alcohol would be sold from this unit and that the proposed use was policy compliant.
8. Councillor Ebel stated that she was concerned that if this outlet opened earlier than other units on the site and nearby and closed later those using the unit could sit outside with coffee and other refreshments which could give rise to noise and other disturbance. Councillor Moonan concurred with that view. Councillor Yates sought clarification regarding whether activities outside of the premises, i.e., elsewhere on site could be controlled by condition.
9. In answer to further questions Mr Price confirmed that the applicants would agree to conditions in respect of the opening hours of the unit.

10. Following discussion regarding what would be the most appropriate hours of operation which would coincide with those of other units on the site, Councillor Ebel formally proposed and Councillor Moonan seconded amendment of the proposed conditions to ensure that no deliveries took place before 7.00am, the time at which the premises would also open. This was taken up when the application was voted on at which point the issue of CCTV provision was also considered. Councillor Moonan suggested that CCTV should be provided to the and rear of the premises.
11. Councillor Moonan asked for confirmation whether it was considered that there was sufficient capacity on site to accommodate those attending the site. It was confirmed that discussions had taken place with the applicants and based on Costa's mode of operation at similar sites it was not considered that this use would result in additional trip generation. It was noted that there was spare capacity in the car park even at peak times.
12. Councillor Theobald referred to the café in Hove Park which it was understood was in the process of extending its existing lease, enquiring whether another outlet could impact on that premises. It was explained that was not known and could not be taken into account as this application needed to be considered on its individual planning merit.

#### Debate

14. Councillor Barnett stated that this was an additional coffee outlet in an area where there were already a number. The proposals could result in additional traffic congestion and would be located in a dark and dreary corner which could encourage anti-social behaviour, she was unable to support this scheme.
15. Councillor Yates stated that he was pleased to support the recommendation to grant, alcohol would not be sold and he considered that fears of anti-social behaviour were unfounded.
16. Councillor Ebel stated that in view of the applicant's agreement to amend their proposed hours of operation she was willing to support the application. Councillor Shanks was in agreement with that view.
17. Councillor Moonan concurred stating that she accepted that most customers using this outlet would also be using other outlets on the retail park and would not therefore result in additional traffic generation. Sufficiently robust conditions had been proposed and she therefore supported the recommendation to grant.
18. Councillor Theobald stated that she did not feel able to support the application.
19. A vote was taken and on a vote of 7 to 2 planning permission was granted to include the amendments and additions set out in paragraph 10 above.
- 26.3 **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 also set out in the report and an additional condition requiring CCTV coverage of the front and rear of the site and to the amendments to conditions 7 and 8 agreed by the Committee and set out below:



Amend conditions 7 & 8 to ensure no deliveries before 7am and not to open before 7am.

**D BH2021/01276 - 9-10 St James's Street, Brighton - Full Planning**

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

26.4 **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 also set out in the report.

**E BH2021/01270 - 9-10 St James's Street, Brighton - Listed Building Consent**

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

26.5 **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** listed building consent subject to the conditions and Informatives also set out in the report.

**F BH2021/01194 - 25 Preston Park Avenue, Brighton - Full Planning**

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

26.6 **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 also set out in the report.

**G BH2021/01800 - 3 Tumulus Road, Saltdean, Brighton - Householder Planning Consent**

1. The Planning Manager introduced the application to the Committee by reference to aerial photographs, plans and elevational drawings. A presentation was given setting out the rationale for the officer report recommendation. It was explained that the plans had been amended during the course of the application in order to lower the proposed roof and south side facing dormers. This had been done in order to meet officer concerns regarding adverse harm to southern neighbours from overlooking and the appearance of the host property in the neighbouring street scene.

Questions

2. Councillor Fishleigh asked whether the photographs shown had been taken during the course of a site visit. In her view they did not indicate the true impact that this development would have on the neighbouring properties, nor the level of overlooking and detriment which would result, particularly to the rear.

3. Councillor Theobald enquired whether neighbouring residents had seen the latest plans in respect of the proposed scheme and whether it had been re-advertised. The Principal

Planning Officer, Liz Arnold explained that the scheme had not been re-advertised following the amendments made which in this instance would result in a smaller less intrusive scheme. The amended scheme had however been uploaded to the Planning section of the council website.

4. The Legal Adviser to the Committee, Hilary Woodward, explained that it was not always necessary for schemes to be re-advertised. Details had been uploaded to the council website and the onus was on individuals to check any updates on applications in which they were interested.

#### Debate

5. Councillor Fishleigh stated that she had been contacted by neighbours who were unaware of the changes and were concerned that decisions were being taken to the advantage of a property developer without the benefit of a site visit or an understanding of the severe detriment which would result. Sale of the current building on site had already taken place and Councillor Fishleigh considered that this application should be refused and the new owners required to come back before the Committee with a significantly improved scheme which took greater consideration of neighbouring dwellings and street scene. In her view the application should be refused on the grounds of overshadowing, overdevelopment and poor design.
6. Councillor Ebel stated that in her view the proposed scheme accorded with existing policy and was of an acceptable design.
7. Councillor Shanks was in agreement that the application had been made in accordance with policy, had been amended to address concerns raised and was acceptable.

#### Vote

8. A vote was taken and on a vote of 6 to 3 planning permission was granted.
- 24.7 **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 also set out in the report.

#### H **BH2021/01326 - 39 Dyke Road Avenue, Hove - Full Planning**

1. The Planning Manager introduced the application to the Committee by reference to photographs, plans and elevational drawings. A presentation was given setting out the rationale for the officer report recommendation. The differences between this scheme and that which had been refused previously were highlighted and it was considered that previous reasons for refusal had been overcome, that the scheme was now considered to be acceptable and was therefore recommended for approval.

#### Questions

2. Councillor Theobald requested further clarification of the changes effected to the current scheme, it was explained that the design of the scheme had been improved, the building

line would be set back further from the northern boundary of the site and a glass link would be provided between the proposed building and the existing.

Debate

3. Councillor Theobald noted that the Heritage Team still appeared to have some concerns regarding the proposed scheme and stated that she could not support the proposed scheme as she considered that it was still overly large and dominant, would result in overlooking of neighbouring properties in Chalfont Drive and would have a negative impact on the neighbouring street scene. Councillor Theobald considered that insufficient amendments had been made to the scheme to outweigh any potential harm and therefore she could not support it.
4. Councillor Janio stated that he shared Councillor Theobald's concerns and that he was also unable to support the scheme.

Vote

5. A vote was taken and on a vote of 6 to 3 planning permission was granted.
- 27.8 **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 also set out in the report.

**I BH2021/02476 - Pavilion Theatre, 29 New Road, Brighton - Full Planning**

4. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously
- 26.9 **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 also set out in the report.

**J BH2021/02477 - Pavilion Theatre, 29 New Road, Brighton - Listed Building Consent**

5. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously
- 26.10 **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** listed building consent subject to the conditions and Informatives also set out in the report.

**K BH2021/01030 - 138 Edward Street, Brighton - Full Planning**

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

26.11 **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 also set out 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**

.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**

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

**30 APPEAL DECISIONS**

.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 4.02pm

Signed

Chair

Dated this

day of