

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 6 SEPTEMBER 2023**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors: Loughran (Chair), Earthey (Substitute), Hamilton, Nann, Shanks, Sheard (Substitute), Theobald and Winder (Substitute)

**Officers in attendance:** Jane Moseley (Planning Manager), Katie Kam (Lawyer), Sonia Gillam (Senior Planning Officer), Mathew Gest (Planning Team Leader), Rebecca Smith (Planning Officer), Jack Summers (Planning Officer) and Shaun Hughes (Democratic Services Officer).

**PART ONE**

**31 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

31.1 Councillor Earthey substituted for Councillor Fishleigh. Councillor Sheard substituted for Councillor Allen. Councillor Winder substituted for Councillor Pumm.

**b) Declarations of interests**

31.2 None

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

31.3 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.

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

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

31.5 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 ‘airplane mode’.

**32 MINUTES OF THE PREVIOUS MEETING**

32.1 **RESOLVED:** The minutes of the meeting held on 2 August 2023 were agreed.

**33 CHAIR'S COMMUNICATIONS**

33.1 There were none.

**34 PUBLIC QUESTIONS**

34.1 There were none.

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

35.1 Following a request from Councillor Earthey for a site visit be undertaken by the Committee prior to determination of the application for BH2023/00424: 7 Saxon Close, Saltdean - the committee voted 2 to 6 against the request.

**36 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

36.1 The following items were *not* called by the Committee and were taken to be agreed in accordance with the officer's recommendation(s):

- Item H: BH2023/01467: Hove Central Library, 182 - 186 Church Road, Hove
- Item I: BH2023/01981: Hove Central Library, 182 - 186 Church Road, Hove

**A BH2023/00424 - 7 Saxon Close, Saltdean - Full Planning**

1. The Planning Manager introduced the application to the committee. The case officer stated that one more representation had been received, however, all the matters raised have been covered in the report.

## Speakers

2. A speech from Lisa Lintott an objecting resident was read out by the Democratic Services officer: The resident spoke on behalf of 6 properties in Saxon Close and they were concerned about the want of profit against the community need, public safety and living standards. The residents strongly object to the proposals as an overdevelopment of the plot against Local Plan policies QD1, QD2, QD3, HO4, QD27 and HO5. It is considered that the Saxon burial ground will be disturbed. The residents are in the same position as ten years ago when planning permission was applied for to develop 71 Lustrells Crescent, which was rejected by the planning committee, however, permission was granted at appeal. The property at 9 Saxon Close has been built to a poor standard and current owner has had problems and is not able to sell. It is considered that there is limited local market demand for property. The current owners of 7 Saxon Close have subdivide the plot to allow the development, leaving the house without a garden or garage. The development would reduce available parking in the cul-de-sac and increase the need for trucks to reverse out of the road. Residents are concerned about the construction works on this site at the top of the hill.

3. Ward Councillor Fishleigh addressed the committee and requested that a site visit be made to understand the site. The property was previously a single-family home, which has been subdivided and this application is for more, which will be detrimental to the community. The proposals are an overdevelopment of the site leading to a harmful impact on the neighbouring properties.
4. The Planning Officer noted that Members are able to make site visits without being accompanied by officers. Any profits made from the subdivision of the site are not a planning matter. The policies quoted from the 2005 Local Plan have been replaced.
5. Julia Mitchell addressed the committee as the agent and stated that approval would be welcomed. The scale of the development was equal to the adjoining property and the building would not project beyond the existing footprint. The proposals were in keeping with the area. The proposed height of the development would be 50cm above the boundary fence line with 20 Tumulus Road. The committee were requested to approve the application.

#### Answers to Committee Member Questions

6. Councillor Shanks was informed that an archaeological survey would be carried out by condition and no details of a design covenant had been received. The Planning Manager noted that covenants were not a planning issue.
7. Councillor Theobald was informed that the species of the tree to be removed was not known. A landscaping scheme was required by condition and the Highways team considered the development acceptable. The Planning Manager confirmed that the tree did not have a Tree Preservation Order (TPO) and the property was not a House of Multiple Occupancy (HMO).
8. Councillor Earthey was informed that there no concerns regarding the previous subdivision of the site.

#### Debate

9. Councillor Hamilton considered that similar applications had been approved in the past and the material considerations seemed acceptable. The councillor supported the application.
10. Councillor Shanks considered the infill a good idea as land needed to be used. The councillor supported the application.
11. Councillor Earthey considered the population density to be above usual in the area and the proposals to be an overdevelopment of the plot.
12. Councillor Sheard considered the report acceptable along with the density, noting that the scheme accorded with the Nationally Described Space Standards.
13. Councillor Theobald stated they were not keen on the infill and the development would be close to the boundary. It was considered that 7 Saxon Close needed a decent garden, similar to the surrounding properties. The proposals are considered an overdevelopment of the plot. The councillor was against the application.

14. Councillor Loughran considered the ecology and landscaping was positive. The councillor supported the application.

Vote

15. A vote was taken, and by 6 to 2 against the committee agreed 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.

**B BH2023/00643 - Pavilion and Avenue Tennis Club, 19 The Droveaway, Hove - Full Planning**

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

Speakers

2. James McGuigan addressed the committee as an objecting resident who considered the application information to be incorrect. The bushes and shrubs along the boundary are not light blocking and the glare from current flood lights is very visible as it reflects off the court surface. The bushes and shrubs do not screen all year round as they are thick in summer and thin in winter. It would appear that the heights of the neighbouring properties are wrong in the assessments submitted with the application. The noise from the courts is disturbing for the residents, especially with young families. The practice wall is especially noisy, and complaints have been submitted.
3. Ward Councillor Bagaen addressed the committee and stated that they urged Members to reject the application which presented undue harm to neighbours. The support for the application seems to have come largely from the members of the club. The councillor did not support the application as there would be hours of noise and disturbance causing harm to residents. The ward councillors have not been consulted by the applicant. The additional lighting should not be allowed at the expense of the neighbour amenities. The councillor requested that the committee reject the application and the applicant should come back with a better scheme.
4. Simon Bareham addressed the committee as the agent and stated that the application refused in 2017 was for 8m high support poles. This application has reduced the poles to 6.7m with new LED bulbs to be more efficient. The club wanted to put safety first. The club is part of the All-England Lawn Tennis Association and gives free lessons to children. The lighting will give a great opportunity for more time to play tennis. A welfare officer will be available at all times. The proposals will be a great asset to the community. The committee were requested to support the application.

Answers to Committee Member Questions

5. Councillor Shanks was informed by the agent that Sunday evening had an earlier finish time as the weekend evenings had less demand than weekday evenings. It was noted

that the application was minor and had followed the statutory process with regard to consultations. The LED lights have been proposed in light of the neighbours' concerns.

6. Councillor Sheard was informed that the photos submitted by the resident to the committee Members were taken around 8.30pm.
7. Councillor Theobald was informed by the agent that the application had been submitted to reflect the concerns previously raised by residents.
8. Councillor Hamilton was informed that the conditions limiting hours were seasonal.

#### Debate

9. Councillor Nann considered the proposals were better than the existing and the LED were a good idea.
10. Councillor Theobald was concerned for the neighbouring houses and considered the photos submitted by the resident showed high levels of light. The councillor considered there were sound and lighting issues for those living near tennis courts. The councillor was against the application.
11. Councillor Shanks considered more consultation would have been good and noted it was a well-used club. The councillor supported the application.
12. Councillor Loughran considered the details regarding the lighting in the report were good. The councillor supported the application.

#### Vote

13. A vote was taken, and by 7 to 1 the committee agreed to grant planning permission.
14. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

### **C BH2023/01992 - Rottingdean Bowls Clubhouse, 3 Falmer Road, Rottingdean - Removal or Variation of Condition**

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

#### Speakers

2. Gillian Chapman addressed the committee as resident and stated that they considered condition 3 for sound proofing should exclude the pathway, as the pathway was private land. Condition 4 restricting outside activities at the club should restrict the times to ending at 8pm, not 10pm. It was also requested that inside activities be restricted to finish by 9pm. Jilly Lovett addressed the committee as a resident and stated that the party wall did not belong to club but did belong to the neighbours. It was considered that the extension will block neighbours' access. The council should have given the covenants to neighbours in 1973.

3. The Planning Manager stated that the covenant on the pathway was not relevant to this application or a material consideration.
4. Kim Strasman as the architect sent a speech which was read out by the Democratic Services officer as follows: Condition 1. – List of Approved Drawings: We requested the inclusion of drawing P06C as it was an important drawing showing area of soundproofing. By error, this drawing was left off the list P01 B to P11 issued with the Grant of Planning Permission BH2023/00157 dated 10th July 2023. Condition 3. – Sound Proofing: A scheme for sound proofing has already been provided to the planning authority regarding the southern elevation adjoining Challoner’s Mews. Plan P06C showing the location of the soundproofing and Robust detail E-WT-1 showing a timber frame partition offset by 50mm from the existing flint wall and infilled with mineral wool sound absorbing insulation and clad on the cavity face with sheathing plywood and on the outer face with gypsum-based board of density 8 kg/m2. This detail exceeds minimum standard required by building regulation approved document E. In addition to the above, the bowling club has pledged to remove all electronic hand dryers from the men’s toilets in this location, and details of an air source heat pump have been provided, were it to be used in three or four years’ time when the funding has been achieved and when the building regulations drawings will be prepared. Condition 4. – Hours of use: The proposed variation of the wording to this condition is confusing and has not been written as we requested whereby the original close of activity should be changed from 20:00 hours to 22:00 hours. The original planning application form confirmed the current close of activity to be 22:00 hours. Condition 5. - Requirement of Details of Secure Cycle Parking Facilities: The provision of cycle parking already exists at the club at the base of the ramp and there is a covered storage area within the existing boundaries of the site for when it is raining. Club members are mostly of pensionable age and of the approximate 100 members, two are known to use cycles on a regular basis. The minimum number of 10 cycle racks requested by the planning authority takes no account of the current use, nor likely future use and is not required by the club membership. Condition 6. - Scheme for Protection of Trees: A scheme for the protection of trees was not originally required by the case officer for determining the first planning application BH2022/02786 and was then only requested three quarters of the way through the second planning application BH2023/00157. The city parks officer saw no need for a specialist arboricultural report under application BH2022/02786. (The remainder of the speech was not read out to the committee as the 3-minute time limit had been reached).

#### Answers to Committee Member Questions

1. Councillor Shanks was informed that there was another application at appeal, and if the inspector allowed the appeal, they would choose which conditions to attach.
2. Councillor Earthey was informed that the opening time of 7am was already agreed in the permission granted at the July Committee.
3. Councillor Sheard was informed that there are bus stops nearby and they ran every 20/30 minutes.
4. Councillor Theobald was informed that the 10 cycle stands were required by Highways.

#### Debate

5. Councillor Shanks considered the application to be a good thing. The councillor supported the application.
6. Councillor Theobald noted that the bowls club was thriving. The councillor supported the application.
7. Councillor Earthey supported the application.
8. Councillor Hamilton expressed concerns regarding the application, however, they now felt it was acceptable. The councillor supported the application.
9. Councillor Sheard considered the inclusion of cycle parking may encourage younger members.
10. Councillor Loughran supported the application.

Vote

11. A vote was taken, and the committee agreed unanimously to grant planning permission.
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 make a **SPLIT DECISION: GRANT** planning permission for a variation to conditions 1 and 4 and **REFUSE** a variation to/removal of conditions 3, 5, 6 and 8 subject to the Conditions, Reasons and Informatives set out in the report.

**D BH2023/00999 - 34 Crescent Drive South, Brighton - Full Planning**

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

Answers to Committee Member Questions

2. Councillor Theobald was informed that the property is not a House in Multiple Occupation (HMO) and because the land slopes to the rear the basement includes windows and access to the rear garden. It was noted that the character of the area was denoted by single dwellings in a variety of styles.
3. Councillor Shanks was informed that to use the property solely as a holiday let a new planning application would be required.
4. Councillor Loughran was informed that the application was for family but with the option for rental use.

Debate

5. Councillor Theobald considered the proposals excessive and not in keeping with the area, too big and an overdevelopment of the site.
6. The Planning Manager noted that there was no physical development proposed and therefore it was not relevant to consider the impact on the site or streetscene.

## Vote

7. A vote was taken, and the committee agreed unanimously to grant planning permission.
8. **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.

**E BH2022/02809 - St Agnes Church, Newtown Road, Hove - Full Planning**

1. The Planning Manager introduced the application to the committee. It was noted that the permissions sought were not temporary and that the application had been deferred from a previous committee to allow the applicant to provide a Noise Management Plan.

## Answers to Committee Member Questions

2. Councillor Earthey was informed by the case officer that the doorway and access onto the balcony were unauthorised. The application seeks to regularise the balcony.
3. Councillor Nann was informed that the complaints process set out in the Noise Management Plan would be conducted via email.

## Debate

4. Councillor Nann did not consider the church building to be lovely in appearance.
5. Councillor Earthey did not consider the church building to be distinctive.
6. Councillor Loughran noted the doorway was unauthorised and the access would encourage use of the balcony and thereby cause harm to the amenity of the neighbours and area.

## Vote

7. A vote was taken, and by 2 to 6 the committee voted against the officer recommendation to grant planning permission.
8. Councillor Theobald wished to protect the amenities of the area and not increase the impact on the church building.
9. The case officer noted the building was not listed.
10. Councillor Nann agreed that the council needed to be strong on unauthorised development and that the changes proposed would make an ugly building worse.
11. The Planning Manager noted that the unauthorised actions of the applicant were not for consideration. It was also noted that only privacy screens were proposed in the current application, not the use of the balcony.



12. The case officer noted the change of use of the building had taken place some years ago, however, the terrace was not open until the doorway was created to gain access, hence the conditions attached to the permission. It was noted that screens were proposed to maintain the privacy of the neighbours.
13. Councillor Loughran proposed an alternative recommendation, seconded by Councillor Nann, that the reasons for refusal were that the proposals were contrary to policy DM18, DM21 and CP12 with the Planning Manager to agree the wording with the Committee Members.

Vote

14. A recorded vote was taken, and Councillors Hamilton, Nann, Theobald, Earthey, Sheard, Winder and Loughran voted for the alternative recommendation to refuse the application. Councillor Shanks voted against the alternative recommendation.

#### **F BH2022/02810 - St Agnes Church, Newtown Road, Hove - Full Planning**

1. The Planning Manager introduced the application to the committee, noting that the application had been deferred from a previous committee to allow the applicant to provide a Noise Management Plan.

Answers to Committee Member Questions

2. Councillor Shanks was informed that the applicant had decided to submit separate applications for the balcony and vents. It was noted that enforcement action could be taken if the application were refused.
3. Councillor Theobald was informed that the grill was on the end elevation of the building.
4. Councillor Earthey was informed that the council took enforcement action when justifiable and expedient.

Debate

5. Councillor Theobald considered the application should be refused as the other application had been.
6. Councillor Loughran noted the other application had been refused on amenity grounds and impact and did not consider this application to be the same.
7. Councillor Shanks supported the application.
8. Councillor Nann was informed that the application was to regularise the situation.

Vote

9. A vote was taken, and by 6 to 1, and 1 abstention the committee voted against the officer recommendation.

10. An alternative recommendation was proposed by Councillor Nann and seconded by Councillor Loughran to refuse the application as being contrary to policy DM18.
11. A recorded vote was taken and Councillors Nann, Theobald, Earthey, Sheard, Winder and Loughran voted for the alternative recommendation. Councillor Shanks voted against the alternative recommendation. Councillor Hamilton abstained from the vote.

**G BH2023/01135 - 13 Hailsham Avenue, Saltdean - Householder Planning Consent**

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

Answers to Committee Member Questions

2. Councillor Shanks was informed that the application had come to committee as a Ward Councillor had called the application in and a member had asked that it be heard rather than called over.
3. Councillor Sheard was informed by the case officer that the development was an extension and not a new dwelling.
4. Councillor Earthey was informed by the case officer that the Ward Councillor had considered the proposals overdevelopment of the property and previous applications had been approved. The case officer noted on the site visit that the outbuildings were permitted development and the proposed side extension was considered appropriate. The neighbour would not be prevented extending their property by this application.

Vote

5. A vote was taken, and the committee agreed unanimously to grant planning permission.
6. **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.

**H BH2023/01467 - Hove Central Library, 182-186 Church Road, Hove - Listed Building Consent**

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **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** Listed Building Consent subject to the Conditions and Informatives in the report.

**I BH2023/01981 - Hove Central Library, 182-186 Church Road, Hove - Listed Building Consent**

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

- 4. **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** Listed Building Consent subject to the Conditions and Informatives in the report.

**37 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**

37.1 There were none from this meeting.

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

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

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

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

**40 APPEAL DECISIONS**

40.1 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 4.56pm

Signed

Chair

Dated this

day of

