

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 10 MARCH 2021**

**VIRTUAL**

**MINUTES**

**Present:** Councillors Littman (Chair), Childs (Opposition Spokesperson), Miller (Group Spokesperson), Henry, Fishleigh, Janio, Shanks, C Theobald, Yates and Ebel

**Co-opted Members:** Jim Gowans (Conservation Advisory Group)

**Officers in attendance:** Jane Moseley (Planning Manager), Hilary Woodward (Senior Solicitor), Ben Daines (Principal Planning Officer), Wayne Nee (Principal Planning Officer), Liz Arnold (Planning Team Leader), Luke Austin (Principal Planning Officer), Sonia Gillam (Senior Planning Officer), Joanne Doyle (Senior Planning Officer), Emma Kumar (Empty Property Officer – Housing), Penny Jennings (Democratic Services Officer) and Shaun Hughes (Democratic Services Officer).

**PART ONE**

**108 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

108.1 Councillor Ebel substituted for Councillor Osborne

**b) Declarations of interests**

108.2 Councillor Fishleigh declared they had been involved with Saltdean lido for 6 years, however they remained of an open mind with regard to item B. Councillor Yates declared they had been contacted regarding item F, and lobbied by residents on items H and I, however, they remained of an open mind. Councillor Shanks declared they had been contacted regarding item F, however they remained of an open mind. Councillor Theobald declared they had been contacted regarding items F and H, however, they remained of an open mind. Councillor Henry declared they had been contacted regarding item F, however they remained of an open mind. Councillor Littman declared they had been contacted regarding items F and I, however they remained of an open mind.

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

108.3 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.

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

## 109 MINUTES OF THE PREVIOUS MEETING

109.1 **RESOLVED:** That the Chair be authorised to sign the minutes of the meeting held on 10 February 2021 as a correct record.

## 110 CHAIR'S COMMUNICATIONS

110.1 The chair thanked Planning manager Jane Moseley for there work on the Brighton Marina enquiry which will be held on 23 March 2021 online. The agenda and links will be made available to Members. The chair noted that all the major applications on the agenda were deeds of variation to developments already granted planning permission, however the minor applications would be more complex that usual, therefore the committee would be likely to be a long meeting.

## 111 PUBLIC QUESTIONS

111.1 There were none.

## 112 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

112.1 Please note that in recognition of the current Covid 19 pandemic and in response to Central Government Guidance alternative arrangements have been put into place to ensure that Committee Members are able to familiarise themselves with application sites.

## 113 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

113.1 The Democratic Services Officer read out all the agenda Items. It was noted that all Major applications and any Minor applications with speakers were automatically reserved for discussion.

113.2 The following applications were not called for discussion and it was therefore deemed that the officer recommendation(s) were agreed including the proposed Conditions and Informatives and any additions / amendments set out in the Additional / Late Representations List:

**Item G:** BH2020/03770: 20 Downland Road Brighton BN2 6DJ -  
Householder Planning Consent

**Item L:** BH2020/01824: Patcham Nursing Home, Eastwick Close, Brighton BN1 8SF -  
Full Planning

**A BH2020/03516 - BHCC Household Waste Recycling Site, Modbury Way, Hove BN3 7DU - Removal or Variation of Condition**

1. The Planning manager introduced the presentation for the item.

Questions for officers

2. Councillor Fishleigh considered the cycle lane outside the site was an issue and was informed that the operation changes were proposed due to COVID-19 and the benefit of opening earlier would be to eliminate the need to close during the day. It was noted that the change of opening hours has been trialled with no complaints. The senior solicitor stated that good reasons would be required to change the hours change to temporary until lockdown was over.
3. Councillor Theobald was informed that the trial run of more than 6 months included the proposed opening time of 7am, one hour before the previous time of 8am, and no complaints have been received.
4. Councillor Ebel was informed that the closest residents were to the west of the site with gardens backing onto the recycling site and are protected by an existing acoustic fence.
5. Councillor Janio considered that the cycle lane outside the site was not acceptable and a proper trial needed to happen outside of COVID-19 circumstances. The councillor was informed that the proposals were acceptable on their own merits. The earlier opening hours will allow vehicles to enter the site before the public are allowed on site.

Debate

6. Councillor Miller considered the cycle lane to cause traffic jams, the earlier opening of the recycling waste site could set a precedent and other businesses could make the same request. The councillor felt an additional condition restricting the opening times of the site would be beneficial.
7. Councillor Shanks noted that there always appeared to be long queues at the site and the cycle lane did not affect the traffic. The councillor considered the proposed opening time to prevent daytime closures a good development. The councillor supported the application.
8. Councillor Theobald considered the cycle lane to block traffic and should be removed. The one hour earlier opening time would be good, however, this should be temporary only and removed after lockdown has ended.
9. Councillor Henry considered the cycle lane had a widespread impact on the surrounding area, not just the immediate residents. The councillor considered the opening hours adjustment should be temporary as was the cycle lane.
10. Councillor Yates considered there was no doubt about the impact on the neighbouring properties and the permission should be temporary with no links to other proposals at the site. The councillor proposed a 2 year conditioned period.

11. Councillor Childs stated they would support a condition for the earlier opening time to be temporary. Increased access to the site is good however, a trial period should be considered.
12. Councillor Ebel stated they supported the application as proposed as the changes have been in place and no complaints have been received.
13. Councillor Janio agreed with other councillors and considered the congestion created by the cycle lane was the reason for the application. The no left turn into the site was a major issue. The proposals could set a precedent. The councillor was against the application as proposed and supported a condition restricting the proposed opening times to 2 years.
14. Councillor Littman stated they supported the application and considered there was no link to the cycle lane.
15. Councillor Yates confirmed to the senior solicitor that the temporary state would be for the opening times in the application not the site storage adjustments.
16. Councillor Yates proposed a condition restricting the new opening times to a 2 year period. Councillor Janio seconded the proposal.
17. The chair put the additional condition to the committee and by a vote of 7 to 2, with one abstention, the committee agreed the amendment.
18. A vote was taken, and the committee voted unanimously that planning permission be granted as amended.
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.

**B BH2020/01018 - Former Peter Pan's Playground Site, Madeira Drive, Brighton  
BN2 1EN - Removal or Variation of Condition**

1. The Planning Manager introduced the presentation for the item.

Questions for officers

2. Councillor Fishleigh was informed that the visuals provided on the applicant's website are from a previous application. The depth of the proposed pool has not been confirmed as the details of the construction will be provided later once the lease for the site has been arranged. The pool water will be fresh water as it will be heated. The boundary fence will be 1.8m high, the details of which will be provided under condition relating to crime prevention. The sustainability aspects of the development have not been considered at this stage as they will not have changed from the previously approved application. It was noted that solar panels will require an additional planning application in the future and the drainage details will be required by condition. The councillor was also informed that access ramps were proposed for the pool reception area and the pool.

3. Councillor Theobald was informed that the additional first floor spaces, some 351sqm being introduced when ground level space was given over to storage, have been approved. The colour scheme as approved is a more muted range than the original scheme, and the cladding will be broadly as before. It was noted that the traffic changes made to Madeira Drive would not affect the development. The councillor was also informed that condition 4 of the original approval guaranteed the buildings will be constructed before the pool and the pool constructed within 12 months of the buildings.
4. Councillor Yates was informed that although the length proposed has changed to 50m from 25m, the width remains the same at 12m.
5. The Conservation Action Group (CAG) representative was informed that the buildings will be permitted on a temporary basis for 10 years and this was covered by condition 3. It was noted that details relating to lighting will be submitted in response to condition 13.
6. Councillor Shanks was informed that the details of the development covering temperature and sustainability will come back to officers by condition.
7. Councillor Miller was informed that the suggested materials will come to the Planning committee chair's briefing for approval under condition 7. The plan for the maintenance of the materials is also covered by condition 21. It was noted that condition 2 states that works should not commence before 2022 and the buildings will be constructed before the pool.
8. Councillor Ebel was informed that the desire is to open the pool all year round and the pool will be covered by a thermal fleece cover to stop heat loss.  
Debate
9. Councillor Theobald considered the commercial units would be under used during the winter months, however the pool would be an attribute to the city. The councillor supported the application.
10. Councillor Henry considered the application was needed and they supported the application and were looking forward to the pool heating details.
11. The Conservation Action Group (CAG) representative reiterated that a grade II star asset overlooks the site, Madeira terrace, and the development could cause harm to the East Cliff conservation area. The representative expressed concern at the lack of details submitted, in particular for solar panels and lighting. The committee were asked to consider the application carefully.
12. Councillor Shanks considered a 50m pool would be good for the city, would be too cold for competitions, leisure swimming and children, however they supported the application.
13. Councillor Ebel considered the original application and this application to be good and will regenerate the area. The councillor considered the pool would be good for physical and mental wellbeing and considered the heritage concerns were outweighed by the benefits and supported the application.

14. Councillor Miller welcomed the 50m pool, however they expressed concerns regarding the impact on the listed terraces. The councillor wanted to see the site activated and considered the pool would draw people along the seafront. The councillor considered the 10 year temporary permission to be better than a permanent permission and on balance, supported the application.
15. Councillor Yates noted the CAG concerns and the increased footprint. However, the principle of development has been established as has the use of the site with an outdoor pool. The councillor considered that cycle parking information will be needed as this will help people engage with the seafront. The councillor proposed alterations to condition 15. The proposal was seconded by Councillor Henry.
16. Councillor Fishleigh expressed concerns at the appearance of the development and hoped for more information relating to carbon footprint and sustainability. The councillor requested a deferment and was informed that sufficient information had been submitted for the committee to make a decision by the senior solicitor.
17. Councillor Janio considered the pool to be a bonus for the city. The councillor supported the application.
18. Councillor Littman was reluctant to grant permission for any development on the shingle and considered the pool was against policy. The councillor was on balance opposed to the application.
19. The committee voted on the amendment to condition 15 proposed by Councillor Yates and seconded by Councillor Henry. The amendment was agreed by 8 to 1. (Councillor Childs was not present for the discussion or vote).
20. Condition 15 will now read as follows: The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to the development, INCLUDING THOSE WITH MOBILITY ISSUES AND OTHER CYCLE TYPES are submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
21. Following a short discussion on sustainable energy the committee voted on the suggested condition proposed by Councillor Shanks and seconded by Councillor Ebel that a further condition be added requiring an energy statement from the applicant. The additional condition was agreed by 8 to 1 (Councillor Childs was not present for the discussion or vote). The final wording will be agreed by Planning officers.
22. The committee voted and by 7 to 2 the amended application approved.
23. **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 BH2020/02836 - Land South of Ovingdean Road, Brighton - Removal or Variation of Condition**

1. The Planning Manager introduced the report.

## Speakers

2. Ward Councillor Mears addressed the committee and noted that the application was on a sensitive site and the previous planning application had many issues. The site is very steep and would need careful monitoring as the rear of the site contains Red Star thistles, which are protected. Flooding could also be an issue. The design details are lacking, and the committee should have site of everything.
3. The applicant's agent, Julian Walker, informed the committee that there were no plans to build on the open space to the rear of the site. Outline permission has been granted for 45 dwellings including affordable housing. The appearance of the dwellings will be a separate matter and will be submitted later along with levels and drainage resolutions. The agent has negotiated with the residents and planning officers regarding this sensitive site. It was not that no Red Star thistles have been lost and transport tracking had been carried out with a refuse truck as the model.

## Questions for speaker

4. Councillor Theobald was informed that the design of the dwellings and site will be submitted under reserved matters.
5. Councillor Ebel was informed that access to the site for facility vehicles had been tested using the refuse lorry model.
6. Councillor Fishleigh was informed that the levels will be submitted by condition.

## Questions for officers

7. Councillor Janio was informed that this application would not alter the S106 agreement or Community Infrastructure Levy (CIL).
8. Councillor Miller was informed that the proposed layout of the site was similar to the previous outline permission.

## Debate

9. Councillor Theobald stated they did not vote the previous application on this steep site and hoped that the dwellings will be suitable for the site and the wildlife will be protected.
10. Councillor Miller noted the informal open space proposed for the site and considered that changes to the pond would be an issue. The application, allowed at appeal, was not

appropriate and the councillor stated they were against the principle of development on the site.

11. A vote was taken, and the committee voted by 6 to 1, with 3 abstentions 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.

**D BH2017/01108 - Site of Sackville Hotel, 189 Kingsway, Hove, BN3 4GU - Request to vary the terms of the Deed of Variation**

1. The Planning Manager introduced the report.

Questions for officers

2. Councillor Shanks was informed that this was a historic scheme started before the council got involved in such schemes and it is considered that shared ownership is a form of affordable housing. New schemes are looked at with regard to half rented and half mortgaged.
3. Councillor Miller was informed that the District Valuer Service (DVS) did re-assess the proposals and the difference was minimal. The subsidies available will be negotiated between the developer and the registered provider. It was also noted that the S106 agreement was dated 14.11.17 and it was not known if the DVS looked at this agreement.
4. The Planning manager reiterated that the application was to agree that all the units be shared ownership and a viability appraisal was to come.
5. Councillor Miller proposed to defer the application, and this was seconded by Councillor Littman.
6. A vote was taken, and the proposal to defer the application was agreed by 7 to 1, with 2 abstentions.
7. **RESOLVED:** The application is deferred to seek further information regarding what / how much money the review mechanism could capture and whether this could be factored into money paid to the Council.

**E BH2018/00868 - Kings House, Grand Avenue, Hove - Request to vary the Heads of Terms of Section 106 Agreement**

1. The Planning Manager introduced the report.

Debate

2. Councillor Miller considered the increase in shared ownership and affordable housing to be good and supported the application.

3. Councillor Shanks stated they supported the application.
4. Councillor Childs considered the housing mix to be good and supported the application.
5. Councillor Littman welcomed the increase in affordable housing in a good location. The councillor supported the application.
6. A vote was taken, and the committee approved the application unanimously.
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 Deed of Variation to the following Head of Term for the S106 Agreement with regard to Affordable Housing in order to increase the number of affordable units to be provided on site, remove the requirement for a commuted sum, and remove the requirement for a review mechanism.

**F BH2019/02080 - St Andrews CE Primary School, Belfast Street, Hove BN3 3YT - Full Planning**

1. The Planning Manager introduced the report.

Speakers

2. Natalie O'Connell addressed the committee on behalf of objectors and stated they felt the report lacked sound advice and the proposal was not viable: the site was too small and Sport England did not support the scheme; traffic concerns over one-way system not being observed; light spill and the effect on bio-diversity; noise and disturbance as the proposals were close to homes and would be ongoing into the evening up till 9pm; and the floodlighting effects on the neighbouring residents. The committee were asked to refuse the application.

Questions for speaker

3. Councillor Childs was informed that the residents objected to both the lights and the late hours if use. It was noted that the objectors did not feel the school had interacted with residents on the proposals.
4. Councillor Yates was informed that the outside space was currently used every day and that clubs used the space after school and sometimes in the evenings and weekends.
5. Councillor Janio was informed that the speaker lived 1m away from the site and they had not contacted any other schools or residents near those schools.
6. A speech from the Ward Councillor Wilkinson was read out to the committee: As a Councillor in the ward that this application lies within, I know this site well. I believe that this development would have a material impact on and adversely affect the highway safety and the convenience of road users.

The proposal raises some traffic safety concerns: The school car park entrance is narrow and in an awkward location in the corner of the street with the busy alleyway to Tesco in constant use by pedestrians. The proposal will see an increase in the flow of traffic.

Within the Brighton and Hove Local Plan, section TR7 relating to Safe Development states that planning permission will be granted for developments that do not increase the danger to users of adjacent pavements, cycle routes and roads. Increased hours of use of site will only contribute to any risk.

It will not be safe to have cars waiting in the narrow street as the cars try to arrive and depart through the very awkwardly placed entrance. There is a very high volume of pedestrians - many walk in the road, cyclists routinely cycle up the street.

In addition, like much of Central Hove the area around the school has an increasing parking problem. This proposed development will generate traffic in a residential street struggling for parking space and thereby increase pressure on existing car parking.

The submitted travel plan makes no mention of how the increase in traffic will be mitigated. Belfast St is a quiet road. With players, coaches, referees and spectators using the facility, and considering that many will be youths dropped off by parents, there will be a huge increase in additional vehicles every hour using the road. This is a fundamental change to the character of this quiet residential area, and represents increased risk to the many children and adults who use it as pedestrians or cyclists.

Then we have the Effect of the development on the character of the neighbourhood. I believe the proposed development would not make a positive contribution towards the underlying character of this Victorian residential area and would certainly not relate well to the existing development within the surrounding area. Residents have rightly expressed concerns that the floodlights are obtrusive and not in line with the character of the neighbourhood. They would be 10m high and would be seen from far around, whilst towering tower higher than the houses.

In addition, there are already an increasing number of artificial pitches locally, nine in total. All are on sites that are more conducive in terms of a neighbourhood impact.

I also believe that there will be an Adverse effect on the residential amenity of neighbours. There will undoubtedly be increased noise due to the comings and goings of visitors and vehicles. This will bring noise, pollution and disturbance to the neighbours. Indeed, this is acknowledged in the officer report.

Whilst the officer report states the proposed facility is located in "close" proximity to residential properties, in reality it is in immediate proximity, with homes adjoining the football pitch site and only a garden wall dividing them. The bedrooms of several flats on properties overlook the proposed development. These issues will be particularly acute for these residents. The site is nested within a high density of residential homes and I believe all the surrounding streets would all be affected by noise and light pollution. The noise levels from a football pitch will be excessive and unacceptable. Local residents are rightly anxious of the impact on the peace and living quality of their neighbourhood which has occupants with young children and elderly residents who have a right not to

be disturbed by shouting and whistles and noisy departures up until 9pm every week evening and on weekends. No mention has been given in the planning submission, and no condition has been proposed in the planning officer's report, of how noise nuisance will be prevented. There has been no noise impact study carried out or proposed to be required. This development proposes a huge change to the activities and hours of operation of the site. Currently, out of school hours, the site is unused and completely quiet

I also cannot see how there would not be light pollution into the houses directly next to the school, which would be an additional disturbance. The floodlights remain disproportionately higher than the houses. This will impact in the darker months from as early as 4pm and for residents with young children at bedtime.

Regarding Ecology issues: The loss of the field would deprive the area of a rare green space. One of the few in Central Hove and the loss of this natural space will impact wildlife, nesting birds and bats. I am also particularly concerned by the ecology consultation that supports the fact there are nesting birds in the trees directly next to the proposed pitch and that there are also bats, that will be impacted by the light and noise. The proposal says it's "unlikely to have an impact on protected species" whereas the ecological report actually says; "light spill from the proposed flood lights should avoid vegetation to the southern and eastern boundaries."

Summary: In summary committee, I am objecting to this application on a number of material grounds. Improving sports facilities is something we should always be encouraging. However, the proposal is extremely close to residential properties. 10m high floodlights being particularly out of character with the surrounding area in close proximity to residential properties, and noise into the late evening and all weekend will materially affect resident's amenity.

No identified need for the facilities has been shown in any official documents and there are a number of similar facilities in the area. Although generally supportive of new sports facilities I suggest the harm to the character of the area and impact on neighbouring properties outweigh the benefits of the scheme. Whilst objecting to the development I believe that a change to the operating times may alleviate some concerns in relation to the impact on residents and the neighbourhood.'

7. The Head of St Andrews School, Sophie Thomas, addressed the committee stated that the application was founded on a key problem at the school: the school field becomes unusable when it rains. The school needs to deliver learning in a safe space and an all year round pitch would do this. A large space is needed for the student's health and wellbeing, which is affected when the field is not available. An all weather surface is needed and would create community opportunities. The school already allow the 4 surrounding streets to use the school car park and the pitch would be for the community as a multi-purpose area.

Questions for speaker

8. Councillor Ebel was informed that there was a hope for more cycling as there was cycle storage at the site.

9. Councillor Childs was informed that there would be adequate parking for the out of hours use by the community, and that changing facilities would be available in the school building – for youth users only. Funding has not been agreed as planning permission is needed first. The pitch will be let in the evenings to create an income for the school, but not looking at late evening as this would be mostly used for youth groups. The Head of School is happy to talk to the community.
10. Councillor Yates was informed that the proposed floodlights were to support the after school clubs, especially in the winter. The fencing and floodlights were requested by sports providers.
11. Councillor Shanks was informed that the school already had a playground and that governors and previous head of school had looked at many schemes and this seemed the best option. It was noted that two think tanks had taken place with parents, before the pandemic, and a leaflet had been circulated in April 2019. A number of emails have been exchanged with the community on the matter of an all-weather pitch and the governors have been very responsive to enquires. The school feels it has engaged with the community and are open to residents.
12. Councillor Henry was informed that Sport England were looking at a hybrid pitch last year, however, the pandemic put this on hold. It was noted that Sports England required the school to obtain planning permission before supporting the scheme.
13. Councillor Theobald was informed that the car park is already used for community events throughout the year such as markets and cinema. This will not be affected by the all-weather pitch.
14. Councillor Fishleigh was informed that the income stream created by lettings was needed to cover the maintenance of the pitch. It was noted that artificial grass was not good enough for the pitch. The school did not feel a lack of consultation with the residents as all emails have been responded to.
15. The Planning manager informed the committee that noise mitigation would be implemented by condition and a limitation plan will be submitted and the impact will be managed.

#### Questions for officers

16. Councillor Henry was informed that the pitch would be 3G with a 40mm pile as agreed with Sports England.
17. Councillor Childs was informed that the hours were suggested by the school and that environmental health had no objections. It was noted that the evenings would be used by youth groups, so it was unlikely to last till 9pm.
18. Councillor Janio was informed that no comparisons had been made with the new floodlights at Blatchington Mill school nearby.

#### Debate

19. Councillor Fishleigh expressed concerns that the all weather pitch would be very noisy for residents, who already state they can hear the students through double glazing. The finish time of 9pm was considered too late and time constraints should be required.
20. The Planning manager stated that Environmental Health team have raised no issues and the hours are not found to be unreasonable.
21. Councillor Henry noted the school was in an urban area with a dense population and expressed concerns at the impact of the proposed lights and finish time.
22. Councillor Theobald considered an earlier finish time of 8pm would be preferable. The area around the school was a busy location with Tesco supermarket nearby. The proposal will upgrade sports provision by using the all weather pitch by children who need sport. Any noise issues can be reported.
23. Councillor Janio noted that the scheme at Blatchington Mill school had had a negative impact on the residents and considered the proposed floodlighting and noise a major issue. The councillor considered an earlier finish time of 7pm or 8pm would be preferable.
24. Councillor Yates, although they support the use by the community, they expressed concerns regarding the fundamental change of use to the site and the impact on neighbours. The councillor did not support the application.
25. Councillor Shanks expressed concerns relating to artificial grass and that the school needed the income. The councillor did not support the application.
26. Councillor Childs considered the all weather pitch to be a positive for the school and they understood the need for income generation. The councillor supported the application but felt the hours could be reduced to 7pm.
27. Councillor Fishleigh stated they were against the application.
28. Councillor Ebel considered that activity for children should be encouraged and they understood that a 9pm finish would help the income for the school. The councillor felt that activities may not last until 9pm every night and supported the application.
29. Councillor Littman considered the all weather pitch to be good for the school, however they were opposed to the removal of the existing grass and expressed concerns at the potential noise and the impact of the proposed lighting on the neighbours.
30. Councillor Janio proposed an amendment to condition 3 of reducing the hours to 7.30am to 7pm (weekdays) and 10am to 6pm (weekends and bank holidays). The proposal was seconded by Councillor Littman.
31. A vote was taken, and the committee agreed to accept the motion by 7 to 3.
32. A vote was taken, and the amended planning permission was granted by 8 to 1, with 1 abstention.

33. **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, as amended, and Informatives in the report.

**G BH2020/03770 - 20 Downland Road Brighton BN2 6DJ - 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.

**H BH2020/00673 - Garages, Dunster Close, Brighton - Full Planning**

1. The Planning manager introduced the report.

Speakers

2. Ian Beck spoke to the committee representing local objectors and stated that the people of Dunster Close don't want the proposed development. The scheme will change the eco system affecting around 130 people in this small street. Badgers, foxes, bats and slow worms will be affected if the eco system is destroyed. Concerns are raised on how the development will be linked to sewers and other facilities as the existing garages have no heating, water or electricity. To dig up Dunster Close for sewers will turn this quiet street into a building site. The speaker will happen as they had been in the construction industry many years and the development was considered dangerous. The scheme will upset the eco system and people.
3. Ward Councillor Theresa Fowler spoke to the committee and stated that they objected to the development and supported the residents. The councillor considered the scheme to be overdevelopment of the constrained site in a narrow road. The garages to be demolished were for local residents. The councillor expressed concerns regarding access by blue light services and refuse collections. Parking is a major issue in the area with no room for disabled parking. The development should be refused as a danger to the safety of pedestrians as cars will park on the pavement and verges. The loss of light and view will be an issue for existing properties. The scheme is considered an over development of the site where trees will be lost.

Questions for speaker

4. Councillor Shanks was informed that the construction disturbance, loss of outlook, as the development will be close to Oldbury Row, loss of wildlife, namely badgers, access by refuse vehicles, not in keeping and the over development in this narrow close were the main issues.
5. Councillor Theobald was informed that all the surrounding roads have parking issues and refuse vehicles and ambulances can not access the road.

6. The applicant's agent, Raphael Lee, spoke to the committee on behalf of Bunker Housing Co-operative and stated that other sites had been contentious, and had been resolved. These are complicated sites where the proposed number of units has been reduced. Community engagements have taken place and changes have been implemented as a result. The affect on trees has been reduced after meeting the neighbours. A daylight survey has been carried out and showed no effect on neighbouring properties. The development is set back and only hallway windows will face neighbouring properties. Refuse bins will need to be left at the end of the driveway for the development. The speaker stated that ecology was taken seriously.

#### Questions for speaker

7. Councillor Theobald was informed that the development will use a modular system of small sections to help access to the site. It was considered that there will be little disruption on the site with a small crane being used and health and safety issues have been covered.
8. The case officer confirmed that the sunlight report contained errors and had therefore not be included in the officer report.

#### Questions for officers

9. Councillor Theobald was informed that views of the highway authority were included in the report and that development included a rear patio and communal space at the front.
10. Councillor Fishleigh was informed that two applications have been submitted as they were two separate sites on separate land.

#### Debate

11. Councillor Theobald considered the site to be tiny and the design ugly. It was noted that highways have objected on four occasions, as well as southern water, arboricultural and access issues. No turning point is available for vehicles and the parking was half on the pavement. The councillor was against the application.
12. Councillor Shanks stated they had visited the site and noted that the application was for a car free development. It was noted that existing parking was an issue. The councillor considered the development to be good on this small site and supported the application.
13. Councillor Janio considered the site to be too small, with vehicle problems, therefore this development was not feasible. The councillor was against the application.
14. Councillor Henry considered the site to be constrained and hard to reach.
15. Councillor Littman noted there was no objection from Southern Water.
16. Councillor Childs noted the existing garages were not used and there was pressure from housing targets. The councillor supported the application.

17. A vote was taken, and by a vote of 7 to 2 the application was granted. (Councillor Yates had left the meeting and did not take part in the discussions or decision making process).

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.

**I BH2020/00674 - Land Adjoining 12 Dunster Close, Brighton BN1 7ED - Full Planning**

1. The Planning manager introduced the report.

Speakers

2. Daniel Bowler spoke to the committee on behalf objecting residents and stated that there were slow worms, bats and no surveys had been carried out for these protected species and this was considered a legal requirement. Planning policies are not being adhered to with regard to impact on the area and out of keeping in design. The block design is considered to oppress the neighbours. Parking is an issue in the area and the development is car free, so where would the proposed disabled parking go. Ambulances have no access to the close. The loss of trees will have a negative impact on the area with no new trees proposed.

3. Ward Councillor Fowler spoke to the committee and stated that although houses were needed, green spaces were also needed. The development, up a hill was considered to tower over neighbours and would lead to a loss of wildlife. Damage to a supporting wall would be an issue, as would the loss of light to neighbours. The trees need to stay at the site to retain the birds and bats. The loss of six trees is not good and this pocket of wildlife should be retained. It was noted that no reptile report had been submitted and slow worms have been seen. Southern water have objected to the development in relation to the adjacent culvert. The councillor considered that Bunker Housing have ignored sewage blockage issues.

Questions for speaker

4. Councillor Childs was informed that the area was used for residents as a children's play area.

5. The applicant's agent, Raphael Lee, spoke to the committee and stated that this site was more complicated than the garage site in Dunster Close, however it was a larger site. Many changes have been made to the development following issues raised by neighbours including levels. The sewer piping will be covered by a large undercroft and is not as complex as it seems. The least number of trees will be removed following the ecology assessment. The location of the development at the end of the street will have least impact.

6. The case officer noted that Natural England had been contacted after a neighbour had seen a slow worm.

## Debate

7. Councillor Fishleigh considered the development would have an adverse impact and there were issues with highways, overlooking, and overshadowing. The councillor was against the application.
8. Councillor Theobald expressed concerns relating to loss of wildlife, trees, green space and considered the development would upset the neighbours, was an ugly design with hardly any garden, out of keeping with the area, and would have a negative impact on the neighbours by way of overlooking. The parking, half on the pavement was an issue. The councillor was against the application.
9. Councillor Childs did not consider the development acceptable with the loss of wildlife, amenity space and was considered to be an overdevelopment of the site. The councillor was against the application.
10. Councillor Shanks noted the site was not a field and was a small patch of land. The area benefits from many gardens and it was not considered that wildlife was an issue on this small site. Housing is needed. The councillor supported the application.
11. Councillor Littman considered the site not to be brownfield but was greenfield and the loss of green space was an issue. The councillor was against the application.
12. A vote was taken, and the committee voted 7 to 2 against the officer recommendation. (Councillor Yates had left the meeting and did not take part in the discussions or decision making process).
13. Councillor Fishleigh proposed a motion to refuse the application by way of contradiction of local policies, adverse effect on nature conservation interests, biodiversity opportunities, and loss of trees; highways issues; loss of sunlight, layout and capacity of buildings, impact on infrastructure, overlooking and loss of privacy. Councillor Theobald seconded the motion. It was agreed that the final wording would be agreed with the Planning manager.
14. A vote was taken, and the committee voted 7 to 2 for the motion to refuse the application.
15. **RESOLVED:** That the Committee has taken into consideration and does not agree with the reasons for the recommendation and the application is REFUSED.

**J      BH2020/03667 - 48 Arundel Drive East, Saltdean, Brighton BN2 8SL -  
Householder Planning Consent**

1. The Planning manager introduced the report.

## Speakers

2. Paul Lenton spoke to the committee on behalf of eight objectors and state that the development would have a material affect on the neighbours under policies QD14 and 27. There is no evidence of any bungalows with ridge heights extended by 1.5m. The

proposals were out of keeping with the bungalow and the materials would be out of keeping with the area. The development would lead to loss of amenities for neighbour's, loss of daylight, sunlight, privacy, all enjoyed since 1950s and will have an impact on the wellbeing of the neighbours. The scheme contravenes policies QD14 and 27. The committee are requested to reject the application and protect the community.

3. Ward Councillor Mears spoke to the committee and stated that the site was very steep, and this did not show on the site plan. The development would be very close to the neighbouring properties and would very much affect the amenities of neighbours. The scheme would be detrimental to resident's wellbeing. The committee were asked to consider the application carefully.
4. The case officer informed the committee that one further objection had been received and consultation had been carried out correctly.

#### Questions for officers

5. Councillor Fishleigh was informed that policies QD14 and 27 were part of the 2005 Local Plan and covered extensions and alterations criteria and the protection of amenities to neighbours. The councillor was also informed that the was considered to be not breach of policy. It was also noted that site visits were not taking place during the COVID-19 lockdown. No objector's photographs had been received by the case officer and it was considered that sufficient had been supplied to make an assessment.

#### Debate

6. Councillor Childs had undertaken a drive-by and noted the area was diverse and considered there would be no damage to amenities. The councillor supported the application.
7. Councillor Fishleigh considered a site visit should have been undertaken. The councillor was against the application.
8. Councillor Henry noted that councillors had not contacted the Planning manager to request a site visit by councillors.
9. Councillor Theobald considered the proposals too big for site and top heavy. The councillor was against the application.
10. Councillor Miller considered the street scene elevation not to work with no stepping down and this would change the street scene. The development is not considered to be good and the councillor stated that they were against the application.
11. A vote was taken, and the committee voted by 6 to 3 to grant planning permission. (Councillor Yates had left the meeting and did not take 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 **GRANT** planning permission subject to the Conditions and Informatives in the report.

**K BH2020/02835 - Land To The Rear of 28-30 Longhill Road, Brighton BN2 7BE - Full Planning**

1. The Planning manager introduced the report.

## Speakers

2. The comments submitted by Rottingdean Parish Council were read out by a Democratic Services officer which stated that the Parish Council objects to the scheme for the following reasons: overdevelopment of the site; and the development would impinge on the adjacent wildlife corridor.
3. Ward Councillor Mears spoke to the committee and stated that the points to highlight were the impact on wildlife, and the previous application had been refused on density grounds. The site backs onto a wildlife corridor that stretches down to Rottingdean. The councillor considered the whole area should be looked at as this was an over development of the site, where a previous application had been refused.
4. The applicant's agent, Simon Bareham, spoke to the committee and stated that the application seeks to improve the existing application. The proposed dwellings will be cheaper per sqft with no further impact. The proposal has been assessed and the density found to be acceptable. The development will include a woodland action plan with coppicing on an annual cycle to maintain the trees. It was noted that the county ecologist had not objected to the proposals. The development will be high quality with positive contribution to the Community Infrastructure Levy (CIL). The committee were requested to grant planning permission.
5. The case officer confirmed that the previous application was refused for the effects on the woodland and vehicle movements, not on density. There was a slight increase in footprint to the dwellings however they would be no closer to neighbouring properties.

## Questions for officers

6. Councillor Janio was informed that the extant permission was given for 3 years and works have started on the site and there is no time limit for the works to be completed.

## Debate

7. Councillor Theobald expressed concerns regarding the 31 objection letters and the green 'lung' area. The councillor considered the scheme too dense and was against the application.
8. Councillor Fishleigh stated they did not approve of land banking and expressed concerns regarding the wildlife corridor. It was noted the Parish Council objected to the proposals. The bus service was infrequent, and the occupiers would need to use cars. The councillor was against the application.
9. Councillor Miller considered four houses too many and was against the application.

10. Councillor Janio stated that on balance they supported the application.
11. Councillor Childs considered the housing need, no additional impact and on balance supported the application.
12. Councillor Littman stated they understood the Parish council and ward councillor comments and noted the extant permission. The councillor had no issue with four dwellings rather than two and supported the application.
13. A vote was taken, and the committee voted by 6 to 3 that planning permission be granted. (Councillor Yates had left the meeting and did not take part in the discussions or decision making process).
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.

**L BH2020/01824 - Patcham Nursing Home, Eastwick Close, Brighton BN1 8SF - Full Planning**

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

**M BH2020/01609 - 25 Freehold Terrace, Brighton BN2 4AB - Full Planning**

1. The Planning manager introduced the report.

Speakers

2. Ward Councillor Fowler spoke to the committee and stated that they objected to the development in this mixed area with a number of houses of multiple occupancy (HMO). The accommodation is considered poor with not much communal space and a lack of privacy and parking. A road safety report should be done as refuse vehicles are unable to access the road. The councillor considered the area to be overcrowded.
3. The applicant's agent, Simon Bareham, spoke to the committee and stated that the building was a vacant industrial space and the development would provide ten units of accommodation. The scheme had been reduced from 13 units to 10 and the principle was acceptable under policy CP13. The space had been advertised before the pandemic and no offers were received to use the industrial space. The limit of 10% HMOs in one area has not been reached as the proposal would take the percentage to 9%. The HMO use is the most appropriate for this slender sight which has been designed to have a positive impact on the area. The accommodation is centrally located with large rooms and a ground floor disabled flat. The brick design is in keeping and the height is acceptable.

Questions for speakers

4. Councillor Childs was informed that the accommodation was not just for students and would be available to all on the open rental market.

Questions for officers

5. Councillor Theobald was informed that the previous use had been B1 light industrial with workshops and offices.

Debate

6. Councillor Shanks considered the use to be good and was a good location. The councillor supported the application.
7. Councillor Theobald expressed concerns over the loss of the light industrial site and the loss of employment. The councillor noted there were many students in the area already and was against the application.
8. Councillor Childs considered the design to be bad and the proposals an overdevelopment of the site, with loss of employment space. The councillor was against the application.
9. Councillor Janio supported the application.
10. Councillor Henry considered that younger people want this type of housing and the way people live was changing. The development of the site was considered good and the councillor supported the application.
11. A vote was taken, and the committee voted 7 to 2 to grant planning permission. (Councillor Yates had left the meeting and did not take part in the discussions or the 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 **GRANT** planning permission subject to the Conditions and Informatives in the report.

**N BH2020/03127 - 74 Dean Court Road, Rottingdean, Brighton BN2 7DJ - Householder Planning Consent**

1. The Planning manager introduced the report.

Speakers

2. Tim Furlam spoke to the committee as an objecting neighbour and stated that the development could set a precedent. The structure is next to the boundary with the neighbour and at six feet tall is out of scale. The structure is larger than an average single bedroom with stairs overlooking the neighbour's garden. The neighbour objected for reasons of scale, loss of amenity, loss of privacy and noise. The objector asked the committee to refuse the application. If they were minded to approve, please condition

the access stairs to be moved and the structure not to be used until the roof was completed.

Questions for speaker

3. Councillor Fishleigh was informed that the request to move the stairs and not use till the roof was completed was to stop overlooking.
4. Ward Councillor Mears spoke to the committee and stated that the application structure was to be a children's playhouse and would be located at the end of the garden next to the boundary. The neighbour feels this is intrusive and hoped the stairs would be moved. The location is not good, and the committee were requested to refuse the application, and if not, please condition the stairs to be moved away from the boundary.

Questions for speaker

5. Councillor Janio was informed that the structure was considered to be huge and intrusive.
6. The Planning manager showed the photographs submitted by the neighbour to the committee.
7. The applicant, Simon Beddoe, spoke to the committee and stated that they had tried to take on board the neighbour's issues and erected extra screening. The structure would be used by small children only and there would be no loss of privacy or overlooking as the children won't be able to see over the railings on the stairs. The person seen in the photographs is a gardener and would not be using the structure.

Questions for speaker

8. Councillor Fishleigh was informed that the structure was located in the shaded area of the garden and formed part of the overall garden design. The stairs would not need to be moved as only young children would be using them and would not overlook the neighbour. The speaker stated they had made amendments already and felt this structure was not unreasonable.
9. Councillor Childs was informed that the cost of moving the stairs would be considerable.
10. Councillor Miller was informed that the neighbours had discussions before erecting the structure and the applicant considered they had reached an agreement. The speaker was not sure if the stairs had been discussed before construction.
11. The case officer informed the committee that a new planning application would be needed to move the stairs. This was confirmed by the Senior Solicitor.

Questions for officers

12. Councillor Miller was informed that the structure measured 3m on the elevation facing the National Park to the rear of the site and 3.5m in total.

13. Councillor Fishleigh was informed that no site visits have taken place during the COVID-19 lockdown.

14. Councillor Janio was informed that the structure required planning permission as it was not classed as permitted development. It was not considered that the structure would set a precedent.

Debate

15. Councillor Childs did not consider there would be any damage to the neighbour and supported the application.

16. Councillor Theobald considered the building to be enormous and that children would look over the railings to next door's garden and this was not fair on the neighbour. The councillor considered the development too much.

17. Councillor Miller noted the structure was next to the boundary and 3.5m high. The councillor asked for compromise and proposed a motion to condition that the roof be completed before use. The motion was seconded by Councillor Childs.

18. Councillor Ebel noted that the applicant had made changes for the neighbour and supported the application.

19. Councillor Fishleigh stated they were against the application.

20. Councillor Janio supported the application.

21. Councillor Shanks supported the application.

22. A vote was taken regarding the inclusion of a new condition to ensure roof was completed before use commenced. The committee voted 6 to 3 that a new condition be added. The Planning manager to agree the wording. (Councillor Yates had left the meeting and did not take part in the discussions or decision making process).

23. A vote was taken, and the committee voted 7 to 2 to grant planning permission as amended.

24. **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 to include a further condition: *Prior to the development hereby approved next coming into use, the roof shown on the approved plans shall have been installed and retained thereafter. Reason: To reduce opportunities for overlooking and thereby protect neighbouring amenity by ensuring the playhouse use is limited to people of small stature.*

**114 BH2020/00002 - COOMBE FARM, WESTFIELD AVENUE NORTH, SALTDEAN BN2 8HP - AMEND HEADS OF TERMS**

1. The Planning manager introduced the report.

Questions to officers

2. Councillor Fishleigh was informed that intermediate rent was a rent set at a level where residents can purchase other properties, but not those being rented. No CIL would be attracted by the application.
3. Councillor Childs was informed that the affordable rent would be at 80% of the market rent. It was noted that the plan was to rent everything on the site.

Debate

4. Councillor Childs considered the application was good to give residents a chance to get onto the housing ladder.
5. Councillor Theobald considered it was good to have some shared ownership properties and more would be preferable.
6. Councillor Miller considered younger people need housing the retention of the shared ownership would be better.
7. Councillor Shanks considered rented properties were wanted.
8. Councillor Janio was informed by the Senior Solicitor that the applicant could go to appeal if the committee refused the application. The councillor felt that the council should negotiate and stated they were against the application.
9. Councillor Miller was informed by the Senior Solicitor that intermediate rent accorded with affordable housing definition.
10. The Planning manager confirmed that the development had changed, and the application had been agreed before and the council will get the affordable housing.
11. A vote was taken, and the committee voted by 4 to 5 against the officer recommendation. (Councillor Yates had left the meeting and did not take any part in the discussions or decision making process).
12. A motion to refuse the application was proposed by Councillor Miller and seconded by Councillor Janio.
13. A vote was taken, and the committee voted by 6 to 3 to refuse the application to alter the heads of terms as the intermediate rent is not negotiable. (Councillor Yates had left the meeting and did not take any part in the discussions or decision making process).
14. **RESOLVED:** The application is REFUSED.
- 115 **TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**

115.1 In line with current Central Government guidance in relation to the COVID-19 pandemic, no formal site visits been arranged.

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

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

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

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

**118 APPEAL DECISIONS**

118.1 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 10.03pm

Signed

Chair

Dated this

day of