

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 1 OCTOBER 2025

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Thomson (Chair), Cattell, Earthey, Nann, Parrott, Robinson, Shanks, Sheard, C Theobald and Winder

Apologies: Councillor Shanks

Officers in attendance: Chris Swain (Planning Team Leader), Katie Kam (Senior Lawyer), Steven Dover (Planning Officer), Michael Tucker (Senior Planning Officer), Jack Summers (Planning Officer) and Shaun Hughes (Democratic Services)

PART ONE

130 PROCEDURAL BUSINESS

a) Declarations of substitutes

130.1 Councillor Pickett substituted for Councillor Shanks

b) Declarations of interests

130.2 Councillor Thomson declared they would withdraw for item D: BH2025/01338 – 10 Dukes Lane, Brighton as they were the ward councillor and had been involved with the application.

c) Exclusion of the press and public

130.3 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.

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

d) Use of mobile phones and tablets

- 130.5 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'.

131 MINUTES OF THE PREVIOUS MEETING

- 131.1 **RESOLVED** – The minutes of the meeting held on 3 September 2025 were agreed.

132 CHAIR'S COMMUNICATIONS

- 132.1 The chair thanked those who attended and presented the recent Affordable Housing training session. The chair requested the committee Members submit ideas for future sessions and stated there would be one relating to trees in the new year.

133 PUBLIC QUESTIONS

- 133.1 There were none.

134 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

- 134.1 There were no requests for site visits.

135 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

- 135.1 The Democratic Services officer noted that items A and B were majors and item C had speakers, and where therefore automatically called. The committee called minor applications D and E. Therefore, all applications were called for discussion.

A BH2025/01627 - Royal Pavilion Gardens, Pavilion Buildings, Brighton - Removal or Variation of Condition

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

Answers to Committee Members Questions

2. Councillor Pickett was informed that the viability of the scheme was an issue and on balance the application to vary condition 4 was acceptable. 17 trees are to be removed, and 13 new trees planted by condition, with more expected in the landscaping on site. The Estate Regeneration Project Manager noted that the main focus of the project was to be the heritage aspects of the scheme. The gardens are grade II listed, and funding is coming from the National Lottery, which is tied to the heritage enhancements. If the application is refused the project is at risk.
3. Councillor Cattell was informed that the funding was tight, there are conditions attached on the funding which should be used for on-site improvements.
4. Councillor Winder was informed that the scheme was approved in 2023, and the ecological solutions remain the same. The project ecologist confirmed that the habitat units required to be provided as per the current BNG metric are higher than those required in the original metric, but when the application was originally approved in 2023.

5. Councillor Theobald was informed that there were no changes to the approved scheme, in respect of the landscaping.
6. Councillor Earthey was informed that the scheme would open up the original John Nash views.

Debate

7. Councillor Robinson considered more trees were needed in the city, but not on this site.
8. Councillor Cattell noted there were no objections and the changes were minimal. There was no need to refuse. The councillor supported the application.
9. Councillor Nann wished the work of art to be restored and supported the application.
10. Councillor Theobald considered the scheme to be mostly good; however, too many trees were to be removed, and there were anti-social behaviour issues at the site, and the gardens are currently a mess. The councillor supported the application.
11. Councillor Sheard considered the Royal Pavilion to be the jewel in the crown of the city, and the gardens the frame the pavilion. The councillor wished the gardens to be preserved and supported the application.
12. Councillor Parrott agreed with other Members and noted that the regulations going forward would be changing.
13. Councillor Robinson considered the gardens needed to look gorgeous and supported the application.
14. Councillor Earthey supported the application.
15. Councillor Thomson considered the heritage aspects to be at risk for this most important building. The councillor supported the application.

Vote

16. A vote was held, and the committee agreed unanimously to grant planning permission.
17. **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.

B BH2025/01359 - Kap Ltd, Newtown Road, Hove - Removal or Variation of Condition

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

Answers to Committee Members Questions

2. Councillor Earthey was informed that there was no evidence of the actions being undertaken for early credits and there were still available credits to be obtained.
3. Councillor Sheard was informed that the BREEAM results should have been recorded at each stage of the development. Climate Change Project Manager stated that this did not mean the actions weren't taken, only not recorded.
4. Councillor Pickett was informed that the recorded actions related to each floor not the final building.
5. Councillor Cattell was informed that 85% of the total 104 actions were available, 70% overall is needed to hit 'Excellent' and 59% was now suggested for this scheme. It was noted that 'Excellent' was standard requirement.
6. Councillor Parrott was informed that it was not possible to see if the actions were taken.
7. Councillor Nann was informed that mechanisms were now in place, therefore enforcement actions would not be expected but could still be taken if there was a breach of the condition.
8. Councillor Winder was informed that the BREEAM requirements have been in the Development Plan since 2016.
9. Councillor Thomson was informed that BREEAM only relates to commercial builds.

Debate

10. Councillor Cattell considered there was no reason to stop the building being completed and supported the application.
11. Councillor Theobald noted there were no objections from the Ecological team, and very good is very good.
12. Councillor Sheard considered it was disappointing to not to get the credits, however, the standards appeared to remain high.
13. Councillor Pickett supported the application.
14. Councillor Robinson considered the new developer was trying to do the right thing.
15. Councillor Earthey considered the development should be completed as soon as possible.

Vote

16. A vote was held, and the committee agreed unanimously to grant planning permission.

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.

C BH2025/00747 - BHCC Household Waste Recycling Site, Modbury Way, Hove - Full Planning

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

Speakers

2. Ward Councillor Bagaeen was unable to attend the meeting; therefore, the agent was unable to address the committee.

Answers to Committee Member Questions

3. Councillor Robinson was informed that the pumphouse would only be used in an emergency and would be tested weekly in office hours. It was noted there was a condition to soundproof the pumphouse.
4. Councillor Pickett was informed that the site guidance required the application. The agent confirmed it was a recommendation of the environment agency, and if not approved it would be an issue.
5. Councillor Earthey was informed that the representations highlighting smells were not a planning matter and the position of an access road, meant the proposed location of the pumphouse could not be altered.
6. Councillor Theobald was informed that the pump house would be located 10 metres from the closest residential boundary and 25 metres from the nearest house.
7. Councillor Pickett was informed that the trees were to remain, and there would be further planting.
8. Councillor Thomson was informed that the mature Sycamore tree was to be removed, however, new trees would be planted.

Debate

9. Councillor Sheard noted the majority of objections did not relate to the application before the committee. The councillor supported the application.
10. Councillor Cattell noted there had been fires at other recycling centres and it was good to have the pump house at this site. The councillor supported the application.
11. Councillor Theobald considered the houses weren't too near and no objections had been received from the Environmental Health Team. The councillor supported the application.

Vote

12. A vote was held, and the committee agreed unanimously to grant planning permission.
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 in the report.

D BH2025/01338 - 10 Dukes Lane, Brighton - Removal or Variation of Condition

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

Answers to Committee Member Questions

2. Councillor Robinson was informed that the applicant would require a license. The agent confirmed that they had spoken to the Police and agreed a 9pm closure of the outside seating area.
3. Councillor Cattell was informed that the license for the premises had been approved.
4. Councillor Robinson was advised that a condition restricting the use of the outside space by 9pm might be considered unreasonable due to the fact that this was governed by another regime (licensing).

Debate

5. Councillor Theobald considered that a 9pm closing time for the outside space was good in this busy city centre location.
6. Councillor Robinson proposed a motion to add a condition restricting the outside seating area to a 9pm closure. The motion was seconded by Councillor Theobald. This was in the interest of local amenities.
7. Councillor Pickett considered sound a concern and wanted to mitigate noise.
8. Councillor Earthey considered the extra condition was good and supported the application.
9. Councillor Sheard considered the extra condition excessive, as they wanted to encourage businesses.

Vote

10. A vote was held on the extra condition and by 5 to 4 the committee agreed the proposal. (Councillor Thomson withdrew from the discussions and took not part in the decision-making process or the vote)
11. A vote was held on the planning application and the committee agreed unanimously to grant planning permission. (Councillor Thomson withdrew from the discussions and took not part in the decision-making process or the vote)

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 other than Condition 2, which is varied to restrict the use of the outside seating area to 9pm.

E BH2025/00802 - 12 Nevill Way, Hove - Householder Planning Consent

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

Answers to Committee Member Questions

2. Councillor Pickett was informed that there were two staircases in the house, and the development would be an annex, with suitable conditions attached to the application. It was noted that planning permission would be required to use the annexe as a separate dwelling. If this was done without planning permission, then enforcement action could be taken, unless 10 years had passed.
3. Councillor Theobald was informed that the original application for a Pilates studio and a change of use was withdrawn.
4. Councillor Robinson was informed that there were stairs to link the development to the house, and it would not be a separate dwelling.
5. Councillor Cattell was informed that there were ensembles on the ground floor and first floor.
6. Councillor Robinson was informed that there was a condition to prevent AirBnB use of the development.
7. Councillor Thomson was informed that the garden should be shared. however, the permitted development rights allowing enclosure of the garden had been removed by condition.

Debate

8. Councillor Pickett considered the development fitted in with the design of the house and they supported the application.
9. Councillor Earthey was uneasy at first, however, they now supported the application.
10. Councillor Sheard supported the application.
11. Councillor Theobald considered the conditions were good and they supported the application.
12. Councillor Robinson was not enamoured of the application; however, they trust the officer and now support the application.
13. Councillor Thomson agreed with other Members and considered that neighbours would watch the build. The councillor supported the application.

14. Vote

15. A vote was held and the committee agreed unanimously to grant planning permission.

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.

136 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

137 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

137.1 There were none for this agenda.

138 APPEAL DECISIONS

138.1 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 4.12pm

Signed

Chair

Dated this

day of