

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 10 AUGUST 2022**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Littman (Chair), Ebel (Deputy Chair), Appich, Barnett, Gibson, Janio, Robins, Shanks, C Theobald and Yates

**Apologies:** Councillors Childs, Hills and Moonan

**Officers in attendance:** Jane Moseley (Planning Manager), Liz Arnold (Team Leader), Alison Gatherer (Lawyer), Russell Brown (Principal Planning Officer), Andrew Renaut (Head of Transport Policy and Strategy), Matthew Gest (Principal Planning Officer) and Penny Jennings (Democratic Services Officer)

**PART ONE**

**21 PROCEDURAL BUSINESS**

**21a Declarations of substitutes**

21.1 Councillor Appich substituted for Councillor Childs, Councillor Gibson substituted for Councillor Hills and Councillor Robins substituted for Councillor Moonan.

**21b Declarations of interests**

21.2 There were none.

**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 **RESOLVED:** That the Chair be authorised to sign the minutes of the meeting held on 6 July 2022 as a correct record.

**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**

**A BH2018/02583 - Westerman Complex, School Road, Hove - Deed of Variation**

**MAJOR APPLICATION (S)**

1. The Planning Manager introduced the application to the Committee. It confirmed that the 40% affordable housing requirement would still be met.

Answers to Committee Member Questions

2. Councillor Gibson sought confirmation whether rent payable would be capped. The legal adviser to the Committee confirmed that the rental which could be charged would be no more than the local housing allowance or 80% of the market rent whichever is the lower.
3. Councillor Theobald sought clarification regarding the any changes to the parking layout and number of spaces to be provided and the form that the public realm art to be provided. It was confirmed that no changes were proposed to any of these and that arrangements in respect of the public art to be provided were nearing completion, but final details had yet to be received.

Debate

4. Councillor Appich welcomed this scheme, noting the site sat on the boundary with her ward. Rents for accommodation there would be more affordable than they would be on the open market and would provide much needed housing for local people.

5. Councillor Theobald considered that the scheme was acceptable given that the variations being sought to the original permission were minor and would hopefully provide affordable accommodation.

#### Vote

6. A vote was taken, and Members voted unanimously to grant a Deed of Variation in the terms set out in the report.
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** a second Deed of Variation to the S106 Agreement so that the developer is obliged to provide 14, one-bed affordable rent units; a three bed affordable rent unit; eleven one-bed shared ownership units; 10 two bed affordable rent units and five two-bed shared ownership units.

### MINOR APPLICATIONS

#### **B BH2022/00673 - 10 Blatchington Road, Hove - Full Planning**

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

#### Speakers

2. Mr Puplett spoke on behalf of the applicants in support of their application. Mr Puplett stated that the proposed development would provide an additional residential unit as well as improving the accommodation provided in the existing first floor flat by introducing an additional bedroom whilst retaining the existing retail use.
3. The applicant did not concur with the view set out in Officer's report that the proposed scheme would result in a poorly designed shopfront which would cause significant harm to the character and appearance of the host building and the wider area. The character of Blatchington Road was mixed and there were other properties nearby which combined retail and residential uses. The proposed scheme would reinstate the basement for residential use, the resulting unit would also provide city centre accommodation with a garden. Sixteen letters had been received in support of this application and no objections had been received.

#### Answer to Committee Member Questions

4. Councillor Shanks asked whether the applicants had explored whether other options could achieve the same results, for example by providing a ramped access; also whether the proposals would increase the height of the existing building. Mr Puplett explained that there would be no increase in height, however, the scheme as proposed was the only means by which reinstatement of a residential unit at basement level could be achieved.
5. Councillor Ebel asked for confirmation regarding access arrangements to the residential units and it was explained that that this was via a communal front door with separate internal doors to each flat.

6. Councillor Theobald enquired regarding the assertion that there were similar properties in the vicinity which had undergone similar treatment, citing the recent planning permission granted in respect of the adjacent property at no 8. It was explained that the considerations there had been different in that related to an entirely residential property with no retail provision and stepped access had been considered appropriate in that instance.
7. Councillor Yates referred to the fact that this proposal would result in a building where the retail use would be less accessible than was currently the case. He asked whether permission had been given for commercial buildings in the neighbouring area. It was confirmed that it had not.

Debate

8. Councillor Theobald stated that she considered that the proposed scheme was attractive and would provide a unit at basement level with garden. That could not be achieved without stepped access. The resulting units would not be fully accessible, however, in this instance she considered that was acceptable.
9. Councillor Janio considered that it was not usual to have stepped access to a retail unit. This would result in that unit being less accessible than currently which in his view would be a backward step.
10. Councillor Yates considered that although the proposed development would be attractive, on balance it was not acceptable because it would result in a poorly designed shopfront which would not be accessible for anyone unable to use the stepped access.
11. Councillor Robins stated that neither the dwelling units nor the business use would be accessible, if permission for this use was agreed, it could create a precedent for similar applications; for that reason, he would be voting that it be refused.
12. Councillor Littman, the Chair stated he was in agreement that the scheme would cause significant harm to the character of the wider area and would represent a disadvantage to people for whom stepped access would be a barrier to a local service.

Vote

13. A vote taken, and Members voted by 9 to 1 that the application be refused.
14. **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 also set out in the report.

**C BH2022/01049 - 67 Saltdean Drive, Saltdean - Householder Planning Consent**

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

Speakers

2. Councillor Fishleigh spoke in her capacity as a Local Ward Councillor setting out her objections to the scheme and those of neighbouring objectors who considered that the proposed form of development represented overdevelopment. It would generate additional traffic and noise and would have a negative impact on neighbouring residential amenity. This was a piecemeal development by someone seeking to expand their healthcare business which had grown rapidly. A number of separate applications had been lodged and Councillor Fishleigh wanted the application either to be refused or its consideration deferred in order for all of the applications to be considered together.
3. Mr Grey, the applicant's agent spoke in support of the application and was accompanied by Ms Peazold, Operations Manager for the applicant. They explained that in their view the objector in relation to parking and waste management were factually incorrect. Records were kept by the provider in relation to management of the site and this scheme had been put forward following consultation with planning officers. The facilities provided for disabled young people would answer a local need as the local authority would have nomination rights. The design of the proposed extension was considered to be in keeping with the character of the neighbouring street scene.

#### Answer to Committee Member Questions

4. In answer to queries, the Planning Manager explained that any future that future use of the site was not a planning consideration, the Committee were being asked to determine whether they considered the proposed extensions to a dwelling were acceptable. This was a residential property for which a residential extension was being sought.
5. In answer to questions of Councillor Shanks it was confirmed that this application needed to be considered on its individual merits.

#### Debate

6. Councillor Shanks stated that she considered the design of the proposed scheme to be acceptable. It was important for those with disabilities to live in their local communities.
7. Councillor Yates considered the development was acceptable in planning terms and would provide for an identified local need by creating a space in which people of all abilities could live.
8. Councillor Janio was in agreement that the proposed extensions were acceptable.
9. Councillor Appich expressed concern that the objections received related to who lived/ would be living at the property rather than germane planning issues such as its proportions and design.
10. Councillor Theobald stated that effectively this scheme should be in a more central location.
11. Councillor, Littman, the Chair stated that he considered the proposed scheme was appropriate and of an acceptable design, who would reside there was not a planning consideration.

## Vote

12. A vote was taken and on a vote of 9 to 1 the Committee agreed to grant planning permission.
  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 set out in the report.
- D BH2022/01606 - 25 Chailey Avenue, Rottingdean - Householder Planning Consent**

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

## Speakers

2. Councillor Fishleigh spoke in her capacity as a Local Ward Councillor setting out her objections and those of local objectors. The photographs and drawings submitted were out of date, officers had not visited the site and in fact this application differed very little from the previously refused scheme. The scheme was an overdevelopment of the site and did not take account of the proposed parking scheme and the restrictions which that would impose or its close proximity to an air quality management area. This scheme would result in overlooking, loss of privacy and loss of sunlight. It would have a huge negative impact on the quality of life of existing neighbouring residents.
3. Mr Pocock and the other immediate neighbour spoke as neighbouring objectors, sharing the available speaking time between them. They had concerns regarding the quality of the submitted plans, which in their view reflect the height and dimensions of the proposed additional storey. This scheme was not significantly different from that previously refused. The proposed full width windows would look directly into their respective properties and would result in overlooking and overshadowing.

## Answers to Committee Member Questions

4. Councillor Theobald asked for clarification of the differences between this scheme and the previous refusal, and this was done with reference to elevational drawings and the materials and fenestration to be used.
5. Councillor Yates sought further clarification on this matter, and it was explained that the changes to height, scale, materials and design were considered to be such that the previous reasons for refusal had been overcome. Details of the proposed porch to the front of the property and the rear elevations were shown.
6. Councillor Robins asked for clarification regarding the Controlled Parking Zone scheme referred to stating that in his view the application could not be refused on the basis of a possible future parking scheme which may or may not come to fruition. The impact of such a scheme, negative or positive could not be determined, it was an unknown. This was confirmed to be the case.

7. Councillor Appich sought clarification regarding the height of existing front and rear elevations in the immediate vicinity. Whilst it was confirmed that these were of varying heights the proposed scheme was not higher than that of other developments nearby. In relation to neighbouring dwellings at no 23 and number 25. It was confirmed that these were of a similar height and appearance.

Debate

8. No further issues were raised in debate as points of concern or clarification by members had been responded to.

Vote

9. A vote was taken, and the Committee agreed unanimously 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 set out in the report.

#### **E BH2022/01478 - 20 Woodlands, Hove - Householder Planning Consent**

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

Answer to Committee Member Questions

2. Councillor Theobald sought clarification regarding any trees which would be removed in consequence of the development. Councillor Theobald also enquired regarding the remodelling of the building, including the provision of windows to the side elevations. It was confirmed that a number of elements of this scheme had already received approval under a previous permission for a similar proposal.
3. Councillor Shanks also enquired regarding the impact on trees at the site, noting the concerns set out in the letter of objection received from Ward Councillor Brown. It was explained that as no works were proposed to the front of the building and any trees along the frontage would not be affected. The scheme had been amended throughout the course of the application, including reducing the depth setting it in from the southeast boundary and including a 1.8m privacy screen.
4. In answer to questions by Councillor Robins it was confirmed that the existing beech tree in front of the property did not form part of the site and would not be affected by it.

Debate

5. Councillor Theobald considered that the proposed form of development would be large and overly dominant and with windows to the side elevation was not in keeping with the local street scene, was out of proportion with its neighbours and was not acceptable in her view. She was also concerned regarding loss of trees on site. The Planning Manager explained that there were no trees subject to Tree Preservation Orders on the site, and that the storage of construction materials on the highway, including around trees, could be controlled through existing regulations.

## Vote

6. A vote was taken and on a vote of 6 to 2 with 2 abstentions the Committee agreed to grant planning permission.
7. **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation subject to Conditions and Informatives set out in the report.

**F BH2021/00174 - 7 Seafield Road, Hove - Full Planning**

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

## Answer to Committee Members Questions

2. Councillor Theobald enquired regarding the number and location of the bathrooms, shower rooms and toilet facilities. It was confirmed that the proposals would result in an additional shower room as well as increasing the number of letting rooms from ten rooms to twelve. It was confirmed that the number of bathroom, shower and toilet facilities met all necessary requirements

## Debate

3. Councillor Appich stated that she was pleased to note that the standard of accommodation to be provided would be improved. The two dormer windows and rooflights proposed were in keeping with the appearance of the building and were acceptable.
4. Councillor Gibson concurred in that view as the proposed alterations would result in approved amenity for residents.

## Vote

5. A vote was taken, and Members voted unanimously that planning permission be granted.
6. **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolved to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

**G BH2022/01630 - 55 Auckland Drive, Brighton - Full Planning**

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

## Answers to Committee Member Questions

2. Councillor Yates queried the fact that consideration of this application did not appear to have taken account of changes to policy particularly Policy DM7 of City Plan Part 2, and sought clarification of the extent to which these had been considered.



3. Councillor Yates stated that it would be reassuring for Committee Members to be sure that this and all other relevant factors had been taken account of. Also, that the potential impact on the wider neighbourhood and community had been considered, as required by the emerging policy. Councillor Yates stated that he was not implying that these factors had not been addressed but considered that this did need to be evidenced fully. Councillor Gibson concurred in that view.
4. It was confirmed that policy DM7 could now be given significant weight, but that the mapping had not been set up that required to confirm whether schemes complied with the criterion requiring that 'fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs'.

Debate

5. Councillor Yates proposed that consideration of the application be deferred pending confirmation that the issues he had raised had been addressed fully. Councillor Shanks seconded that proposal and in consequence it was voted on.

Vote

6. A vote was taken and on a vote of 5 to 4 by the 9 Members present it was agreed that consideration of this application be deferred pending receipt of the information referred to above.
7. **RESOLVED** – That consideration of the above application be deferred pending receipt of an updated report (for consideration at the scheduled September Committee) outlining how a decision can be made without an assessment being made under CPP2, HMO Policy (DM7).

**Note:** Councillor Ebel was not present at the meeting during consideration of the above application.

**H BH2022/01277 - 48 Sandgate Road, 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 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 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

**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 meeting concluded at 4.15pm

Signed

Chair

Dated this

day of