

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 5 JULY 2023**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors: Loughran (Chair), Allen (Deputy Chair), Hamilton, Earthey, Lyons, Nann, Pickett and Robinson

**Co-opted Members:** Mr Jim Gowans (CAG)

**Officers in attendance:** Liz Hobden (Head of Planning), Nicola Hurley (Planning Manager), Jane Moseley (Planning Manager), Katie Kam (Senior Lawyer), Russell Brown (Principal Planning Officer), Steven Dover (Senior Planning Officer), Matt Guest (Senior Planning Officer), Jack Summers (Planning Officer), Michael Tucker (Senior Planning Officer) and Penny Jennings (Democratic Services Officer).

**PART ONE**

**11 PROCEDURAL BUSINESS**

**11a Declarations of substitutes**

11.1 Councillor Earthey substituted for Councillor Fishleigh. Councillor Lyons substituted for Councillor Theobald. Councillor Pickett substituted for Councillor Shanks.

**11b Declarations of interests**

11.2 Councillors Loughran (the Chair), Hamilton and Nann declared that they had a predetermined view in respect of the applications on which they would be speaking. Having addressed the Committee, they would leave the meeting and would take no part in the debate or decision making process.

11.3 Councillors Earthey, Lyons and Pickett referred to applications sites located in their wards stating that they remained of a neutral mind. Mrs Hurley, Planning Manager stated that she lived close to the Gordon Road application site, some of the neighbouring residents were known to her and that she had had no involvement with the application.

**11c Exclusion of the press and public**

11.3 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.

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

**11d Use of mobile phones and tablets**

11.5 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 'airplane mode'.

**12 MINUTES OF THE PREVIOUS MEETING**

12.1 **RESOLVED** – That the Committee agree the minutes of the meeting held on 7 June 2023 as a correct record.

**13 CHAIR'S COMMUNICATIONS**

13.1 There were none.

**14 PUBLIC QUESTIONS**

14.1 There were none.

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

15.1 There were none.

**16 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

16.1 The following items were not called by the Committee and were taken to be agreed in accordance with the officer's recommendation(s):

- Item I: BH2022/03246 – 94 Overhill Drive, Brighton – Full Planning;
- Item K: BH2023/01133 – 5 Chalk Cliff Road, Brighton – Full Planning

**A BH2023/00912 - Knoll House, Ingram Crescent West, Hove - Full Planning**

1. The Planning Manager introduced the application to the Committee. Changes to proposed conditions were referred to and it was explained that the report recommendations had been amended to "minded to grant" as any planning permission would be subject to a S106 agreement.

Speakers

2. Mr Daniel Harris spoke in objection to the scheme referring to the fact that existing clients could be evicted as a consequence of this scheme which had been amended since being agreed in principle by the Health and Wellbeing Board at its meeting in

January. The current scheme was two storeys higher than that originally envisaged. These changes had not been debated by that Committee.

3. Ms Mary Hutchinson spoke representing the architects for the scheme explaining that the scheme had been designed to provide 24 hour care for those with severe disabilities or acquired brain injuries in order to cater for their specific needs more appropriately than could be provided in other care home settings, particularly for young people for whom existing provision was inadequate. The scheme had been designed to be bright and welcoming with a dual aspect communal lounge providing opportunities for residents to socialise and to provide for varying levels of care need going forward.

#### Answers to Committee Member Questions

4. In answer to questions by Councillor Pickett it was confirmed that there were no similar facilities in the city.
5. Councillors Nann and Robinson enquired regarding the level of consultation which had taken place with local residents. Councillor Nann stressed the need for on-going dialogue and hoped that the applicants could be put forward for the considerate contractor scheme. The Planning Manager confirmed a condition was proposed to cover environmental issues and that the condition could be revised to require the applicant to engage with local residents and provide a contact number and name in the event of queries or problems.
6. Councillor Robinson considered that it was important for residents to be aware of noise levels and hours during which work was permitted during the construction period effectively issues on which they could make complaints legitimately. It was explained that consultation was required with neighbours in respect of noise levels and timelines for completion of works.
7. Councillor Allen asked whether there had been wider consultation in respect of the scheme with the opportunity for feedback to be obtained other than from immediate neighbours. It was confirmed that there had been an extensive pre-consultation process and a public event had also taken place in order to obtain views from the wider community and from those who had experience of the needs of those who would be living in the development.
8. In answer to questions by Councillor Pickett the case officer explained that the development had been designed to address the perceived increasing needs of residents and the anticipated 15% increased demand.

#### Debate

9. Councillor Robinson stated that provided residents were aware of contactors' contact details and work timings during the construction period and beyond she was happy to support the recommendation.
10. Councillor Cattell concurred with that view.

11. Councillor Allen considered that the scheme represented an efficient and productive use of the site.
12. Councillor Nann was familiar with the area and considered that this was an excellent scheme.
13. Councillor Loughran, the Chair, considered that this scheme would provide a unique and important contribution for the city which would provide for the housing and welfare needs of residents.
14. Councillor Cattell proposed, and Councillor seconded that a line be added to condition 11 requiring details of engagement with local community.

Vote

14. A vote was taken, and members voted unanimously that it was minded to grant planning permission.
15. **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the Officer Report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Head of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 7 October 2023, the Head of Planning is hereby authorised to refuse planning permission for the reasons noted below:

Section 106 Head of Terms:

- Biodiversity Net Gain monitoring fees of £5,405.50

**P51: SECTION S106 OBLIGATION**

In the event that the draft S106 Agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reason:

1. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery of biodiversity net gain, contrary to policies CP10 of City Plan Part 1 and DM37 of City Plan Part 2.

**B BH2017/01665 - Whitehawk Clinic, Whitehawk Road, Brighton - Deed of Variation**

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

Speakers

2. Mr Daniel Harris spoke in objection to the scheme stating that there had been a significant reduction in level of units now proposed, which would be detrimental to those in need in the area. The variation proposed would result in greater profits for the

developer and the commuted sum proposed was inadequate to off-set that. There was a lack of public consultation before the decision was made by BHCC to purchase the units.

3. It was confirmed that this was an application to vary the existing permission, the rationale for which was set out in the officer report.

Debate

4. There was no debate and the Committee moved directly to the vote.

Vote

5. A vote was taken, and the Committee agreed unanimously to grant the proposed Deed of Variation.
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** the Deed of Variation to the S106 Agreement Section 108 Agreement dated 19 July 2018 in connection with planning permission BH2017/01665, subject to a review mechanism.

**C BH2016/05530 - Land South of Ovingdean Road, Brighton - Deed of Variation**

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

Debate

2. Councillors Allen and Pickett were both of the view that it was unfortunate that the issue was not picked up at the time of the application but noted it meets the planning policy .
3. Councillor Earthey considered that the proposed variation to the S106 Agreement was acceptable.

Vote

4. A vote was taken, and the Committee agreed unanimously to agree the proposed Deed of Variation.
5. **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **AGREE** to the Deed of Variation to the proposed S106 Agreement.

**D BH2023/00469 - 2 Gordon Road, Brighton - Full Planning**

1. The Planning Manager introduced the application. As Councillor Loughran (Chair), would be speaking in her capacity as a Local Ward Councillor she vacated the Chair which was then occupied by Councillor Allen the Deputy Chair for consideration of this application.

## Speakers

2. Ms Melly spoke as a local resident setting out neighbours' objections. She was accompanied by Ms West and Mr Bradford who were also local residents. Ms Melly stated that this had been in use as a HMO, mainly student accommodation for 18 years and had given rise to considerable noise and other nuisance e.g., anti-social behaviour and accumulation of rubbish which was detrimental to mental and physical health. The proposed use which would intensify the existing use would be overdevelopment and would increase any existing problems. This was not a suitable property for such use on a residential street. Florence Court which was adjacent was occupied mainly by elderly residents.
3. Councillor Loughran spoke in her capacity as a Local Ward Councillor stating that the proposed scheme represented a significant overdevelopment of a modest Victorian terraced property which was too small to accommodate the level of enlargement intended. The bedrooms on site would be very small, especially those to be placed in the roof space. It was not of an appropriate scale and would result in significant harm, overlooking and loss of amenity to neighbouring residents and have a negative impact on the neighbouring conservation area.
4. Mr Olney was in attendance on behalf of the applicants, accompanied by other colleagues who were available to answer questions if required to do so. Mr Olney explained that St. Mungo's had been providing this type of accommodation for over 50 years and had been providing services and accommodation in Brighton since 2015. They ran a scheme in Oxford Street currently and this accommodation was required to provide accommodation for those who were able to live independently and would free up their other homeless accommodation for others with a higher level of need. It would provide the opportunity to live within the local community for those able to go on to the next stage of their lives.

## Answers to Committee Member Questions

5. In answer to questions the Case Officer explained that all of the bedrooms would meet at least the minimum size requirements by the space standards and were well within HMO agreed standards.
6. In answer to questions by Councillor Nann the Planning Manager explained that in planning terms this was an HMO which could house all types of people, and no assessment of the level of care was required as no staff would be living in. Mr Olney confirmed that those placed in this accommodation would be carefully chosen, individuals requiring support but not as a high needs service. There would not be a 24 hour staff presence on site, but residents would be provided with a contact number for use in the event of queries or problems.
7. Councillor Robinson enquired regarding the level of complaints which had been generated by this use at other buildings run by St Mungo's. Mr Olney did not have that information to hand but was able to confirm that any complaints received were recorded and were followed up with the individual concerned. All residents were required to sign a tenancy agreement. It was confirmed that the impact would be exactly the same as if the property were to be extended as a family home.

8. In answer to questions by Councillor Pickett it was explained that whilst soundproofing was not a requirement, the applicants had agreed for this to provide to modern standards and how this could be achieved would be discussed.
9. In answer to questions by Councillor Cattell it was explained that the property was currently empty and that it would be refurbished, and all works carried out prior to new tenants moving in. If the site was a dwelling the works to the rear would be 'permitted development'. The works being undertaken would result in a significant upgrade to the existing building. In answer to further questions, it was re-iterated by the applicants that contact details would be circulated to local residents and that arrangements would be put into place to ensure residents complied with their tenancy arrangements. It was noted that there was no requirement for a Management Plan to be submitted for a use of this scale, the applicants had however indicated a willingness to put various arrangements into place.
10. Councillor Pickett asked whether a formal condition could be added relating to soundproofing requirements and the Planning Manager confirmed that this would be unnecessary as this would need to be met under building control requirements and would be disproportionate for allowing one extra person in the house.

#### Debate

11. Councillor Cattell stated that whilst acknowledging residents' concerns, the issues referred to appeared to be historic and did not relate to the current applicants or their proposed HMO use. The application would result in one additional bedroom but would refurbish the existing property. An HMO use was already in place, but this use would provide accommodation in the community for those who needed it accompanied by an appropriate level of support.
12. Councillor Nann concurred in that view stating that this provided an opportunity to provide much needed accommodation which would be well run, with a regular interface between staff of St Mungo's and those living there with arrangements in place to ensure that problems, if any arose could be dealt with quickly. A well run HMO would be a significant improvement on the previous student lets and he supported the officer recommendation.

#### Vote

13. A vote was taken, and the 8 Members present when the vote was taken voted by 7 to 1 that planning permission be granted.
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 also set out in the report.

**Note:** Having spoken in objection to the application Councillor Loughran left the meeting and took no part in the debate or decision making.

**E BH2022/01983 - The Hilltop Café, Hill Top, Brighton - Full Planning**

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

## Answers to Committee Member Questions

2. Councillor Allen enquired regarding the highways impact of the proposals, and it was confirmed that it was not envisaged that this would not be any different to the existing.
3. Councillor Lyons stated that residents had expressed concerns given that the car park was currently full for much of the day considering that the provision of takeaway services could increase traffic flows. The Planning Manager indicated the location of additional “yellow line” restrictions. In highways terms the provision of a takeaway service was not considered to represent a significant change. In answer to further questions by Councillor Lyons relating to encouraging customers to arrive on foot or by public transport it was considered that would be difficult in view of the site’s location, but that it did attract walkers/cyclists heading to/from the Downs.
4. In answer to questions by Councillor Loughran, the Chair, it was explained that the crossover from Dyke Road Avenue would be widened slightly and that overall, there would be a small reduction in parking area but it would be marked out so safer. A small area would be provided for moped delivery drivers.

## Debate

5. Councillor Cattell stated that this premises had existed at this location for a number of years, the Traffic and Transport teams had raised no objections and she considered that the building works proposed represented an improvement.
6. Councillor Allan was in agreement considering that given its location the majority of customers, e.g., hikers would visit and eat there rather than use the takeaway facility.
7. Councillor Nann concurred in that view as did Councillor Earthey who also considered the proposal to be acceptable.
8. Councillor Lyons stated that he had some reservations given that the residents had voiced concerns regarding potential parking issues. He was aware that the car park was often full for much of the day, without the addition of a takeaway service. He would have liked to see a condition(s) encouraging less car travel to the site and traffic control measures such as traffic lights for access/egress from the site.

## Vote

9. A vote was taken and on a vote of 8 with 1 abstention planning permission was granted.
10. **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

**F BH2022/02102 - Shermond House, 58 - 59 Boundary Road, Hove - Full Planning**



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

Speakers

2. Mr Wood spoke on behalf of neighbouring objectors stating that a need for additional office accommodation had not been demonstrated. The proposed scheme would be very close to the boundary to the rear and would create a sense of enclosure, overlooking and would result in loss of amenity for neighbouring residents.
1. Councillor Nann, spoke in his capacity as a Local Ward Councillor on behalf of himself and his fellow Ward Councillor, Councillor Sankey. He echoed the concerns of residents. He stated that the use of obscure glazing would not remove the sense of overlooking. The current city plan had been put together before the pandemic and since that time working arrangements had changed considerably, he queried whether there was as great a need for office accommodation now.
4. Mr Bareham spoke on behalf of the applicants in support of their application. He explained that this scheme which would utilise a largely unused car park was sympathetic and would address an identified need for high quality office development where much of that available was old and unsuitable. Significant amendments had been made and he confirmed that the rear first floor windows would be removed in response to concerns, this was a sustainable use of an existing site and the building on the existing garden area and green roof would provide improved surface run-off. The scheme met parking standards requirements.

Answers to Committee Member Questions

5. Councillor Cattell was shown copies of the revised plans showing revisions to the scheme and the windows which were to be removed.
6. In answer to questions by Councillor Robinson it was confirmed that the application could not be deferred to allow changes to be made.
7. Councillor Hamilton and Councillor Lyons sought clarification regarding use of the existing car park. It was unclear to them what the current level of use was and who had access to it. It was explained Mr Bareham on behalf of the applicants that the parking area had never been used much but that the retail unit had several spaces.
9. Councillor Hamilton expressed concern that if the site had a Class E use it could potentially be used for a number of other purposes in future including housing which would be located very close to the existing neighbouring development.
10. The Case Officer confirmed that condition 13 limited the use to that of an office.

Debate

11. Councillor Allen stated that he did not consider that the issue of overlooking had been successfully overcome.
12. Councillor Hamilton had concerns that this permission could be a gateway to seeking to convert the development to housing in future. He did not consider this scheme to be acceptable.
13. Councillor Lyons stated that he did not consider that an office need had been identified or that this scheme was acceptable.
14. Councillor Cattell stated that she had no problem with the principle of development as she considered it would make use of a carpark in a sustainable location but did not consider that this scheme was acceptable. Each application needed to be considered on its individual merits and a better, more responsive scheme could be more acceptable.

Vote

15. A vote was taken, and the 8 members present when the vote was taken voted by 7 to 1 abstention against the officer recommendation.
16. Councillor Cattell proposed that the application be refused on the grounds of unacceptable impact on amenity by virtue of the actual and perceived overlooking of neighbouring residents of Worcester Villas and the existing block. The motion was seconded by Councillor Allen. It was agreed that the final wording would be agreed with the Planning Manager.
17. A recorded vote was then taken and Councillors Allen, Cattell, Earthey, Hamilton, Loughran, Lyons and Robinson voted that the application be refused, and Councillor Pickett abstained.
18. **RESOLVED** – The Committee voted to refuse the application on the grounds of unacceptable impact on amenity by virtue of the actual and perceived overlooking of neighbouring residents of Worcester Villas and the existing block. It was agreed that the final wording would be agreed with the Planning Manager.

**Note:** Having spoken in objection to the application Councillor Nann left the meeting and took no part in the debate or decision making.

**G BH2023/00183 - Land East of 24-30 that Manor Hall Close, Gardener Street, Portslade - Full Planning**

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

Speakers

2. Ms Gill Murr spoke in objection on behalf of local residents, stating the proposed development would have an unacceptable impact on the existing cul-de-sac, on parking, about 17 vehicle parking spaces currently available for local residents would be affected, the local highway network was already congested. It would result in noise and

disturbance due to the additional traffic and there would be negative impact on the ancient boundary wall. Gardener Street would become a through road, there were also concerns that the boundary path would be closed during the construction process and that once completed the access road would be a hazard for pedestrians using the existing boundary.

3. Councillor Hamilton spoke as a Local Ward Councillor echoing residents' concerns. He stated that the site which sat across the boundary between the city and Adur and Worthing District Council would be detrimental to residents on the city side of the boundary. It would be detrimental to the existing cul-de-sac which would cease to be so, having been in existence for over 100 years and to the boundary wall. A parking survey had not taken place and there would be a negative impact on parking. There would be an adverse effect on Gardner Street where there were no garages or off-street parking and on the boundary path and collection of recycling and refuse would be problematic.
4. Mr Lee Bailey, the applicant spoke in support of his application. He explained that he had experience of similar projects. Smaller transit type vehicles would be to transport materials and waste to/ from the site during the construction process, anticipated to take 12-15 months in order to minimise the impact on existing residents. Discussions had taken place and were on-going as to whether yellow line restrictions would required, a built access road and speed humps suitable for motor vehicles would be provided. Each property would have two parking spaces and would be wheelchair accessible.

#### Answers to Committee Members Questions

5. Councillor Cattell enquired regarding the timing of the application as it appeared that permissions had been obtained from Adur and Worthing before it had been sought from Brighton and Hove. It was explained that approvals had been obtained in 2018 but had lapsed during the Covid pandemic but planning permission had been granted for the development of the main site by Adur Worthing in June 2023. The applicant confirmed that they had purchased the site in 2020.
6. Councillor Allen considered that this application was unusual in that it straddled the boundary of two neighbouring authorities. He referred to the existing stepped pedestrian access and enquired whether they could be retained. It was explained this would remain, however, that this Council was only able to consider the acceptability of the access road to the wider site.
7. In answer to questions by Councillor Lyons it was confirmed that the development would provide four 3-bedroom detached properties.
8. Councillor Loughran, the Chair sought information regarding the level of public engagement which had taken place and it was confirmed that a meeting had taken place with residents shortly after the applicant had purchased the site. Residents' concerns in respect of parking and traffic had been noted at that time.
9. Councillor Pickett also enquired regarding the consultation process and the number of parking spaces which would be lost, also the hours during which work could be carried out. It was confirmed the Committee could not impose conditions in respect of off-site parking spaces, but that there was a condition requiring details of boundary treatment.

## Debate

10. Councillor Robinson noted that the Committee was not able to impose conditions on any part of the site which fell outside the city boundary and that the majority of the site fell within the neighbouring authority.
11. Councillor Pickett also noted that was so.

## Vote

12. The 8 Members present when the vote was taken voted unanimously that the application be granted.
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 also set out in the report.

**Note:** Having spoken in objection to the report Councillor Hamilton left the meeting and took no part in the debate or decision making.

**H BH2022/02972 - Withean Sports Complex, Padel Tennis Court - Full Planning**

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

## Speakers

2. The Democratic Services Officer read out a statement on behalf of Mr Simon Farncombe a neighbouring objector. Although very popular with users the existing padel court had resulted in significant noise nuisance for residents. This had resulted in statutory noise nuisance; a Noise Abatement Notice had been served and a stage 2 formal complaint had been lodged. Residents were concerned that three further courts would increase the existing problems. It was also considered that the noise report supporting the proposed new padel courts was unrepresentative as readings had been taken during the May half term holidays when being used by younger/more junior players who had generated less noise.
3. The Democratic Services Officer also read out a statement on behalf of Mr Peter Gordon, Director, Game for Padel. The existing temporary court had highlighted issues around player noise and operational management which had been addressed when selecting the new location for three new padel courts which formed the subject of this application. The temporary court occupied a multi-use games area which had previously been used for football and other ball sports with far more players.
4. The complaints referred to had come from one property and a number of adjustments had been made to reduce their concerns. The new facility would be surrounded by trees to help mitigate noise and light (floodlighting) and would be a significant distance away from houses with the associated roads and railway line between. The new courts would also be covered and semi-enclosed which would help to contain noise as well as light

spill and it had been concluded in the Noise Assessment that the new facility should not give rise to significant noise concerns. Playing hours had also been reduced in order to reduce the impact on neighbours. Adjustments were being made to the existing temporary court to reduce noise and on completion of the new covered facility the temporary court would be removed and returned to other use.

#### Answers to Committee Member Questions

5. In answer to questions regarding the noise complaints and objections received in respect of them it was explained that the objector's house was located 30m from the temporary court and that whilst there was no specific guidance for assessing this type of activity, a Noise Assessment had been undertaken using a methodology for industrial uses, with mitigation measures implemented in respect of the new proposed courts proposed.
6. It was confirmed that once operational the temporary court would be removed and that statutory powers under the Environmental Protection Act could be used in the event of noise nuisance.
7. Councillor Nann asked whether the nuisance had resulted from the sport itself or the playing surface and what a noise abatement notice required. It was explained that the operator had to do whatever was necessary to reduce noise levels, in this case reducing the frequency of the activity and erecting barriers.
8. Councillor Pickett asked whether the proposed scheme would generate less noise than the existing. It was confirmed that as the courts would be enclosed covered and surrounded by trees that would result in a noise reduction. The nearest properties would be some 90m from the site where the existing is 30m from the nearest dwellings.
9. Councillor Robinson enquired regarding the number of properties which would be affected, and the Planning Officer explained indicated the location of the nearest houses. The Chair referred to the topography of the site which was lower in height than the properties situated to the north and Councillor Robinson enquired how that could impact on the noise levels for those properties. It was noted that this would be beneficial and that the courts would be surrounded by trees with roads and a railway line between it and the nearest houses.

#### Debate

10. Councillor Lyons stated that the Withdean Sports Complex had always been in use as a sports facility for a range of uses, for a period of time by Brighton and Hove Albion Football Club attended by up to 6,000 people with the associated noise. The impact of four people playing padel would be significantly less and the permanent site had been relocated to mitigate noise nuisance and the hours of operation had been reduced. He therefore considered the proposal to be acceptable.

#### Vote

11. A vote was taken, and the Committee voted unanimously 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 also set out in the report.

**I BH2022/03246 - 94 Overhill Drive, Brighton - 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 Conditions and Informatives also set out in the report.

**J BH2023/00157 - Rottingdean Bowls Clubhouse, Falmer Road, Rottingdean, Brighton - Full Planning**

1. The Planning Manager introduced the application to the Committee. It was noted that this application had been the subject of a site visit prior to the meeting. It was noted that comments received from the Conservation Advisory Group (CAG), not been included in the report so had been circulated separately.

Speakers

2. Ms Chapman and Ms Lovett addressed the Committee in person setting out their objections to the application. Whilst they understood the Clubs desire to improve their facilities, they considered that the roof height and positioning of windows adjacent to neighbouring properties were unacceptable. The access proposed would obstruct the right of way access to their properties and the proposed re-cycling area which would abut the boundary wall with their properties would give rise to nuisance.
3. Ward Councillor Fishleigh stated that whilst fully supporting the Bowls Club's desire for improved facilities, she had agreed to assist with fundraising fund raising, she was unable to support it in its current form as she was in agreement that residents' concerns regarding the roof shape and impact that could have on neighbouring properties had been fully considered and that it should be subject to further consultation with a view to finding a more acceptable solution. Impact on the boundary wall and access to neighbouring properties was of particular concern. The proposed re-cycling area and location of the ground source heat pump also required more careful consideration. The setting of the adjoining 18th century barn also needed to be respected.
4. Ms Bates the applicant, spoke in support the applicant and was supported by Mr Strassman, the architect for the scheme who was in attendance to answer ant relevant questions. It was explained that the Club which was well supported locally had been in existence since 1934. Until 18 months previously it had been owned and maintained by the City Council who had at that time confirmed that they could no longer afford to maintain the facility, so the Bowls Club had taken on that responsibility. The changing rooms required refurbishment, the toilets were located in an outside block and there were no facilities for the disabled.

## Answers to Committee Member Questions

5. Councillor Allen enquired regarding access arrangements to the new club house, and it was explained that they would be step free via a new pathway with one step up into the clubhouse itself.
6. Councillor Pickett referred to the right of way adjacent to the boundary wall being built over and it was confirmed that this was a civil matter on which legal advice needed to be sought separately by the applicant.
7. In response to questions in relation to the location of the new toilet block by Councillor Robinson it was explained that it was being connected to the main building and extended.
8. Councillor Lyons referred to concerns that had been expressed in respect of the roof height asking whether it would be possible for this to be reduced. It was explained that the present configuration was a compromise between retaining a pitch to be better in keeping with the heritage features on site and minimising impact on neighbours. It was a compromise solution which was considered acceptable by the Conservation Officer.
9. Councillor Cattell referred to the bottle recycling bins which would be located in close proximity to neighbouring houses noting that these were in the same location as these existing. However, she noted that bottles being placed for re-cycling could create noise disturbance and enquired whether it was possible for a condition to be included regulating its hours of use. Councillor Loughran, the Chair stated that if bottles could be disposed of from an early hour, seven days a week that could result in disturbance. Ms Bates responded that this was a small bowls club made up of older members which ran between April and September and did not operate early in the morning or until late in the evening. The Planning Manager noted there was a condition restricting hours of use to 8pm.

## Debate

10. Councillor Robinson stated that overall, she considered the application to be acceptable and that it would respect the neighbouring barn.
11. Councillor Earthey enquired regarding the impact on the Barn, as CAG had indicated that they had concerns about that which remained to be addressed. In response to his request, the Planning Manager read out the CAG comments again and noted that Heritage Officers raised no objection to the application. Councillors Earthey and Cattell also enquired regarding the impact on light to the houses neighbouring houses and it was confirmed that it would meet the '45/25 degree' rule.
12. Councillor Loughran, the Chair stated that members needed to consider the quality of the proposed design and its impact on the locally listed heritage asset, though covenants relating to rights of access etc., fell outside the Committee's remit and could not be considered as part of this application. The Planning Manager explained that the local listing related primarily to impacts on the character of the area from the street, and that the development preserved these views so was appropriate for the townscape.

13. Councillor Allen stated that overall, the scheme was acceptable as when viewed from the road it was modest in appearance and in view of the fact that it was a small club with older members, he did not consider it would give rise to noise nuisance.

Vote

14. A vote was taken and on a vote of 4 for, 2 against and 3 abstentions planning permission was granted.
15. **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to grant planning permission subject to the Conditions and Informatives also set out in the report.

#### **K BH2023/01133 - 5 Chalk Cliff Road, Brighton - 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 Conditions and informatives also set out in the report.
- 17 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**

- 17.1 There were none.

#### **18 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

#### **19 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

#### **20 APPEAL DECISIONS**

- 20.1 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 7.14pm

Signed

Chair

Dated this

day of