

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 10 JANUARY 2024**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Loughran (Chair), Allen (Deputy Chair), Cattell, Earthey (Substitute), Nann, Robinson, Shanks, C Theobald and Winder

**Officers in attendance:** Matthew Gest (Planning Manager), Katie Kam (Senior Lawyer), Emily Stanbridge (Senior Planning Officer), Liz Arnold (Planning Team Leader) and Shaun Hughes (Democratic Services Officer).

**PART ONE**

**68 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

68.1 Councillor Earthey substituted for Councillor Fishleigh.

**b) Declarations of interests**

68.2 There were none for this meeting.

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

68.3 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.

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

**d) Use of mobile phones and tablets**

68.5 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’.

**69 MINUTES OF THE PREVIOUS MEETING**

69.1 **RESOLVED:** The Committee agreed the minutes of the meeting held on 6 December 2023 as a correct record.

**70 CHAIR'S COMMUNICATIONS**

70.1 There were none.

**71 PUBLIC QUESTIONS**

71.1 There were none.

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

72.1 There were no site visits requests.

**73 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

73.1 The Democratic Services officer called the agenda applications to the committee. Item C - BH2023/02101: 123-129 Portland Road, Hove was not called for discussion and was therefore taken to be agreed in accordance with the officer's recommendation. All other applications were called for discussion, including major applications and those with speakers.

**A BH2022/03189 - 26 Abinger Road, Portslade - Outline Application**

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

Answers to Committee Member Questions

2. Councillor Shanks was informed by the case officer that Building Control had assessed the building and agreed to the demolition.
3. Councillor Theobald was informed by the case officer that the damage to the building would require demolition even if a planning application had not been submitted. It was also confirmed that the application was for a corner plot and there were other industrial units in the street. The two-storey building had been negotiated over a three-storey unit. The full planning application will look at details such as the dormer windows in the roof. The design shown in the application was indicative only and concerns had been raised by planning officers, however some dormers may be possible on the front elevation. It was noted that possible staff numbers had been requested and received and the current company have an intention to relocate within the city.
4. Councillor Robinson was informed that the committee were being requested to agree the block plan and mass. It was noted that there were extra conditions in the late list relating to bee bricks and swift boxes, securing Biodiversity Net Gain (off site) through the Section 106 agreement and the inclusion of the indicative elevation into the plans list.
5. Councillor Allen was informed by the case officer that there would be level access for pedestrians and the existing access would be utilised. There was a condition requiring exact pedestrian and access arrangements to be agreed.

6. Councillor Loughran was informed by the case officer that the Use Class was F1 and therefore policy DM9 was used to assess the application.
7. Councillor Cattell was informed by the Head of Transport Policy & Strategy that the street was in a 'no control' parking zone.

#### Debate

8. Councillor Allen considered the existing building to be nice, however understood it had to be demolished. The application was a good use of a brownfield site. The councillor supported the application.
9. Councillor Theobald considered it a shame to lose the existing historic building and they wanted to see the detailed application when it is submitted.
10. Councillor Cattell considered the application was a good use of the brownfield site. The councillor was glad the design would be a reserved matter and they requested a better design than submitted as indicative in this application.
11. Councillor Robinson requested that outside space be included in the design of the detailed application.

#### Vote

12. A vote was taken, and the committee voted unanimously to agree the officer recommendation.
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 be **MINDED TO GRANT** planning permission subject to a s106 agreement and the Conditions and Informatives in the report.

#### **B BH2023/02158 - 2 - 4 West Street, Rottingdean, Brighton - Full Planning**

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

#### Answers to Committee Member Questions

2. Councillor Earthey was informed that the Use Class of the building would be E, which meant the use could be for a pharmacy and it was noted that the applicant had advised that the Health Group would be offered the lease for the new unit, however, it was not reasonable to condition for pharmacy only. The Use Class E has been limited to A and E only. The loss of commercial floor space is acceptable under policies CP3 and DM12. There have been no objections from Highways as there are local car parks and sustainable transport is readily accessible from the site. The discharge of conditions will be considered by the case officer. The shop front design has been assessed as part of the application; however, advertisement consent would be required for fascia illumination if required.

3. Councillor Cattell was informed that there would be a flat roof to the rear of the building and a pitched roof to the front. The rear elevation windows would be obscured glazed and permanently closed above 1.m from floor level. It was noted that the windows on the rear ground floor would not be obscure glazed, only those over 1.7m above ground level. The second-floor windows on the front elevation will be openable to enable cross ventilation.
4. Councillor Allen was informed that there would be step free access by condition.
5. Councillor Theobald was informed that the application site was not in the Conservation Area and the Heritage officer found the design acceptable. It was noted that the proposed design matched the adjacent buildings including the Tesco store. The materials are to be approved by the case officer and the Heritage officer by condition.
6. Councillor Robinson was informed that the design had been assessed and found acceptable by the Heritage officer.

#### Debate

7. Councillor Shanks noted that the Health and Wellbeing Board look at the number of pharmacies in an area. The Councillor supported the application.
8. Councillor Allen considered the ramp outside the existing pharmacy needed to be removed, was in poor repair and noted that there were good bus connections nearby. The councillor supported the application.
9. Councillor Cattell thanked the officer for the report and considered the proposed design to be good with nods to the existing buildings in the area, which improves the streetscene. The councillor supported the application.
10. Councillor Robinson considered the proposals to be a vast improvement on the existing building. The councillor supported the application.
11. Councillor Theobald expressed concern over the loss of the pharmacy and did not consider the design to be good.
12. Councillor Allen noted the existing use could be anything, not just a pharmacy.

#### Vote

13. A vote was taken, and the committee agreed by 8 to 1 abstention the officer recommendations.
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 **GRANT** planning permission subject to the Conditions and Informatives in the report.

#### **C BH2023/02101 - 123 - 129 Portland 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 following Conditions and Informatives in the report.

**D BH2023/01369 - Flat 1, 108 Brentwood Road, 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 had no objection to the access proposed and they had spoken to residents who use the pathway. The councillor requested extra lighting and a gate to protect the communal garden. The councillor noted that residents considered the proposals a security risk. The committee were requested to look at the stepped access instead of creating a new path.
3. Stuart Allen addressed the committee as the agent and stated that the applicant had requested the access as the existing access to the car park was via steps, which could not be reconfigured to a slope as the correct angle of slope could not be achieved. The proposed access would have very little change in gradient. Extra lighting is considered. A gate would require additional funds and would be large scale. A gate had not been requested by the council.

Answers to Committee Member Questions

4. Councillor Shanks was informed by the Ward Councillor that the access would join a cut through and dog walking path. The Planning Manager noted the application was not creating a cut through.
5. Councillor Allen was informed that passive surveillance was provided by the residents of the overlooking flats. It was noted the access would lead to a communal hallway.
6. Councillor Earthey was informed by the agent that a gate was not needed to stop dogs as owners needed to look after dogs and the property was owned by a housing association.
7. Councillor Cattell was informed that the council were the freeholder of the property.
8. Councillor Robinson was informed by the Ward Councillor the suggested gate would be onto a public footpath.
9. Councillor Nann was informed by the agent that currently there was no wheelchair access and the affected resident needed to be lifted to the car park.
10. Councillor Loughran clarified that a gate could be erected under permitted development rights up to 2m.

Debate

11. Councillor Shanks asked the committee to support the application.

- 12. Councillor Allen considered the accessibility improvements would be good for all residents.
- 13. Councillor Robinson supported the application.
- 14. Councillor Nann considered the application to be worth the trade-off of negative impact over requirements.
- 15. Councillor Theobald considered the proposals to be good for all the flats and requested that extra lighting and a gate should be looked at in the future. The councillor supported the application.
- 16. Councillor Loughran supported the application.

Vote

- 17. A vote was taken, and the committee agreed unanimously to the officer recommendations.
- 18. **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.

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

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

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

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

**76 APPEAL DECISIONS**

- 78.1 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 3.34pm

Signed

Chair

Dated this

day of