

**BRIGHTON & HOVE CITY COUNCIL**  
**TOURISM, EQUALITIES, COMMUNITIES & CULTURE COMMITTEE**

**4.00pm 26 SEPTEMBER 2019**

**HOVE TOWN HALL, - COUNCIL CHAMBER**

**MINUTES**

**Present:** Councillor Robins (Chair) Grimshaw (Deputy Chair), Rainey (Opposition Spokesperson), Nemeth (Group Spokesperson), Childs, Ebel, Evans, Mears, Powell and Simson

**PART ONE**

**1 PROCEDURAL BUSINESS**

**1a Declarations of substitutes**

1.1 There were none.

**1b Declarations of interests**

1.2 There were none.

**1c Exclusion of the press and public**

1.3 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.

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

**1d Use of mobile phones and tablets**

1.5 The Chair requested Members ensure that their mobile phones were switched to 'silent mode'.

**2 CHAIRS COMMUNICATIONS**

2.1 The Chair provided the following updates:

**Private View of the Royal Collection at Brighton Pavilion**

- 2.2 The Chair had attended the Private View of the Royal Collection at Brighton Pavilion and had seen the very impressive collection of works of art that have been relocated back to their former home whilst the East Wing of Buckingham Palace underwent building works. The collection included over 120 objects that have not been on public display for over 170 years and the result was absolutely splendid.

**Wildlife Photographer of the Year**

- 2.3 The Wildlife Photographer of the Year exhibition was on show at Brighton Museum from May until early September. It was a very popular exhibition; visitor responses had been consistently positive, showing that they had been engaged and interested. 96% of visitors to the exhibition had rated it Excellent or Good, with 58% saying it was their main reason or one of their reasons for visiting Brighton Museum. Visitors loved the photos and had felt moved by the subject matter.

**Preston Manor, Family Riddle Trail**

- 2.4 At Preston Manor, the new family riddle trail had received a positive response from the local community. The trail introduced twins and their pet dog that grew up in the Manor in Victorian times and encouraged exploration of the house through rhymes, riddles, playthings and clues.

**VisitBrighton**

- 2.5 VisitBrighton had worked with over 527 City partners engaged in tourism and over the last 3 months had run a digital campaign to promote live music, entitled 'Brighton Calling' reaching. It could reach 1m+ people and had resulted in proposals being submitted for 32 conference enquiries, which had the potential to generate £17m of economic benefit.
- 2.6 Over the last period the Trades Union Congress and the Labour Party Conference 2019 had been delivered successfully delivered. Confirmed new meetings and events for the City included:
- 2.7 Praxis Auril Annual Conference – June 2020, British Association of Cognitive Neuroscience Conference – Sept 2020, Festival of Choirs – Sept 2020 Meeting Professionals International European Conference – Feb 2021, The Sociological Association Conference – Sept 2021.

- 2.8 **RESOLVED** – That the content of the Chair's Communications be noted and received.

**3 CALL OVER**

- 3.1 The Democratic Services Officer read out Items 4 to 15 on the agenda. It was noted that any items appearing under items 4 – 6 were automatically reserved. All other items appearing on the agenda were automatically reserved for discussion with the exception

of Item 7 - "Constitutional Matters – Tourism, Equalities, Communities and Culture Committee".

- 3.2 It was noted that as this Item was not called for discussion that it was therefore deemed that the Officer recommendations were agreed s set out in the report.

#### **4 PUBLIC INVOLVEMENT**

##### **4a Petitions**

- 4.1 There were none.

##### **4b Written Questions**

- 4.2 It was noted that two written questions had been received and these were considered in the order in which they had been received.

##### **4b(i) (Pavilion Tea House), Hove Park Café**

- 4.3 Mr Hall was invited forward to present his question (set out at page 7 of the circulated agenda) and below:

- 4.4 "The ombudsman has ruled that whilst no planning rules were broken concerning this application it was proven that the applicant's representatives collected objections and support at a public meeting for the application but did not upload any objections from the public despite committing in writing to doing so.  
The residents of Brighton and Hove deserve better than this. The council need to put measures in place to ensure that this malpractice is never allowed to happen again. What is the council going to do to ensure that the shoddy actions of the applicants' representatives are not repeated in future?"

- 4.5 The Chair, Councillor Robins responded in the following terms:

"The outcome of the Ombudsman's investigation was that there was no fault, or malpractice, in the way the Council had considered this application. This includes in consultation and handling of comments received.

The Ombudsman commented that the Council could have made more enquiries of the agent when the submissions were made but was satisfied that the decision on the planning application was based upon the planning merits of the case not the level of support for the scheme.

It is national and local policy and good practice to encourage with local people on their development proposals which is what was undertaken in this case. I acknowledge your concerns that developers might not include objections alongside letters of support. In response the Planning Service is proposing the following:

- To add this point to the local consultation policy (Statement of Community Involvement) when it is reviewed; and
- To work with local planning agents to address this.

4.6 The Chair invited Mr Hall to put a supplementary question if he had one, but he did not.

**4b(ii) DA6, City Plan Part One**

4.7 Ms Paynter was invited forward to present her question (set out at page 7 of the addenda Mr Hall was invited forward to present his question (set out at page 7 of the addenda to the circulated agenda) and below:

“Does the Chair agree that, events having overtaken policy DA6 of the City Plan Part One and the Plan’s seafront policy and planning brief for the King Alfred and RNR sites, revision is now required to keep them relevant.”

4.8 The Chair, Councillor Robins responded in the following terms:

“Thank you for your question. No, I do not agree that events have overtaken these policies. The City Plan policies for Hove Station and the Seafront remain very relevant – the reason is that new development proposals will need to be assessed against statutory local plan policies.

The aim of Hove Station Development policy (DA6) is to secure the long-term regeneration of the Area for mixed development including business space and residential units. The “local priorities” sought in the policy include improved public realm, essential community services and better accessibility.

A Masterplan for the Hove Station area is also being prepared and this will provide more detailed guidance on issues like urban design, biodiversity and transport matters. The Seafront policy (SA1) sets out priorities for the length of the city’s seafront and covers matters such as better public realm, protecting coastal habitats and ensuring the er priorities remain very relevant for the future development of the site – it seeks to ensure that, as part of new development, sports facilities are replaced to serve the local Hove area. In terms of the King Alfred Planning Brief, this was prepared in 2002. Although it is dated be assured it is secondary to the local plan and still provides helpful guidance.”

4.9 The Chair invited Ms Paynter to put a supplementary question if she had one.

4.10 The Chair responded in the following terms:

**4c(i) Deputations – Taking Action on Large-Scale Air BnBs (party houses) in Residential Areas**

4.11 The Chair explained that as this deputation and the letter received from Councillor Wares covered the same matter, he intended to hear the deputation, then the letter and then to provide a joint response. Mr Elton was invited forward to put his deputation (this was set out at page 9 of the circulated agenda) and below:

4.12 “The residents of Patcham Village, Court Close wish to make a deputation request to Brighton and Hove Council to put in place, with immediate effect, effective rules and regulations to restrict the use of ‘entire house’ large scale AirBnB (party) houses within residential areas. In April 2019, a resident of Court Close turned their 3-4 bedroom dwelling into an 18-person entire house AirBnB rental with a hot-tub:

<https://bit.ly/2IYWPNN>

Court Close is located at the foot of the South Downs, and opposite the Conservation area. It is a privately owned Close, on the edge of Brighton. Residents are mostly older adults and young families. Residents consciously chose to live here due to the peace and quiet offered by its rural location, and the strong sense of community generated from the residents in the Close. However, the continual stream of problems from this AirBnB has significantly impacted this community of people; the problems include:

1. Anti-Social Behaviour – which regularly wakes-up residents, including children as young as 2 years old.
2. Rubbish – piled up next to the bins, which is then ripped open by foxes and seagulls and strewn over neighbouring properties and the Close.
3. Parking – guests arrive with an average of 6-8 cars; however, the property only has a driveway for 2 cars, possibly 3 cars at a push; the remaining cars are parked inconsiderately – blocking the road, driveways and restricting access for emergency vehicles if needed.
4. Unsettling - the types of people staying at the property are un-characteristic of local residents i.e. large groups of young people, who are engaging in activities uncharacteristic of local residents, i.e. drinking and partying late into the night.

Since May 2019, a total of x12 households have raised these issues with both the Council (Planning and Environmental Health) and the Police; however, there appears to be little action that can/is willing to be taken against these issues. The only reported issue, which is being actively investigated, is through Environmental Protection (Noise), but this has taken several months and is still on going.

The apparent lack of enforceable regulations creates a free-for-all system, which allows homeowners, particularly in residential areas, to transform their homes into large-scale commercial guest-houses. The blatant conversion of a residential dwelling into commercial premises, under the guise of Airbnb, seems void of any enforceable planning regulations, or charges. The safety of such properties, in terms of compliance with fire safety law, again appears unregulated and un-monitored; thus placing the guests, the property and neighbouring properties at risk. Overall, there appears a lack of parity in the current system, which has resulted in local residents having their valued communities significantly disrupted, houses devalued and put at risk, and their peace and wellbeing significantly impacted. We therefore formally request, with immediate effect, that enforceable regulations are put in place to protect local communities from this gross commercialisation of residential dwellings”

- 4.13 Councillor Wares was then invited to speak to his letter (set out at page 19 of the agenda) and below:

“I fully support the deputation request submitted by residents of Court Close and am sure there are many others in the City who would like greater controls introduced. The issue is not about the ad-hoc renting of homes per se. It is about the wholesale conversion of a family home to a full-time guesthouse that can accommodate large groups of individuals. In this case a four-bedroom home being used to sleep 18 guests.

In addition, we need a far greater joined-up approach by the council and other authorities to deal with these hugely disruptive changes of use. This is the second time I have experienced a situation whereby an issue at one property has had an enormous impact on everybody else in the vicinity. Last time we were told that in future, these sorts of community impact problems would be dealt with by field officers who would act as the single point of contact. It was also advised that Community Protection Notices could be used.

Regretfully we seem to have not learnt the lesson. Residents and I are having to work out who to speak to, do the chasing up and making sure everybody is talking with each other.

I would be grateful therefore if this Committee would investigate and act on the request in the deputation. Please could the council also provide residents with a single point of contact on the specific matter of Court Close who will, inter alia, check progress on enforcement and regularisation by the council and others and regularly communicate to residents.”

4.14 The Chair, Councillor Robins responded in the following terms:

“Thank you for your deputation and your letter Councillor Wares. This Council is aware of residents’ concerned and the issue of the growth in short term holiday lets including Airbnb. Particularly its potential impact on the amenity of residential areas and the loss of family homes. It is a matter that the council has been looking into as part of preparing the City Plan Part 2

“At the moment the ability of the local planning authority to regulate short term holiday accommodation is constrained as they are considered by the government as a residential (C3 Use Class) therefore planning permission is not needed. London authorities, through specific government legislation, are the only local authorities in England able to limit property owners letting out their homes on short term lets to under 90 days per year. The government are looking at options to broaden this through the Tourism All Party Parliamentary Group. In some circumstances a short-term holiday lets can be considered a change of use but this has to be tested on a case by case basis.

I can confirm there is an existing enforcement case for a property at Court Close. The case is on-going and information is being sought to establish whether a change of use has happened.

In terms of noise concerns, since May 2019 eight residents have contacted the Environmental Protection Team in relation to noise from an address in Court Close. This includes noise from music and noise from people using the hot tub and garden. The Council has a duty under legislation to investigate all noise complaints. Statutory noise nuisance can include noise from people, music and plant and machinery. It is not a defined decibel level, instead it is assessed having regard to the character, duration and frequency of the noise. One resident provided evidence, and this was assessed this week. A statutory noise nuisance has been established and a noise abatement notice will now be served on the owner. A breach of such a notice is a criminal offence.

East Sussex Fire and Rescue has been contacted in relation to the alleged use and also has an ongoing investigation into this property.”

- 4.15 The Chair added that additionally in response to these complaints discussions had been sought in order to work with Air BnB in order to address these problems and to put a system of registration into place. A letter had been received that morning from Maria Lorrimer of Air BnB requesting a meeting with council representatives in order to discuss how that could be put into operation. Although Ms Lorrimer had proved elusive when meetings had been sought in the past he would continue to pursue this matter.
- 4.16 Following further discussion it was agreed that a report would be brought forward to Committee as soon as it was expedient to do so looking at the city as a whole, Councillor Evans explained that she was aware of issues of concern in her own ward and was sure was sure that was the case elsewhere in the city too. The report would include details relating to the city as whole and, detail measures taken and updates on actions taken to date.
- 4.17 **RESOLVED** – That the position be noted.

## 5 ITEMS REFERRED FROM COUNCIL

### **Deputation Concerning the need for affordable housing is NO EXCUSE to devastate wildlife on the ‘urban fringe**

- 5.1 It was noted that a Deputation had been referred direct from Full Council, set out at pages 13-16 of the circulated agenda. It was noted that as the Deputee has already presented the deputation at Full Council, they were invited to hear the response and decision of the Committee but did have the opportunity to speak to the deputation again. The Deputee was not present at the meeting and the Chair agreed that his response be included in the minutes. It is set out below preceded by the Deputation which has also been reproduced.
- 5.2 “The balance between nature and humans envisioned in city plan part 1 is not being adhered to in the list of housing allocations in city plan part 2 as it currently stands. Yes, the Conservative government says we must build but we can choose where is sensible for Brighton. There is no need to build on wildlife in order to make affordable homes, we can make affordable homes elsewhere on already concreted areas and converting empty buildings and brownfield sites, etc, and that is why it is completely unacceptable to build on the green ‘urban fringe.’ Moreover ‘mitigation measures’ very often do not work in practice, so do not think they make new buildings less damaging to wildlife! The decision by planning committee members on 10th July to approve seven storey blocks of 242 flats obliterating Coldean Wildlife, was not about whether or not to build affordable homes, but whether or not to needlessly devastate essential wildlife habitat and local green space and make money for Hyde. There are alternative, already concreted sites within the city’s boundaries where the Joint Venture Partnership could build instead, such as at Brighton General Hospital, where they could build 800 flats!

Please take steps to ensure Coldean wildlife to the east of Coldean Lane is not built on and /or revoke the planning decision to devastate precious wildlife and local green

space at Coldean. Moreover please see petition text in the supplementary pages of this deputation, signed by over 965 people (even though it was only started a short time ago) which asks the council to remove this Coldean site from the list of allocated sites in the Urban Fringe allocations in the City Plan Part 2, and instead designate it a Local Nature Reserve and Local Green Space (the land fulfils the criteria for the latter, as described in the National Planning Policy Framework 2019, page 29) as soon as possible, so it remains protected wildlife habitat, now and for future generations. The wonderful land at Coldean should never have been put on a list of allocated housing. This is part of a number of wildlife habitats and green spaces which have needlessly and wrongly ended up on the list of housing allocation sites on city plan part 2. City plan part 2 is now in the soundness stage where it can be changed with evidence. There is abundant evidence why wildlife habitat and green spaces should be removed from the list of housing allocations in city plan part 2 and instead the council can look again, more creatively and wilfully, at making affordable housing within the city's boundaries on already concreted areas, empty/derelict buildings and brownfield sites. We will be providing evidence. Please, Save Coldean Wildlife, and also save **all** the other wildlife and green spaces on the 'urban fringe' by removing them from the list of allocated housing, and instead think more creatively how to add to the list already concreted sites and empty buildings within the city's boundaries. Please see (in the supplementary pages of this deputation) the list so far (still in early stages, will be added to) of potential alternative sites where the council could build affordable housing *without* building on wildlife habitat and local green spaces. There are lots, which could easily cover more than enough of the affordable homes the council has been told it must build. Let's take off the green spaces and wildlife from City Plan Part 2 and instead make the needed affordable housing by focusing more, and more creatively, on the many potentially suitable sites within the city's boundaries. then the council can ask the government to re-approve it, so we would still have an approved city plan and could therefore, hold any developers to account for any proposed developments, and retain control.

We do NOT have to choose between wildlife and affordable housing! We must take care of both! The council thankfully listened to the local community who opposed the plan to build housing on Whitehawk Hill Nature Reserve; do the right thing for Coldean Wildlife too!

Supporting Information:

List of alternative potential sites to make affordable homes without devastating wildlife on the 'urban fringe':

- at Brighton General Hospital, space for 800 flats.
- 4000 empty homes in Brighton (<https://www.theargus.co.uk/news/16373633.more-than-4000-brighton-homes-are-empty-despite-housing-crisis/>)-the old Argus building by Asda in hollingbury; the old gas works in Kemptown (although this may take time as the land may be contaminated) and next to that a site which the council are using as a dumping ground for old iron bits from Madeira drive and the sea front); -site to the west of Portland Street (near North Street, in Brighton centre); a site next to Preston Park, London road, on the left as you go out of Brighton, which has been empty for years, and Hyde housing years ago seemed to be going to do something with it but nothing has happened.
- Lots of empty homes on top of shops around Brighton;
- building up, i.e. many more houses on the same amount of land, so long as this will not put birds at risk of crashing into the buildings.



-there are areas of expansive and privileged housing in several areas of Brighton and Hove which are really spread, out with a lot of space, low number of inhabitants compared to the number of bedrooms, and lots of private garden space and lots of shared communal spaces between houses. The council could buy some of the private property in this area from those that are willing, intensify use of the space, and turn it into very many more council houses (there are precedents for this, e.g. <https://www.standard.co.uk/news/burchills-move-stirs-up-the-neighbours-217180970.html>),

#### Petition text

Petition to council: Please protect wildlife at Coldean!

We object to the approval of the planning application for buildings which would devastate wildlife at Coldean, and we wish to safeguard this essential wildlife habitat and local green space at Coldean, now and for future generations.

We the undersigned petition Brighton and Hove City Council to remove the Coldean site from the list of allocated sites in the Urban Fringe allocations in the City Plan Part 2, and instead designate it a Local Nature Reserve and Local Green Space (as described in the National Planning Policy Framework) as soon as possible, so it remains protected wildlife habitat, now and for future generations.

There are alternative large empty buildings around Brighton (e.g. at Brighton General Hospital) which the council could turn into affordable homes (800 in the case of Brighton General Hospital) therefore it's clear that to make affordable homes it is completely unnecessary to build on the green space and wildlife. The land was notified as a Local Wildlife Site in 2017 in recognition of its woodland and grassland habitats. The proposal would mean destroying woodland and felling trees to build a new entrance road which would split the strip of woodland that runs parallel to Coldean Lane in two, with devastating effects on the wildlife. It would also mean building on the field, obliterating lots of wildlife, their homes and foraging ground. The woodland and field include many plant species and are essential habitat for wildlife sandwiched between Varley Halls and very busy, fast roads, many of whom are legally and policy protected species, such as bats, hedgehogs, lizards, slow worms, badgers, foxes, rabbits, butterflies, lots of invertebrates who massively contribute to the environment, and many different birds, including owls, and others. Some of the birds breed and make nests in the trees and on the ground, and 3 (song thrush, tawny owl and dunnoek) are listed as having severe red and amber conservation status. The woodland is Priority Habitat Deciduous Woodland and provides critical habitat for wildlife. Splitting the woodland in two would cut vital connectivity and put the wildlife at very high, frequent risk of road traffic accidents.

Localised areas of the field (about 1 hectare of it) have an affinity with Calcareous Grassland, and there is 'good potential to create new areas of native species rich calcareous grassland where chalk substrates can be exposed and seeded' (Preliminary Ecological Appraisal, PJC, 2018). Lowland Calcareous Grassland is a Habitat of Principal Importance and classified as Priority Sussex Habitat. Within Sussex, this type of habitat is mostly found within the South Downs; it has reduced rapidly in recent years and is now only an estimated 3% of the South Downs. The Sussex Biodiversity Partnership aims to maintain and expand the range of Lowland Calcareous Grassland in Sussex. Moreover 'there is an area of lowland calcareous grassland immediately north of the site' and 'any development of this site would also likely result in adverse impacts on any areas of lowland calcareous grassland habitat adjacent to the site, e.g. through increased surface run-off and increased disturbance/trampling/littering from potential

increases in recreational use of the area' (PJC, 2018). So, the proposed development would destroy not only Priority Habitat Deciduous Woodland but also be likely to negatively impact the Lowland Calcareous Grassland (i.e. Habitat of Principal Importance and a Sussex Priority Habitat) on next door land.

Increased vehicle movement and parking on local roads would be expected, and traffic on Coldean Lane would get substantially more clogged up, polluting the air even more and putting human residents, especially school children, at risk. It is well documented that green space is vital for people's physical and mental health. The visual impact of the proposed buildings would be unpleasant as they would replace a green view of nature with high blocks of flats and concrete.

Today, wildlife in this very densely urbanised area of the U.K. are increasingly endangered by destruction of their habitats. Globally, land mammal mass is made up of 96% humans and the farmed animals (Attenborough, 2019), and insects and ecosystems who we rely on are massively threatened by climate change, so we must stand up for wildlife now or there will be none left. If we do not, soon it may be many human lives in the UK imperilled due to climate change and because we have not protected wildlife there will no longer be an ecosystem left that can support us. At present, the land provides precious sanctuary for wildlife - this is a space to cherish, protect and stand by."

### 5.3 The Chair's prepared response is set out below:

"The requirement to look at both the city's brownfield sites and parts of the city's brownfield sites and parts of the city's urban fringe for new housing was clearly established when the City Plan Part One was prepared and examined. The city's housing needs were assessed as 30,000 new homes by 2030 which means that brownfield sites on their own cannot fully meet the city's housing needs. Only if we were able to meet the entire city's housing needs from brownfield sites alone would we **not** look at some urban fringe sites for housing.

The situation is that even with some development on urban fringe sites, we are still only able to meet 44% of the city's housing need. The option of providing more than expected housing on some of the city's brownfield sites, such as Brighton General Hospital, will mean that we can meet more of the city's housing need but there will still remain a significant shortfall. This will not prevent the need for some development on part of the city's urban fringe.

The Part One Plan identifies potential for around 1,000 new homes on parts of the city's urban fringe but this amounts to just 7.5% of all urban fringe land and 92% remains protected. Sites that have been identified as having potential for some development have been carefully assessed taking into account impacts on landscape, open space, ecology and archaeology. Those assessments indicate that robust mitigation measures will be required on many sites to avoid harm but that development can also offer positive benefits alongside new housing including accessible well managed open space and ecology.

In terms of the recent planning application, the impacts of the residential development at Coldean on biodiversity were carefully considered. Relevant planning policies and

guidance, the comments of the County Ecologist and representations received following public consultation were all taken into account. A number of conditions will be attached to the planning permission to protect, mitigate and improve biodiversity on site.”

- 5.4 **RESOLVED** – That the content of the petition and response to it be received “and noted.

## **6 MEMBER INVOLVEMENT**

### **6a Petitions**

- 6.1 There were none.

### **6b(i) Madeira Terraces**

- 6.2 It was noted that a question had been received from Councillor Fishleigh set out at Page 17 of the agenda and below. The Chair to invited Councillor Fishleigh to put her question:

“Since the now decommissioned TD&C Committee last met, how many grant applications have been submitted for the restoration of Madeira Terraces, how many organisations have been approached for corporate sponsorship - and how much new money has been raised?”

- 6.4 The Chair, Councillor Robins responded in the following terms:

“The TD&C Committee met on 20<sup>th</sup> June 2019, since then the team have been considering the merit of pursuing a bid with National Lottery Heritage Fund, such bids are resource hungry and more ground work is required before the council is ready to do so. The team have also had to be mindful of the bid made by the Royal Pavilion to the same funding body just recently. NLHF have strongly advised Madeira Terrace does not compete with the Royal Pavilion.

In relation to pursuing corporate sponsorship this requires careful consideration and resource of a dedicated fundraiser to clearly set out requirements and engage corporate sponsors effectively. Both previous bids to National Lottery Heritage Fund (NLHF) included a request of funding to provide Fundraiser resource capacity. A full report detailing the work involved is available if required.

Since 20 June 2019 £360 has been raised through sales of Save Madeira Terrace merchandise and a generous personal donation.

The first raffle money went into the crowdfunding pot. Money from the second and third raffle is with the community.”

- 6.5 Councillor Fishleigh was invited to put a supplementary question if she had one.

### **6b(ii) Black Rock**

- 6.6 It was noted that a further question had been received from Councillor Fishleigh set out at Page 17 of the agenda and below. The Chair invited Councillor Fishleigh to put her question:

“Please would you update us on the situation with regards to a new conference centre at Black Rock; is the project still moving forward?”

- 6.7 The Chair, Councillor Robins responded in the following terms:

“The project is still moving forward. The works funded by the Local Enterprise Partnership for the Black Rock project approved in 2017 were set aside to help with preparing the site for future development by de-risking and decontaminating the site. The council now has a team of professional’s putting together a works package which will be submitted for planning at the end of October/early November. As it is not possible to confirm a timeline for final development of the site yet, the Black Rock Enabling project works will ensure that for the short to medium term there are measures to address disconnectedness, poor public realm, graffiti and lack of activity, so that the site can be better used and will be a more attractive space for events. At present the work package includes, provision for a new route for a future bus route which could serve the Marina and Madeira Drive and will take the route at the rear of the site beneath the access ramps. This is infrastructure at this stage and its likely won’t become operable until there is some future development of the site or the Marina. A newly accessible and properly lit temporary event space for the area that is currently boarded up, which will allow for future more frequent events. Improved public realm around the reading rooms to allow a clearer, and well-lit pedestrian route to and from the reading rooms directly to the main A259 seafront road with new pedestrian landing area and way finding.

Consultation has yet to start on the full proposals which are in the process of being fully costed and also need to be presented to the Local Enterprise Partnership in mid-October before wider consultation can begin.

All of the above, will allow for the site to be revitalised in the short term if development is not forthcoming immediately on the Black Rock site. The works will also ensure that once a plan for development is finally agreed in 2 to 3 years’ time, there are fewer contractor risks in the ground to delay the programme or increase the costs.”

- 6.8 Councillor Fishleigh was invited to put a supplementary question if she had one.

## **6c Letters**

### **Large - Scale Air Bnbs**

- 6.9 It was noted that the contents of the letter received from Councillor Wares had been considered and dealt with under Item 5 (c)

- 6.10 **RESOLVED** – that the position be noted.

## **6d Notices of Motion**

6.11 There were none.

## 7 CONSTITUTIONAL MATTERS- TOURISM, EQUALITIES, COMMUNITIES & CULTURE COMMITTEE

7.1 The Committee considered a report of the Monitoring Officer *which set out the Committee's "Terms of Reference"* and related matters including the appointment of its Urgency Sub Committee.

7.2 **RESOLVED** – (1) That the committee's terms of reference, as set out in Appendix 1 to this report, be noted.

(2) That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved;

(3) That the Committee agrees that one representative each from Sussex Police and the Clinical Commissioning Group and two representatives from Community Works in the areas of equalities and neighbourhoods are invited to attend all meetings in an advisory capacity; and

(4) That the Committee agrees to invite further specialist community representatives to attend meetings on an issue by issue, ad-hoc basis.

## 8 INCLUSIVE CITIES PROJECT

8.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities and Housing detailing the Inclusive Cities project which Brighton & Hove had been invited to join and the commitments expected of the local authority if it was to become part of this project. The report went on to describe the benefits of Brighton & Hove joining this project and the ways in which it would enhance the city's work on diversity, inclusion, equalities and Brighton and Hove's status as a City of Sanctuary.

8.2 It was noted that additions/amendments (set out in bold italic text), had been put by the Green Group, proposed by Councillor Rainey and seconded by Councillor Ebel. These had been circulated prior to the meeting and are set out below:

**"2.1 That the Committee agree to Brighton & Hove City Council joining eleven other UK local authorities as part of the Inclusive Cities project which runs from now until June2022;**

**2.2 That the Committee agree that the elected member representative to work on this project will be Councillor Grimshaw, lead member for equalities, alongside the operational lead within the Communities, Equality and Third Sector Team;**

**2.3 That the committee note that the task force to lead this piece of work – as required for participation in the project (see paragraph 3.3) will form a sub-group of and report into the city's Equality and Inclusion Partnership;**

**2.4 That the Committee agree that the elected member representative and the operational lead within the Communities, Equality and Third Sector Team report back to the TECC Committee once a year until June 2022 to inform the Committee about progress made and to receive feedback and input; and**

**2.5 That the Committee agree that due attention is paid to intersectionality (i.e. double-discrimination) by the task force and that the task force aims to achieve a representation as wide and as diverse as possible during the duration of the Inclusive Cities project.”**

- 8.3 Councillors Ebel and Rainey spoke in support of their proposed additions/amendments explaining that whilst fully supportive of the report and its recommendations they considered it vital that measures were put into place to ensure that the outcomes of this very this important piece of work were reported appropriately across the council.
- 8.4 Councillor Simson stated that welcoming the work that had been done and supportive of the recommendations set out in the report she had some concerns that there could be financial implications arising from this work notwithstanding that it was asserted that there would not be.
- 8.5 Councillor Mears echoed those concerns considering that it was important for financing to be in place for the duration of a project, that was not always the case. It was also important for work to be carried forward proactively in co-operation with the home office.
- 8.6 Dr Sasidharan supported both the report and the proposed amendments commending the work which had been done to date.
- 8.7 Councillor Powell welcomed the work which had been done to address hate crime it was commendable that Brighton was an open city that welcomed all without prejudice.
- 8.8 The Green Group amendments were voted on and accepted and then became the substantive recommendations, were voted on and were agreed unanimously.
- 8.9 **RESOLVED – 1:** That the Committee agree to Brighton & Hove City Council joining eleven other UK local authorities as part of the Inclusive Cities project which will run from now until June 2022;
- (2) That the Committee agree that the elected member representative to work on this project will be Councillor Grimshaw, lead member for equalities, alongside the operational lead within the Communities, Equality and Third Sector Team;
- (3) That the committee note that the task force to lead this piece of work – as required for participation in the project (paragraph 3.3 of the report) will form a sub-group of and report into the city’s Equality and Inclusion Partnership;
- (4) That the Committee agree that the elected member representative and the operational lead within the Communities, Equality and Third Sector Team report back to the Tourism, Equalities, communities and Culture Committee once a year until June

2022 to inform the Committee about progress made and to receive feedback and input; and

(5) That the Committee agree that due attention is paid to intersectionality (i.e., double-discrimination) by the task force and that the task force aims to achieve a representation as wide and as diverse as possible during the duration of the Inclusive Cities Project.

## 9 RPM TRUST - UPDATE

- 9.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture providing an update on the progress made to date and setting the governance arrangements proposed going forward.
- 9.2 It was explained that the decision had been taken by the then Policy Resources and Growth Committee that the Royal Pavilion and Museums service should transfer to a standalone trust with the sole purpose of delivering the council's museums services. This report was intended to update the Committee on the work of the Joint Project Board following the report to TDC Committee in June 2019, when it had been agreed in principle that the service should be transferred to the existing fundraising charity the Royal Pavilion and Museums Foundation. The Foundation has recently been renamed the Royal Pavilion and Museums Trust (the RPM Trust). The governance proposals and the council's role following the transfer were outlined. It was noted that a more detailed report would be provided to the Policy and Resources Committee (P&R) and that P&R would be asked to support a number of recommendations in that respect.
- 9.3 Councillor Grimshaw commended the work that had been undertaken to date which had included measures to seek to reassure staff at what was a worrying time for them. In answer to questions, the Head of the Royal Pavilion and Museums explained that meetings had taken place with the unions in order to discuss what was achievable. An HR business partner would be appointed and would be line-managed by the Council.
- 9.4 Councillor Rainey sought clarification regarding whether approval was required by the Secretary of State. She understood that the process needed to be carried out in the best way possible and wanted information in order to understand the mechanics of that. It was explained that although approval at that level was not required for sums under £2m it was necessary to evidence that the appropriate processes had been undertaken.
- 9.5 Councillor Mears stated that she supported the approach which had been adopted which in her view represented the best use of resources.
- 9.6 **RESOLVED** - That the Committee notes progress made to date and the governance proposals as outlined at paragraph 3.13 of the report.

## 10 RE-ESTABLISHMENT OF THE PLANNING POLICY CROSS PARTY WORKING GROUP

- 10.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture, the purpose of which was to seek agreement for the Cross-Party Working Group for Planning Policy to be re-established to continue to assist with advising on

future planning policy documents and guidance. The updated terms of reference were set out in Appendix 1 to the report.

- 10.2 Councillor Nemeth stated that he fully supported the report but had identified some typographical which required amendment. It was agreed that these would be taken on board and the report and appendices amended accordingly.
- 10.3 **RESOLVED** - That the Committee agrees that a Cross-Party Working Group for Planning Policy is set up in accordance with the terms of reference set out in Appendix 1 to the report.

## 11 ADOPTION OF THE SHOREHAM HARBOUR JOINT AREA ACTION PLAN

- 11.1 The Committee considered a report of the Executive Director, Economy Environment and Culture the purpose of which was to inform the Tourism, Equality, Communities & Culture Committee (TECC), Policy, Resources & Growth Committee and Council of the outcome of the Public Examination of the Shoreham Harbour Joint Area Action Plan (JAAP), and sought approval for the formal adoption of the Plan by Council.
- 11.2 It was explained that the JAAP provided a 15 year plan for the comprehensive regeneration of Shoreham Harbour and focussed on four key development areas: Aldrington Basin, South Portslade (in Brighton & Hove), and Southwick Waterfront and Western Harbour Arm (in Adur/West Sussex). Overall these areas were expected to deliver 1,400 new homes, 23,500sqm of new employment space, a consolidated port, improved flood defences, transport infrastructure, public spaces and community and leisure facilities. It has been prepared by the Shoreham Harbour Regeneration Partnership, which comprises Brighton & Hove City Council, Adur District Council, West Sussex County Council and the Shoreham Port Authority. If adopted by Council, Adur District Council and West Sussex County Council, would become part of the city's statutory development plan and would be used to determine planning applications within the Plan area.
- 11.3 Councillor Ebel asked whether the JAAP's requirements to avoid unnecessary damage to biodiversity and habitats "where possible" was needlessly ambiguous. It was explained that the authorities had worked closely with environmental bodies such as the Environment Agency and Sussex Wildlife Trust to seek to ensure that the highest possible standards were achieved and were assured for the future. It was recognised that on rare occasions the JAAP's development proposals would cause unavoidable negative impacts on habitats and when that would be the case the planning case officer would take a view and the application would need to be determined by the relevant planning authority(s).
- 11.4 Councillor Mears welcomed the report stating that she was aware that a lot of work had gone into preparing the JAAP over time commending the work by officers which had brought it to this stage.
- 11.5 Councillor Nemeth referred to the concerns expressed by residents of his ward who had sought to impose restrictions on building heights, this had not been achieved, but aside from his concerns about that he was pleased with the form the JAAP had taken and that



the Shoreham Port Authority had been a willing partner in the discussions which had taken place. Councillor Nemeth also referred to proposed works to the former gasworks site the enquiring regarding any assessments which had been made regarding seepage of gas from the site, potential pollution etc., it was confirmed that this had been evaluated and that data in respect of this was available.

- 11.6 Councillor Powell also commended the report but sought confirmation that stringent measures would be in place to protect wildlife and ecology as far as it was practicable to do so and how. Reference had made to newts, common lizards and slow worms. It was explained that new habitats would be required to be created in order to offset any loss and clear monitoring indicators formed part of the Plan. An annual monitoring report would be provided which would report how the Plan's policies were being applied, including ecological assessments.
- 11.7 The Committee then moved to the vote.
- 11.8 **RESOLVED BY TOURISM, EQUALITY, COMMUNITIES & CULTURE COMMITTEE:**

**RESOLVED** – (1) That Committee notes the responses received to the consultation on the main modifications to the Shoreham Harbour Joint Area Action Plan (JAAP) and the contents of the Inspector's Report and her conclusion that the JAAP is legally compliant and 'sound':

**RESOLVED TO RECOMMEND TO THE POLICY AND RESOURCES COMMITTEE :**

(2) That the Tourism, Equalities, Communities and Culture Committee recommends to Policy & Resources Committee that the JAAP be adopted, incorporating the main modifications and minor modifications, as part of the Development Plan for the City, subject to the Head of Planning agreeing any further minor non-material changes to the text with Adur District Council and West Sussex County Council;

(3) Recommends to Policy & Resources Committee that the currently adopted west area Policies Map be revised to additionally display policies contained within the JAAP; and

(4) Recommends to Policy & Resources Committee that the Development Brief for South Portslade Industrial Estate & Aldrington Basin be revoked.

**THAT THE POLICY AND RESOURCES COMMITTEE RESOLVES TO RECOMMEND TO COUNCIL :**

(5) Notes the responses received to the consultation on the main modifications to the Shoreham Harbour Joint Area Action Plan (JAAP) and the contents of the Inspector's Report and her conclusion that the JAAP is legally compliant and 'sound';

(6) Adopts the JAAP, incorporating the main modifications and minor modifications, as part of the Development Plan for the City, subject to the Head of Planning agreeing any further minor non-material changes to the text with Adur District Council and West Sussex County Council;

(7) Revises the currently adopted west area Policies Map to additionally display policies contained within the JAAP; and

(8) Revokes the Development Brief for South Portslade Industrial Estate & Aldrington Basin.

## **12 UPDATE ON COMMUNITY INFRASTRUCTURE LEVY**

- 12.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture the purpose of which was to update Committee Members on the progress being made to bring forward a Community Infrastructure Levy (CIL) Charging Schedule for Brighton & Hove. The report outlined the progress made since the formal submission of the Council's Draft Charging Schedule in January 2019 and the key areas of work required to set up and implement CIL for commencement in 2020.
- 12.2 The Planning Manager, Planning Policy, explained that CIL governance described the way in which CIL income was to be managed and spent. CIL would not generate enough funds to completely cover the cost of new infrastructure needed to fully support planned development in the city. As such, there would be competing demands for this funding. It is therefore important to ensure that there are robust, accountable and democratic structures in place to ensure the spending of CIL funds are prioritised in the right way. It was suggested that a CIL Infrastructure/Management Board (or similar) would need to be set up to manage the process for making decisions on how CIL income is spent across the city both in terms of the 'neighbourhood portion' and the 'strategic pot'. In outline, this is likely to require an annual prioritisation and assessment process to be set up and agreed.
- 12.3 Ms Martindale sought clarification regarding the practicalities of how communities could access 15% of CIL receipts received (per planning application) where development took place where there is no made Neighbourhood Plan and 25% where there is a made Neighbourhood Plan). It was noted that it would be for the Council to liaise with local groups/forums to decide how this neighbourhood portion is to be spent. It was also noted that only where there was a Parish Council did council actually transfer CIL monies. As this was a new process it was important that relevant interest groups within local communities were aware of this and the means by which they could access these funds.
- 12.4 Councillor Nemeth stated that he had concerns regarding the practicalities of this approach, considering the existing 106 arrangements were preferable. He considered that monies might not end up being spent in the immediate vicinity could result in additional costs for the developer. He did not therefore feel able to support these recommendations.
- 12.5 Councillor Mears concurred, considering that the input of Local Ward Councillors who had detailed local knowledge both of the needs of their ward and the views and requirements of local residents needed to be integral to any process.
- 12.6 Councillor Simson stated that she had grave concerns that developers could be deterred by this process, she considered that more detail was required and considered that in the absence of that detail she could not support the recommendations.

- 12.7 Councillor Childs stated that he considered it was important to research what happened in other cities, for boundaries to be put into place and to assess the impact that neighbouring CIL's could have on the city. It was explained that it was envisaged that further reports would be brought back to Committee giving more fine detail as to how the CIL would operate.
- 12.8 A vote was taken and on a vote of 7 to 3 the recommendations set out in the report were agreed.
- 12.9 **RESOLVED** – (1) That the Committee notes the progress made towards adopting a CIL Charging Schedule; that the CIL Examiner's report is anticipated by the end of 2019 and that adoption by Full Council is required to commence CIL next year;
- (2) That the Committee notes and endorses the programme of work required for CIL implementation; noting that some work streams (IT, Recruitment and Governance) are required to commence ahead of formal Council adoption to ensure that the operational requirements for CIL implementation in Spring 2020 can be delivered; and
- (3) That the committee notes that Policy & Resources Committee approval of one-off resources of £0.158m, via the Targeted Budget Management reporting process, will be required to enable implementation of the scheme.

### 13 SECTION 106 PLANNING OBLIGATIONS - 2018/19 FINANCIAL REPORT

- 13.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture which provided information on the type and value of financial contributions made under Section 106 of the Town and Country Planning Act 1990 in 2018/19. These were payments secured through planning agreements or undertakings ("planning obligations") as part of the planning application process that are determined by Planning Committee. The report provided updates on the type and value of contributions secured, received and spent in 2018/19.
- 13.2 The Principal Planning Officer went on to explain that Planning obligations, commonly known as Developer Contributions or Section 106 Agreements, are legally binding agreements or undertakings between the Council as Local Planning Authority and landowners/developers. These were secured during the consideration of planning applications to mitigate the impact of development and to meet planning policy objectives that enabled the granting of planning permission. To date, planning obligations had been used to secure affordable housing, local employment training opportunities and the provision or improvement of certain types of local and community infrastructure, e.g. open space, sustainable transport and schools. (NB: With the introduction of Community Infrastructure Levy (CIL) next year the range and scope of S106 Contributions would be scaled back.
- 13.3 Councillor Rainey stated that the CIL which would largely replace the existing arrangements appeared to be very complicated. Whilst acknowledging that there was a separate report elsewhere on that days' agenda it would be helpful for Members if the committee could receive a further update report on this transition in due course.

- 13.4 Councillor Nemeth enquired how long it took to secure s106 monies. He noted that there were several big schemes, Preston Barracks, the Astoria where significant sums of money had been agreed but had yet to be spent and some instances where the sum agreed had been returned as it had not been possible to complete the works for which that sum had been allocated. The length of time involved in some instances was cause for concern. It was explained that on average the process took 3 months but that varied dependant on the specifics of an individual scheme. Whilst regrettable, it was an exception for monies to be returned and this was avoided unless it was unavoidable. Compliance was sought and any breaches of conditions/s106 requirements were taken seriously.
- 13.5 Councillor Evans sought clarification regarding the definition as and what constituted affordable housing and how those sums were allocated across the city.
- 13.6 Councillor Simson referred to the fact that large sums were being held in respect of the Preston Barracks and Astoria sites currently and sought confirmation that there was confidence that those sums would be spent and how they would be allocated .
- 13.7 **RESOLVED** – (1) That the Committee notes the progress made towards adopting a CIL Charging Schedule; that the CIL Examiner’s report is anticipated by the end of 2019 and that adoption by Full Council is required to commence CIL in 2020;
- (2) That the Committee notes and endorses the programme of work required for CIL implementation; noting that some work streams (IT, Recruitment and Governance) are required to commence ahead of formal Council adoption to ensure that the operational requirements for CIL implementation in Spring 2020 can be delivered; and
- (3) That the Committee notes that Policy & Resources Committee approval of one-off resources of £0.158m, via the Targeted Budget Management reporting process, will be required to enable implementation of the scheme.

#### **14 SUSTAINABLE DRAINAGE SYSTEMS SUPPLEMENTARY PLANNING DOCUMENT (SUDS-SPD)**

- 14.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture seeking the adoption of the Sustainable Drainage (SuDs) Supplementary Planning Document which also set out the results of consultation undertaken on the draft SPD and changes made in response to comments received.
- 14.2 It was noted that once adopted, the SPD would assist in the delivery of the development plan and the provision of sustainable drainage associated with new development. The city council, as both Local Planning Authority (LPA) and Lead Local Flood Authority (LLFA) had a duty to consider the flood risk implications and drainage provision associated with applications for new development. This would include the provision of Sustainable Drainage Systems (SuDS) and the SuDS maintenance strategy. The council’s adopted City Plan Part 1 set out the overarching planning policy framework regarding flood risk (Policy CP11). Whilst the draft City Plan Part 2 set out a proposed suite of detailed development management policies including a draft policy on Sustainable Drainage (Policy DM43) which advises that the council will produce new

guidance on Sustainable Drainage. This guidance will assist developers and applicants in making the right decisions in the provision of sustainable drainage.

- 14.3 It was noted that additions/amendments (set out in bold italic text), had been put by the Green Group, proposed by Councillor Rainey and seconded by Councillor Ebel. These had been circulated prior to the meeting and are set out below:

“2.1 That the Committee notes the consultation undertaken on the draft SPD (Appendix 1) and endorses the changes made to the document;

2.2 That the Committee adopts the Sustainable Drainage Supplementary Planning Document as part of the city’s suite of planning documents subject to any minor grammatical and non-material text and illustrative alterations agreed by the Head of Planning prior to publication; and

***That the Committee agree that consideration of the wider landscape and delivery of wider benefits, which is covered by item 3.5 in Appendix 1 (p15) should be made a priority, and that models of doing this creatively and innovatively are explored.”***

- 14.4 Councillors Ebel and Rainey spoke in support of their proposed additions/amendments explaining that whilst fully supportive of the report and its recommendations they considered it vital that measures were put into place to ensure that the areas of work identified in paragraph 3.5 of the report were dealt with as a matter priority.
- 14.5 Councillor Mears welcomed the approach being advocated which would be useful tool in that they could take account of local planning knowledge.
- 14.6 The proposed Green Group amendments were then voted on and were accepted. They were then formally voted on as the substantive recommendations of the report were agreed and are set out below.
- 14.7 **RESOLVED** - (1) That the Committee notes the consultation undertaken on the draft SPD (Appendix 1 to the report) and endorses the changes made to the document;
- (2) That the Committee adopts the Sustainable Drainage Document as part of the city’s suite of Planning documents subject to any minor grammatical and non-material text and illustrative alterations agreed by the Head of Planning prior to publication; and
- (3) That the Committee agree that consideration of the wider landscape and delivery of wider benefits, which is covered by item 3.5 in appendix 1 to the report should be made a priority, and that models of doing this creatively and innovatively are explored.

## 15 MAJOR PROJECTS UPDATE

- 15.1 The Committee considered the schedule submitted by the Executive Director, Economy, Environment and Culture on providing an update on progress in respect of major projects. It was noted that a number of areas/projects detailed in the schedule no longer sat within the remit of this committee and that there was a need to avoid unnecessary duplication of information. Members indicated that they considered information

contained in the schedule to be relevant/valuable and it was agreed that means of disseminating that information appropriately would be explored covered.

### **Brighton Waterfront**

- 15.2 Councillor Mears stated that “Blackrock” did not appear to have been included in these discussions. It was important that Ward Councillors in all of the wards impacted by future development were included and were kept informed.
- 15.3 Councillor Nemeth noted that the Waterfront and King Alfred Leisure Centre fell within the remit of the Policy and Resources Committee. He hoped however that this Committee could be kept informed of progress in those areas.

### **Circus Street**

- 15.4 Councillor Evans stated that she had received expressions of concern from residents of her ward regarding the manner in which the demolition works at Milner Flats and in the surrounding area had been dealt with by the developer. Over 4,000 local residents had objected, and their concerns had been disregarding and they had not been consulted or kept informed. The local MP had been lobbied and a meeting involving senior officers was to be arranged to address these matters. The Executive Director, confirmed that both himself and the Executive Director, Neighbourhoods, Communities and Housing had been actively involved in discussions to address the issues raised. Permission had been given for “student” accommodation in the city and it was hoped that this would relieve some of the pressure on accommodation and residential areas elsewhere.
- 15.4 **RESOLVED** – That the position be noted.

## **16 ITEMS REFERRED FOR FULL COUNCIL**

- 16.1 There were none.

The meeting concluded at 7.20pm

Signed

Chair

Dated this

day of