

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 6 DECEMBER 2023**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

**Officers in attendance:** Jane Moseley (Planning Manager), Matthew Gest (Planning Manager), Alison Gatherer (Lawyer), Helen Hobbs (Senior Planning Officer), Jack Summers (Planning Officer), Liz Arnold (Planning Team Leader) and Shaun Hughes (Democratic Services Officer).

**PART ONE**

**59 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

59.1 Councillor Earthey substituted for Councillor Fishleigh. Councillor Sheard substituted for Councillor Loughran.

**b) Declarations of interests**

59.2 None for this meeting.

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

59.3 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.

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

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

59.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

## **60 MINUTES OF THE PREVIOUS MEETING**

60.1 **RESOLVED:** The committee agreed the minutes of the meeting held on 1 November 2023.

## **61 CHAIR'S COMMUNICATIONS**

61.1 The Deputy Chair, substituting for the Chair, welcomed the committee to the meeting and stated their thanks to Councillor Hamilton, who had recently resigned. The Chair noted that Councillor Hamilton had been Chair of the Planning committee in the past and had been highly regarded in the position. Other Members agreed that the councillor has been an excellent Chair and would be much missed.

## **62 PUBLIC QUESTIONS**

62.1 There were none.

## **63 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

63.1 There were no site visits requests.

## **64 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

64.1 The Democratic Services officer called the agenda applications to the committee. Item E - BH2023/02446: 8 Rothbury Road, Hove was not called for discussion and was therefore taken to be agreed in accordance with the officer's recommendation. All other applications were called for discussion or were automatically called as speakers had registered to address the committee.

### **A BH2023/02622 - Tennis Courts, Hove Park, Old Shoreham Road, Hove - Full Planning**

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

#### Speakers

2. Michelle Roycroft addressed the committee as an objecting resident and stated that they were speaking on behalf of many other residents, and they considered the report ignored the objections raised. The siting of the structure is an issue, in a very popular sunny space. The club house is large with unusable space around. The resulting loss of views is a major issue for many Hove Park users, which is a designated open space. There was not enough notification, petitions and signage was created by residents to make people aware of the application. The application drawings were poor, and the impact could not be understood. Café users have objected to the scheme and consider

a new location would be more desirable for the local community. The committee were requested to refuse the application.

3. Neil Dickson, the applicant addressed the committee and stated that the tennis courts were open for all day, with lights in the evenings enabling coaching for young people, from 7am to 10pm. The proposal is required for storage, and will include toilets and associated facilities, which will be used by tennis court users and Park Run in this sporting location. It was noted that coaches need comforts. The previous application was refused, and this new location was chosen, away from trees. The design is sympathetic to the location with green planting and landscaping. The existing table tennis tables are to be moved to a new location. The open views across the tennis courts will be maintained.

#### Answers to Committee Member Questions

4. Councillor Nann was informed by the applicant that the facilities would not be refused to all park users. The pavilion was for sport use primarily such as Park Run and basketball.
5. Councillor Robinson was informed by the case officer that the previous application was refused for the effect on the Mulberry tree, this application is not near that tree. There is an extant permission to replace the café. The applicant considered there were too many trees next to the café for the structure to be located nearby. The Planning Manager reiterated that the committee could only consider the application before them, not alternative locations.
6. Councillor Earthey was also informed that considering a location adjacent to Riptide could not form part of the discussion process and the committee could only consider the application before them.
7. Councillor Shanks was informed by the case officer that the lease of the land was not relevant to the planning application. The applicant confirmed that the toilets would be open till 10pm, would primarily be for sports users but that no-one would be turned away.
8. Councillor Theobald was informed by the case officer that the extant planning permission to demolish the café was from 2017. The permission is considered to have been implemented so remains 'live'.

#### Debate

9. Councillor Theobald considered the positioning to be better than the previous application, with no effect on trees and the structure to be very useful, especially the toilets.
10. Councillor Robinson had visited the site and looked at the views across the park and considered them to be very pleasant. The councillor considered the building to be a good design but in the wrong place. The councillor noted there were public toilets immediately next to the site.

11. Councillor Cattell visited the site and looked at the views which they considered gave a sense of openness, and the enclosure would not be good for the park. The proposals are good but in the wrong place, other positions would be better. The councillor did not support the application and they did not have confidence that the toilets would be open to all park users.
12. Councillor Nann had visited the site many times and did not consider the feeling of openness was critical. The design of the building was good. The councillor supported the application. The councillor considered the new toilets to be a benefit.
13. Councillor Earthey considered the design good but in the wrong place.
14. Councillor Shanks considered the application to be good.
15. Councillor Allen considered the application added to the park useability.

#### Vote

16. A vote was taken, and by 5 to 3 the committee agreed to grant planning permission. (Councillor Sheard took no part in the discussions or decision-making process).
17. **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 BH2023/02398 - 53 Ainsworth Avenue, Brighton - Householder Planning Consent**

1. The Planning Manager introduced the application to the committee. The case officer informed the committee that one further representation had been received which covered matters already raised in the report plus smells and pollution.

#### Speakers

2. Susan Stanners addressed the committee as an objecting resident and stated that they were not against extending the property, however the proposals overshadow neighbours, and the sunlight/daylight report is not correct. The shadows formed by the proposals will fall across the whole of the neighbouring garden of 51. There is only a triangle of shadow at the moment across the garden at the moment. The 1.8m screen proposed will also affect the shadowing. The proposals will dominate and if granted will directly impact the amenities of the neighbour. The committee were requested to refuse the application.
3. Sue Bradby addressed the committee as an objecting resident and stated that the proposals would overshadow and overlook neighbours. The council website states there should be no overlooking, however the proposed windows will overlook neighbours from the rear elevation. There will be a loss of privacy resulting from the proposals.
4. Ward Councillor Fishleigh addressed the committee and stated that they currently considered Ovingdean a building site and they did not consider it acceptable to lose another smaller dwelling. The councillor noted that a Neighbourhood Plan was on the

way. The councillor agreed with the residents who had spoken and considered the proposals to lead to loss of light, privacy and to be overlooked. The daylight/sunlight report appeared to be wrong. The committee were requested to refuse the application.

5. Henry Wagstaff addressed the committee as the agent acting on behalf of the applicant and stated that the Council had previously refused a similar scheme on the basis of design and impact on neighbours, and this was upheld at appeal with the inspector agreeing that the proposals would have a negative impact on neighbours at 51 but that the design was acceptable. The development is now set back from the boundary and the sunlight/daylight report states a there would be minimal loss of light to neighbours. The loss of outlook has been reduced and overall, the development complies with policy. The committee were requested to grant planning permission.

#### Answers to Committee Member Questions

6. Councillor Shanks was informed by the case officer that the first floor would be set back from the boundary by 2m. This was an amendment from the previous 1m.
7. Councillor Earthey was informed by the case officer that the application differed from the previous application by the separation from the boundary and the reduction in the front terrace.
8. Councillor Robinson was informed by the case officer that the report assessing the impact on sunlight/daylight had been reviewed by officers as well as the applicant. They had visited the site and did not consider there was significant loss of light.
9. Councillor Cattell was informed by the case officer that the British Research Establishment (BRE) standard guidance had been used to assess the proposals.
10. Councillor Nann was informed that the standard methodology had been used and the proposals were satisfactory under the guidance. Ward Councillor Fishleigh confirmed that they considered the methodology to be flawed as the site was sloping and no site visit had been made to 51. The agent stated the sunlight/daylight report had been prepared by specialist and was based on BRE guidance and took into account the topography of the sites.

#### Debate

11. Councillor Earthey considered the bulk of the development to be an issue and the proposals were for a new house, not an extension. The councillor considered the proposals be an overdevelopment of the site. The councillor was against the application.
12. Councillor Theobald considered the design to very different from other properties and not much different from the previous refused application. They considered the proposals to be an overdevelopment of the site and out of keeping with the area. The councillor was against the application.
13. Councillor Cattell noted that other properties were of a modern design and there were many different styles of dwellings in the area. They considered that planning was not about stopping development. They did not consider the development to be out context in

this area where there are lots of different types. There are no side elevation windows and vistas will only be from the front and rear of the proposed dwelling.

14. The Planning Manager noted that the Planning Inspector had not raised any issues with the design of the development.

Vote

15. A vote was taken, and by 5 to 3 the committee voted to grant planning permission. (Councillor Sheard took no part in the discussions or decision-making process).

16. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

### **C BH2023/01254 - 17 Old Shoreham Road, Hove - Full Planning**

1. The Planning Manager introduced the application to the committee. The Planning Team Leader informed the committee that one further representation had been received regarding transport issues; the officer confirmed that the transport assessment had been completed correctly. Some conditions had been revised.

Speakers

2. Tina Marron-Partridge addressed the committee as an objecting resident and stated that they represented 3 objecting neighbours. They noted that the Ward councillor had objected as had many residents. They considered that the applicant had directly circumnavigated planning policy. The access road is private and unsuitable for construction traffic. The house is landlocked. The development will create traffic and pollution. The reduction of the garden at 17 destroys the garden with trees and planting. It was noted that the neighbours at 15 considered the previous development to be too bright and no planting had taken place.
3. Ward Councillor Bagaen addressed the committee and stated that they objected to the proposals. They considered the loss of trees and outside space to be very important and they had meet with the architect, applicant and the neighbours. The councillor considered that children in the care home required space. The replacement of trees would be good as landscaping was critical. They noted that no evidence of boundary treatments had been seen so far and the boundary wall treatment would be critical.
4. David Kemp addressed the committee as the agent acting on behalf of the applicant and stated that the care home was for adults not children. The applicant sent their apologies for not attending the meeting. Access to the site was agreed in 2020 via the adjacent site but negotiations with number 17 have collapsed so a new access was required. The extension to the side elevation will allow access to the garden, will allow a new outside room, and a new summer house, allowing outdoor social events. The residents are looking forward to enjoying the areas. The case officer requested changes, and these have been implemented in good faith. The committee were requested to approve the application.

5. The case officer noted that the previous application came to committee in 2020, however, it was not called for discussion and the case officers' recommendation was therefore agreed.

#### Answers to Committee Member Questions

6. Councillor Theobald was informed by the agent that the one tree had been removed as it was considered diseased and replacement trees were on the plans, with details in the documents supplied. The Planning team leader noted that 5 trees were removed as part of the previous application. Two trees were removed with no objections from the Arboricultural Officer. It was also noted that the garden boundary had been moved by 1.5m to give the care home more garden and the house less.

#### Debate

7. Councillor Theobald considered the driveway had been altered and more landscaping with trees was required. They noted that the planning permission had already been granted on the previous scheme and they were glad the driveway was better.

#### Vote

8. A vote was taken, and the committee agreed unanimously to grant planning permission.
9. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

### D **BH2023/02290 - 61 Goldstone Lane, Hove - Full Planning**

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

#### Answers to Committee Member Questions

2. Councillor Theobald was informed by the case officer that the proposed gardens were similar in size to other properties, approximately 50sqm and the development was very close to Hove Park.

#### Debate

3. Councillor Theobald considered the design to be appalling and they were against the application.
4. Councillor Cattell considered the design was contrived to fit the site, the overhang was not a good design element on the front elevation, and the top floor did not appear to be needed. The councillor did not consider the design to be good.
5. Councillor Robinson considered the proposals to be in keeping with other properties in the street. The councillor supported the application.

6. Councillor Earthey considered the development to be a good use of space and they supported the application.
7. Councillor Sheard considered the proposed dwelling gardens to be smaller than they would like, however, they noted there was little space left in the city, and the dwellings would be close to the park.
8. A vote was taken, and by 7 to 2 the committee agreed to grant Planning permission.
9. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives in the report.

**E BH2023/02446 - 8 Rothbury Road, Hove - Householder Planning Consent**

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

**F BH2023/02487 - 106 Dale View, Hove - Full Planning**

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

Speakers

2. Ward Councillor Hewitt addressed the committee and stated that they considered the development would have a detrimental impact on the surrounding dwellings, the height of the proposals exceeds other structures and will overlook neighbours. These issues have not been addressed in the case officers report. More detailed plans would be appreciated. There will be no access from Dale View and Kingston Close is for private access only. The committee were requested to include conditions relating to working hours, parking and storage of materials if they considered granting approval.
3. Simon Bareham addressed the committee as the agent acting on behalf of the applicant and stated that this application was a revised version of the previous application, and the height and depth of the structure had been reduced. The proposals will be no nearer to the front boundary than the previous application. The construction traffic and material storage will be covered by condition. The applicant owns the property and materials can be stored at the address. Easements will be agreed once planning permission has been granted.

Answers to Committee Member Questions

4. Councillor Nann was informed that the proposed construction working hours would be 8am to 6pm. It was also noted by Ward Councillor that neighbours had concerns about the delivery of materials. The agent stated that this would be covered by condition for an Construction and Environmental Management Plan.
5. Councillor Theobald was informed by the agent the Marley style garage on the site was considered unsafe and had been demolished leaving only the hardstanding. The case



officer confirmed the proposals were 1.5m lower than the previous application, the rear windows will offer no views and the first-floor windows will be obscure glazed.

- 6. Councillor Sheard was informed by the case officer that the existing fencing will be moved back to form a new boundary between the existing dwelling at 106 and the proposed dwelling.
- 7. Councillor Robinson was informed that the fact that Kingston Close is private was not a material planning consideration but was for the applicant to resolve.

Vote

- 8. A vote was taken, and the committee agreed unanimously to grant Planning permission.
- 9. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the reports and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

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

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

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

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

**67 APPEAL DECISIONS**

- 67.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 4.24pm

Signed

Chair

Dated this

day of