

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 2 OCTOBER 2024**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Loughran (Chair), Allen (Deputy Chair), Fishleigh (Substitute), Nann, Robinson, Shanks, Theobald, Thomson and Winder

**Officers in attendance:** Matthew Gest (Planning Team Leader), Ben Daines (Planning Team Leader), Katie Kam (Lawyer), Mark Thomas (Senior Planning Officer), Michael Tucker (Senior Planning Officer) and Shaun Hughes (Democratic Services Officer).

**PART ONE**

**19 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

19.1 Councillor Fishleigh substituted for Councillor Earthey.

**b) Declarations of interests**

19.2 Councillor Fishleigh stated they took their children some 20 years ago to a swimming pool at or in the vicinity of item C: BH2024/01184: 32 Varndean Gardens, Brighton. The councillor was not sure if it was the same one, however, they remained of an open mind in relation to the application.

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

19.3 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.

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

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

19.5 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'.

**20 MINUTES OF THE PREVIOUS MEETING**

20.1 **RESOLVED** – The minutes of the meeting held on 4 September 2024 were agreed.

**21 CHAIR'S COMMUNICATIONS**

21.1 There were none for this meeting.

**22 PUBLIC QUESTIONS**

22.1 There were none for this meeting.

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

23.1 There were no site visits requests.

**24 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

24.1 All agenda items were called for discussion.

24.2 Item D: BH2024/01452: Site of 239 to 243 Kingsway, Hove was withdrawn after the agenda was published.

**A BH2023/02994 - 38 Cheltenham Place, Brighton - Full Planning**

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

Answers to committee Member Questions

2. Councillor Shanks was informed that the property had been occupied until 1993, it was not a House of Multiple Occupancy (HMO) and the proposed rooflights would be fixed shut and for light only.
3. Councillor Theobald was informed there had been some openings in the roof in the past and the height would be unchanged. The reasons for the withdrawal of the previous planning application for a 13 bed HMO were not known. It was noted that planning permission would be required for an HMO and the building was currently vacant.
4. Councillor Shanks was informed that conservation rooflights sit in the slope of the roofscape and do not protrude.

Debate

5. Councillor Theobald considered the proposals better than the existing structure and it would be an improvement. The councillor supported the application.

6. Councillor Robinson considered the application to be an improvement. The councillor supported the application.
7. Councillor Allen noted they had visited the site and considered the proposals an improvement. The councillor supported the application.
8. Councillor Thomson considered the city was short of housing and therefore supported the application.
9. Councillor Winder considered the building looked as if it would fall down. The councillor noted the minor improvements and supported the application.

#### Vote

10. A vote was taken, and the committee agreed unanimously to grant planning permission.
11. **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 BH2024/01772 - 65 Ladies Mile Road, Brighton - Full Planning**

1. The case officer introduced the application to the committee.

#### Speakers

2. Michelle Graham addressed the committee as a resident and stated that they lived nextdoor to the application site, and they would be adversely impacted by the proposals. The HMO article 4 direction is not relevant to the application. The difference between a family and nine individuals living in one home is spelt out in paragraph 2.58 of the City Plan Part Two. We are likely to suffer noise pollution. Comings and goings, and social events are likely to be more frequent. Previous decisions have refused 8 persons living together. The more occupants the more likely the noise and disturbance to a material degree. Granting permission would be contrary to policy QD27. The intensification of use will cause harm. Granting permission would also be contrary to policy CP14 as the character of the area is family housing. The proposals will cause harm to the health and wellbeing of the adjoining and other neighbours. I urge the council to refuse the scheme robustly.
3. Ward Councillor Meadows addressed the committee and stated that parking in the area is atrocious, and the conversion would set a dangerous precedent for more Houses of Multiple Occupancy (HMO) and AirBnB's. The application site could be turned, once an HMO, into an AirBnB which the council would have no control over. Who will monitor the number of occupiers. Policy DM20 of City Plan Part Two states that planning permission would not be granted when it would cause a material nuisance. The increase in noise level would be detrimental to the neighbours. The differing lifestyles have not been considered appropriately. The application is for nine persons; however, the new layout could accommodate 13 persons. The neighbours will not know who to contact if problems arise. The proposals are contrary to City Plan policies CP14 and QD27 and the loss of family homes should be resisted, as should AirBnB's.

## Answers to committee Member Questions

4. Councillor Shanks was informed that there is no controlled parking zone in the area, however there are some restrictions around schools and some double yellow lines.
5. Councillor Fishleigh was informed that the property had been illegally subdivided into two units and an enforcement notice was served in 2015. The owners have complied and rearranged into a single unit.
6. Councillor Theobald was informed that there were two ensuite bathrooms on the ground floor. The policies referenced were in the old city plan, however, the matters raised were still relevant and any complaints would be dealt with by the enforcement team. With reference to parking, it is noted that it is congested in the area at school drop off and pick up times. The councillor was informed that a noise assessment could be requested.
7. Councillor Robinson was informed that it would be hard to condition that the owners contact details be available for neighbours to use in case of noise nuisance. Councillor Loughran noted that the Land Registry would hold the contact details of the owners. It was noted that a sound proofing condition would be hard to quantify.
8. Councillor Thomson was informed that if the property were to be sold with permission, this was not relevant to the application.
9. Councillor Shanks was informed that sound proofing did not form part of the application.
10. Councillor Loughran was informed that policy QD27 was no longer relevant. The councillor noted that the new policy towards licensing HMOs was very stringent.
11. Councillor Winder was informed that the kitchen was not next to the party wall and was considered large enough for 7 persons.

## Debate

12. Councillor Theobald considered the location to be unsuitable, as it was close to two schools. Concerns regarding noise, refuse collection, and parking were expressed, and the application would change the area. There were no HMOs in the area, which meant this was the wrong area. The proposals would be terrible for the next-door neighbour. The councillor was against the application.
13. Councillor Fishleigh considered the application for 7 persons was too big. The councillor was against the application.
14. Councillor Robinson supported the application as more homes were needed and HMOs were not just for students.
15. Councillor Thomson supported the application as more rental properties were needed.
16. Councillor Shanks considered that HMOs and residential accommodation were required. The councillor requested that a noise condition be considered.

17. Councillor Loughran supported the application as they considered the property to be in a good location for an HMO. The rooms were split up on different levels, and 7 persons was good for this large property. The councillor did not consider this to be a major change.

18. Councillor Theobald proposed a motion to add a noise assessment condition. Councillor Shanks seconded the motion. The wording would be delegated to the planning officers.

Vote

19. A vote was taken on the additional condition and was agreed unanimously.

20. A vote was taken on the application and by 7 to 2 the committee agreed to grant planning permission.

21. **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 BH2024/01184 - 32 Varndean Gardens, Brighton - Full Planning**

1. The case officer introduced the application to the committee.

Answers to committee Member Questions

2. Councillor Thomson was informed that there would be a maximum of 5 children per training session and total lesson time would be 4 hours per day and 4 days a week.

3. Councillor Robinson was informed by the applicant that pool was a 1980s build, with a wide door and level access and there was no teaching for physically impaired persons. Special needs and other children attend at any time.

4. Councillor Nann was informed that there was a maximum of four hours per day used for lessons and 3 cross overs were possible both in the morning and afternoon (resulting in a potential total of 6 cross overs per day).

5. Councillor Shanks was informed that the pool build would require planning permission; however, the build had existed for decades, and no action could be taken after 4 years.

6. Councillor Theobald was informed by the applicant that there was one parking space on the driveway. It was noted that no complaints had been received regarding parking and any inconsiderate parking was dealt with straight away.

7. Councillor Thomson was informed that the applicant owned the pool and rented it to the swim school.

8. Councillor Winder was informed by the applicant that parents of babies stay for the duration of the lesson. It was noted there would be a maximum of 40 visits per day.

9. Councillor Loughran was informed by the applicant that they operated for 39 weeks a year with 160 visits per week. It was noted there were double yellow lines and some parking bays in the street. The applicant stated they encouraged sustainable transport and there was cycle parking on site.

Debate

10. Councillor Theobald considered the build to be ugly outside and good inside. It was noted there were hardly any complaints, and this was a good facility for learning to swim. The councillor supported the application.
11. Councillor Robinson considered the lack of disabled access to be an issue.
12. Councillor Thomson supported the application.
13. Councillor Shanks noted the use had been going on for some time and there were no grounds to refuse the application.
14. Councillor Nann supported the application and considered learning to swim to be good. It was noted that disability swimming lessons would be given by specialist.
15. Councillor Winder expressed concerns relating to parking and disabled access, which they considered could be improved. The councillor did however support the application.
16. Councillor Loughran noted the intensification of use with 160 visits per week, which was considered a lot for the quiet street. The application would cause significant harm to the neighbours' amenities.

Vote

17. A vote was taken and by 6 to 3 the committee agreed to grant planning permission.
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.

**D BH2024/01452 - Site of 239-243 Kingsway, Hove - Full Planning**

1. The application was withdrawn after the agenda had been published and was therefore not discussed at by the committee.

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

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

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

- 26.1 There were none for this meeting.

**27 APPEAL DECISIONS**

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

The meeting concluded at 3.46pm

Signed

Chair

Dated this

day of