BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 7 OCTOBER 2026

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Officers in attendance: Matthew Gest (Planning Manager), Katie Kam (Lawyer), Liz Arnold (Planning Team Leader), Ben Daines (Planning Team Leader), Steven Dover (Senior Planning Officer) and Shaun Hughes (Democratic Services)

PART ONE

57 PROCEDURAL BUSINESS

a) Declarations of substitutes

57.1 There were none for this meeting.

b) Declarations of interests

57.2 There were none for this meeting.

c) Exclusion of the press and public

57.3 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.

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

D) Use of mobile phones and tablets

57.5 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'.

58 MINUTES OF THE PREVIOUS MEETING

58.1 **RESOLVED** – The minutes of the meeting held on 2 Sept 2026 were agreed following an amendment by Councillor Theobald.

59 CHAIR'S COMMUNICATIONS

59.1 The Chair noted that at the recent Cabinet meeting, some councillors were not aware that the Planning Scheme of Delegation was national not local. The Chair noted that councillors were requested to 'park' politics at the door of the council chamber when entering a planning committee. The Chair noted that there would be an extra planning committee on 28 Oct 2026 and the 4 Nov 2026 meeting was cancelled due to the introduction of changes to the National Scheme of Delegation.

60 PUBLIC QUESTIONS

60.1 There were none.

61 MEMBER QUESTIONS

61.1 There were none for this meeting.

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

62.1 There were no site visit requests.

63 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

63.1 Call Over: The Democratic Services officer noted there were two major planning applications on the agenda, which was automatically called for discussion.

Out of the three minor planning applications on the agenda, items C - BH2026/00749 - Brighton and Hove High School, Junior Department, Radinden Manor Road, Hove (Full Planning) and item E - BH2026/01166 - 25 Drove Road, Woodingdean (Full Planning) had speakers and were therefore automatically called for discussion.

Item D - BH2026/00879 - Land South of 5 College Place, Brighton (Full Planning) was not called, and the application was therefore agreed as per the officer recommendation set out in the report.

The running order was therefore A, B, C and E.

A BH2024/02608 - 41-44 Western Road, Brighton - Full Planning

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

Speakers

2. Nigel Massey addressed the committee as an objecting resident and stated that they live in Clarence Square and were part of the Clarence Square community Group. The group were very concerned regarding the development. The Clarence Square south

side of the proposals has become a major fly tipping area, and the group have been struggling with the council over ownership of the land outside numbers 33, 34 and 35. It appears that 33 is privately owned land, whilst 34 & 35 are owned by the council. Under the proposals, bins will be stored close to the windows of 34 & 35. The railings outside the flats form an 'L' shape and this leaves an open space where a huge amount of antisocial behaviour has been noted. The group wish that the railings be extended to the highway to prevent anti-social behaviour.

3. Michael Wood addressed the committee as the agent acting on behalf of the applicant and stated that they had been negotiating with the council over several years and they considered the proposals would enhance the character of the area. The existing northwest frontage is in poor condition. The development will increase vibrancy in the city. There will be a small increase in height to the rear onto Clarence Square with a private space created to prevent anti-social behaviour. The proposals are designed to match the existing neighbours with a mansard roof similar to other nearby buildings. The development includes fourteen dwellings and retail space. The committee were requested to support the application.

Answers to Committee Member Questions

4. Councillor Robinson was informed that the bins on Clarence Square would be moved to the roadside on collection day. It was noted that the issuing of parking permits was not a planning issue and Highways would deal with any matters relating. The Traffic Regulation Order (TRO) would show up on any solicitors' search for flat buyers.

5. Councillor Cattell was informed that the use class restricted the retail spaces being used as gyms without the prior written approval of the local authority. It was noted that the layout of the flats was a Building Regulations matter.

6. Councillor Theobald was informed that the mansard top floor would be set back 1.75m and would still be seen from the pavement but is set back. The Regency Society have not withdrawn their comments; however, the local planning authority finds the development acceptable. The top floor originally proposed has been removed from the scheme. It was noted that kitchen and bathroom details for the retail units would by condition be submitted for approval.

7. Councillor Thomson was informed that the conservation area setting was a significant material consideration, however, it was considered that the development would have limited harm to the area, it would have public benefits and on balance was acceptable. It was noted that there was no parking for the scheme and it was unlikely that any parking permits would be issued in the future. The loss of commercial space was acceptable, and the planning policy team accepted the scheme. The access to the flats would be from the rear of the development. The agent stated they were reluctant to erect any railings on land owned by the council. Officers stated this could be explored postdecision via the s278 process with the landowner, separately to Planning. It was noted that the land to the rear was owned by the council and commercial waste would be collected on Western Road, therefore there was no need to retain an open space to the rear. The Transport team and Environmental Health have been consulted regarding the demolition of the existing building.

Debate

8. Councillor Cattell considered the application to be a positive improvement on the existing buildings.

9. Councillor Theobald expressed concerns at the impact on the conservation area and the loss of proper commercial properties. The railings at the rear were noted as an issue and the overall development was considered one floor too high.

10. Councillor Robinson considered the moving of the waste bins and the better fencing to be acceptable. The councillor supported the application.

11. Councillor Sheard considered there was a need for the dwellings and buyers should not be surprised there was no parking with the scheme.

12. Councillor Thomson considered the existing buildings to be tatty, and they were sorry for the loss of retail space. The councillor noted that there had been years of discussions and the reduced height was acceptable. The councillor expressed concerns at the impact on local residents; however, they supported the application.

Vote

13. A vote was held, and by 8 to 1 against the committee agreed to grant planning permission.

14. **RESOLVED:** hat the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the following Conditions and Informatives as set out in the report **SAVE THAT** should the s106 agreement not be completed or substantially progressed on or before 7/1/27 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12 of the report.

B BH2025/02689 - 1 Barrack Yard, Brighton - Full Planning

1. The Case Officer introduced the application to the committee.

Answers to Committee Member Questions

2. Councillor Cattell was informed that the murals on the south side of the existing building were to be retained.

3. Councillor Parrott was informed that no dedicated areas have been designed for delivers or storage; however, there is a large communal at the front door and all units are a good size for storage. The agent confirmed that the units meet the space standards and there was no particular provision for deliveries. It was noted that the landscaping would, by condition, need approval and this could include clothes drying areas and the flats will have a good transfer of air. Access will be secure; however, details were not available at this time. There is also a condition for lighting improvements.

4. Councillor Nann was informed that the Police had no specific concerns and there would be CCTV on site.

5. Councillor Robinson was informed that sound proofing would be dealt with under Building Regulations and noise mitigation methods are required by condition. The zinc roof colour will be agreed by condition.

6. Councillor Theobald was informed that the flat numbers five and eight were not accessible and the disabled unit was number three. It was noted there were existing railings and these would be extended under the improvements to the public realm condition.

7. Councillor Sheard was informed that the outside space was accessible by residents only and other green spaces such as Valley gardens and Royal Pavilion gardens were nearby. The balconies have been removed from the scheme for heritage issues.

8. Councillor Thomson was informed that the neighbouring pub had outdoor seating to the rear with screens for football and music. There is also a high wall between the pub and the development. Secondary glazing is to be added to the units. It was noted that there would be a communal outdoor space and outside spaces for the four ground flats. Seven two bed flats and four three bed flats. The previous uses were a nursery, a sports facility, a flat and some commercial use – all have been relocated. The design includes photovoltaic panels on the roof.

   Debate

9. Councillor Parrott considered the development excellent as there is a desperate need for temporary accommodation with safety as a focus.

10. Councillor Cattell also considered there was a need for temporary accommodation and they welcomed the application. They considered the scheme to be good.

11. Councillor Nann considered there were heart breaking issues regarding the need for temporary accommodation. The councillor supported the application.

12. Councillor Shanks considered the development of more temporary accommodation was good.

13. Councillor Theobald considered the existing building was boring and the improvements were good. The affordable housing was good, as was the offer to house those on the Housing Register. The councillor considered the building was being put to good use.

14. Councillor Earthey agreed with other councillors and requested that the homeless are not stigmatised.

15. Councillor Robinson supported the application and considered the building was being put to good use.

16. Councillor Sheard considered the development would serve the vulnerable and this was a good use. Any temporary accommodation development was much needed. The noise/sound conditions need to be right.

17. Councillor Parrott requested that security conditions be applied. And an Informative to ask the applicant to look at communal storage in the lobby area for deliveries.

18. Councillor Thomson was pleased with the scheme as it was a good use of the building. The councillor supported the application.

    Motion

19. Councillor Parrott proposed, and Councillor Earthey seconded, a motion to add the following condition:

    - No part of the development hereby permitted shall be first occupied or brought into use until written evidence, such as Secure by Design certification, has been submitted to and approved in writing by the Local Planning Authority to demonstrate how the scheme shall incorporate crime prevention measures. The agreed measures shall be implemented within the development.

    - Reason: In the interests of crime prevention, to comply with policies CP12 and CP13 and SA2and SA6 of the Brighton & Hove City Plan Part One.

20. A vote was held and the committee agreed unanimously to add the condition.

    Vote

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

22. **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.

C BH2026/00749 - Brighton and Hove High School, Junior Department, Radinden Manor Road, Hove - Full Planning

1. The Planning Manager introduced the application to the committee. The Manager updated councillors to the fact that the HMO mapping exercise had been carried out incorrectly and the proposal did not conflict with Policy CP21 (as set out in the report) as there were less than 10% HMOs within the 50m radius.

   Speakers

2. Neil Christensen addressed the committee as an objecting resident who lives opposite the application site. The road has eighteen houses with families and retirees. 47 people are not meant to be in this building; there is no bike store and at least twenty are car users. The independent ward councillor has issues and for seven months there have been no permissions to use the building as accommodation. There has been noise, antisocial behaviour and parking problems. An enforcement letter was issued in

February however nothing has stopped or been curtailed. If the committee are minded to grant temporary permission, then it should be back dated to March 2026.

3. Bryony Banks addressed the committee as a guardian/applicant and stated that they lived in the building, and the other residents were a wide range of types. Whenever help was required many people within the building came to support. Occupiers have references checked and only guardians can be in the building, which is managed well with clear information on emergency contacts. The parking is limited; however, bus and trains are nearby. The scheme makes valuable housing available. The committee were requested to support the application.

Answers to Committee Member Questions

4. Councillor Robinson was informed that the nearest neighbour's boundary was at least 10m away from the application building. It was noted that in the late list a condition requiring a Delivery & Service Management Plan (DSMP) was added also a car park condition. The council tax situation was not known. The Transport team would cover Traffic Regulation Order (TRO) regarding no parking permits for building occupiers. It was noted that this was a meanwhile use.

5. Councillor Shanks was informed that the 5th March was when the planning team were made aware of occupiers moving into the building. The previous school was not operated by the council. The agent, Jimmy Chan, stated that the building would revert to school use once the temporary accommodation permission ended. It was noted there was no access to the school playing field for the building occupiers.

6. Councillor Cattell was informed that there are forty-five occupiers currently. The legal advisor noted that the use was unauthorised not illegal. The Enforcement case was opened on 5th Jan 2026 and 5th March occupiers moved in. The use was unauthorised from March, and negotiations have taken place since. The planning manager stated the application conflicts with planning policy DM9; however, this was for temporary use, and the building remains a school for the longer term.

7. Councillor Theobald was informed that the application did conflict with policy DM9 and the building would revert back to a school after the temporary change of use. It was noted that there were toilets on ground and first floors and none on the second floor.

8. Councillor Thomson was informed by the agent that there had been a misunderstanding by the applicant, and a planning application has now been submitted. The agent stated they were not aware of there being other similar building uses in Brighton. The applicant stated that this was the first of its kind in Brighton and two more were being considered. The neighbouring resident stated that living standards had changed in the area since the building had been occupied and there were some twenty vehicles poorly parked in the area from the building. There was noise at 2/3am from deliveries, taxis etc in this quiet street. The applicant/guardian stated that the occupiers were all ages, not just young people. The agent stated that the building was vacant, it was now being utilised for a short time only, and the building will revert to its lawful use for education. It was noted that the density of Houses of Multiple Occupancy (HMO) is measured by looking at the radius out from the application site. The applicant/guardian stated that most

occupiers don't have cars. The planning manager noted that there were no parking permits for the building and that the on-street parking was limited to two hours.

9. Councillor Sheard was informed that the communal spaces were formed of some 400sqm and the toilets and kitchens were within standards. The applicant considered the bathrooms were up to usual HMO standards. It was noted that an HMO licence has been issued. The planning manager noted the planning team would not grant a permanent change of use. The agent stated that the school had been vacant since 2021/22.

10. Councillor Nann was informed that the each of the occupiers, referred to as a guardian, has a licence agreement. It was noted that the management company can remove any disruptive persons. The agent stated that Right to Rent procedures, along with other checks have been carried out. The planning manager stated that guardians were not the same as tenants but that it was not a planning matter in any event.

11. Councillor Earthey was informed that the application was considered an HMO by the planning team.

Debate

12. Councillor Theobald considered the school children using the playing field to be an issue. They also considered the area to be quiet and that the application did not fit. There is noise and anti-social behaviour, with cars on the street. The use was not the right one for the building, and this is a money-making business. When the two years come to an end, it was considered that the applicant would request another two years. The councillor was against the application.

13. Councillor Nann considered the situation to be monetarised squatting with two tier tenancies, and this was a missed opportunity to improve the situation.

14. Councillor Robinson expressed concern that the applicant would come back for more time and they considered there was a two-tier system, which was not good. However, the application site housed people, and therefore the councillor would support the application.

15. Councillor Cattell expressed concerns that forty-five people would be homeless if the application was refused. The occupiers are all ages, not just young people. The councillor considered it would be unfair to refuse the application and stated they would support.

16. Councillor Sheard stated there was a housing crisis. There was not a two-tier system as landlords can kick out tenants as well. More homes should be built if HMOs are not wanted. Car parking at the site is an issue and noise can be created by shift workers. The councillor considered the housing was needed and supported the application and noted the building had been vacant for five years, so there was no loss of an educational amenity.

17. Councillor Shanks considered the building must have been properly inspected to obtain an HMO licence and the two-year permission should be back dated.

18. Councillor Parrott was disappointed by the retrospective nature of the application and expressed concerns that forty-five people would be put in jeopardy by the company if the application is refused the occupiers will be out of a home. The occupiers appeared to have created a great community. The councillor assumed that all the correct fire & safety checks have been carried out.

19. Councillor Earthey stated they loathed retrospective planning applications; however, they did not want forty-five people to be homeless. The councillor supported the application.

Motion

20. Councillor Shanks proposed, and Councillor Theobald seconded, a motion to back date the two-year period commencing from 1st April 2026.

21. A vote was held and by 2 to 7, the committee refused the motion.

Vote

22. A vote was held, and by 8 to 1 the committee agreed to grant planning permission.

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.

D BH2026/00879 - Land South of 5 College Place, Brighton - Full Planning

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

E BH2026/01166 - 25 Drove Road, Woodingdean - Full Planning

1. The Planning Officer introduced the application to the committee and explained this was a cross-boundary application with the neighbouring planning authority- the South Downs National Park Authority.

2. Councillor Theobald raised a point of order that the application should be deferred till the planning application for the South Downs National Park had been decided. Maria Seale informed the councillor that the applications did not need to be decided concurrently or in a certain order; the applicant ultimately needs both permissions in place to be able to proceed.

Speakers

3. Ward Councillor Allen addressed the committee and stated that they had received zero complaints about the application site. The only complaints related to motor bikes and e-scooters on the access road. The owners are good neighbours. The councillor noted the impact on the South Downs National Park (SDNP) was minimal and the park was not a

static entity. The objections consider a precedent will be set; however, the park should not be frozen, and encouragement should be given to businesses in the park.

Answers to Committee Member Questions

4. Councillor Robinson was informed by the applicant that the SDNP had requested the business has a temporary use to start with, to ensure the applicant/owner could run a business and prove the use was viable.

5. Councillor Theobald was informed by the applicant that the temporary permission would be from now. The planning officer stated that there was a three-year permission granted in 2022 and this application was for a further five years from now. It was noted that only the access track was within the council boundary and the buildings were within the SDNP. The Park has refused previous applications and discussions were no going between the applicant and the SDNP. The applicant stated they were working with the Park to agree the requirements. It was noted that the council was responsible for the access track, which was resurfaced about ten years ago.

6. Councillor Cattell was informed by the applicant that the business was diversifying to a stud work, and at this time was still evolving. The planning officer stated the use of the track to access the stables was the main consideration.

7. Councillor Thomson was informed that the highway was the council's responsibility.

Debate

8. Councillor Parrott considered that the majority of objections were nothing to do with the council and mainly about motorbike use. The councillor supported the application.

9. Councillor Robinson was pleased there were no complaints and they supported the application.

10. Councillor Earthey considered there was more danger from cyclists and dogs being walked when walking along the access track. The councillor was not objecting to the application.

11. Councillor Theobald stated they did not want another property on the site.

12. Councillor Cattell considered it was a good place for the stables, which would also be good for the SDNP. The mobile home meant someone would be on site for security. The councillor supported the application.

13. Councillor Sheard supported the application.

Vote

14. A vote was held, and the committee agreed unanimously 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 report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

64 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

65 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

65.1 There were none for this meeting.

66 APPEAL DECISIONS

66.1 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 6.18pm

Signed Chair

Dated this day of