

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 3 APRIL 2024**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Loughran (Chair), Cattell, Nann, Robinson, Shanks, C Theobald, Winder, Sheard (Substitute), Earthey (Substitute) and Miller (Substitute)

**Co-opted Members:** Jim Gowans (Conservation Advisory Group)

**Officers in attendance:** Matthew Gest (Planning Manager), Alison Gatherer (Lawyer), Steven Dover (Planning Officer), Chris Swain (Planning Team Leader), and Shaun Hughes (Democratic Services Officer).

**PART ONE**

**95 PROCEDURAL BUSINESS**

**a) Declarations of substitutes:**

95.1 Councillor Sheard substituted for Councillor Allen. Councillor Miller substituted for Councillor Thomson. Councillor Earthey substituted for Councillor Fishleigh.

**b) Declarations of interests:**

95.2 Councillor Shanks declared they were a trustee of the Brighton Pavilion, however they remained of an open mind in relation to the planning application on the agenda. Councillor Miller declared that they had been involved in discussions regarding the Brighton Hippodrome and would not take part in the discussions or vote for the Hippodrome application.

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

95.3 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.

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

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

95.5 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'.

**96 MINUTES OF THE PREVIOUS MEETING**

96.1 **RESOLVED:** That the minutes of the meeting held on 6 March 2024 were agreed.

**97 CHAIR'S COMMUNICATIONS**

97.1 The Chair stated that Under the Council's constitution, where there is a vacancy in the office of Chair or Deputy Chair, Full Council or the relevant committee can make the appointment.

Nominations were as follows: Councillor Nann proposed Councillor Robinson, Councillor Cattell seconded the motion. No other nominations were submitted.

The committee agree the appointment of the new Deputy Chair of the Planning Committee as Councillor Robinson.

**98 PUBLIC QUESTIONS**

98.1 There were none.

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

99.1 There were none.

**100 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

100.1 The Democratic Services officer called the agenda applications to the committee. The following items were not called for discussion and were therefore taken to be agreed in accordance with the officer's recommendation:

- Item D: BH2023/03197: 26 Arundel Drive East and 22-24 Arundel Drive East, Saltdean, Brighton BN2 8SL
- Item F: BH2024/00057 (PLA): Brighton Museum and Art Gallery, Pavilion Buildings, Brighton BN1 1EE
- Item G: BH2024/00058 (LBC): Brighton Museum and Art Gallery, Pavilion Buildings, Brighton BN1 1EE

All other applications were called for discussion, including major applications and those with speakers.

**A BH2022/02443 - The Hippodrome, 51 & 52-58 Middle Street, Brighton - Full Planning**

1. The Case Officer introduced the application to the committee and provided a verbal update clarifying amendments proposed to the conditions schedule. The case officer also reported two late representations received, one from the Council's Culture and Tourism Team and another from the Hippodrome CIC. Neither representation raised matters not already considered within the report.

#### Speakers

2. Tom Clarke of the Theatre Trust addressed the committee and stated that the changes made to the development following comments were welcomed. It was noted that there was limited space inside the building and the loss of interior decorations was an issue. The S106 agreement was good, as was the events and services plan. The Palm Court should be protected and form part of the development plan. The committee were asked to ensure they understood the scheme and were requested to seek further revisions.
3. Ward Councillor Goldsmith addressed the committee and stated that they were in favour of the application which was considered to bring new life to the building, which was considered to have huge heritage value. The development protects the asset to the area and city as a whole. The positive elements of the scheme are supported by residents and the local MP, Caroline Lucas. There are some objections. A lyric theatre style of performance space would be better, however, there is no funding for this idea. The project needs to be viable. The committee were requested to agree the application.
4. Simon Lambor addressed the committee as the agent acting on behalf of the applicant and stated that the family run development company bought the hippodrome 3<sup>1</sup>/<sub>2</sub> years ago after the building had been neglected for many years. Some of the ceiling has been lost, however £5m has been invested into the building roof already and some ceiling plaster has been saved. The building has been through a variety of uses including music hall and the proposed scheme will keep that variety of uses. The committee were requested to approve the application so works can continue to save the existing building.

#### Answers to Committee Member Questions

5. Councillor Theobald was informed that the standing capacity would be around 1,800 with 400 seated. The toilets would be planned by the operator of the site, and there was currently no operator. The loss of the Palm Court mouldings was deemed acceptable. The interiors plan was not assured yet; however, the council would encourage saving the existing plaster columns. The agent confirmed the columns were to be saved in the Palm Court.
6. Councillor Robinson was informed by the agent that there would be two reception areas and two phases to the works. It was hoped that both phase one and two would be managed by the same company. The case officer confirmed that there would be two receptions, but one aparthotel with a condition to secure it as one operation and the bar would in phase one. There would be two rooftop bar areas and one would be enclosed, and the doors conditioned to close at 10.30pm. It was confirmed that Middle Street is one way and delivery trucks would come from the south and continue north into Ship Street to exit. Trucks would not be reversing down Middle Street. A delivery management plan was required by condition.

7. Councillor Earthey was informed that the Grade II\* listed building would be using sustainable energy by condition and careful roof installation would be required.
8. Councillor Shanks was informed that the roof terrace seating would be raised and set back facing Middle Street. Seating outside the building on the street would be limited and require a licence from Highways. The agent confirmed the terrace would be obscured by the stair tower and projection room, plus a 1.2m high parapet wall.
9. Councillor Sheard was informed that phase two will be started after the auditorium has been completed and operating. The council's Highways team will work with the construction company to resolve the delivery of building materials. It was confirmed that the street waste bins could be moved to ensure the vehicle tracking plan worked.
10. Councillor Loughran was informed that the delivery trucks would leave the site in forward gear through the old town. The route and hours would be agreed by condition.

#### Debate

11. Councillor Theobald considered the works already carried out were wonderful. The hippodrome was a unique building. A large-scale theatre would be preferred. The councillor was glad the aparthotel has been reduced. The change of office space to rehearsal space was a good thing. The building was an asset, and the councillor was glad it was to be saved. The councillor supported the application.
12. Councillor Shanks considered the application to be good for this important building. The ceiling was considered to be fantastic, and the councillor would like to see it finished.
13. Councillor Cattell considered the application to be a once-in-a-lifetime opportunity to rejuvenate the building. The councillor considered the city required a medium size performance space and supported the application.
14. Councillor Earthey complimented the developers, even though the councillor considered the delivery lorries would be an issue. The councillor supported the application.
15. Councillor Robinson considered the developer to be doing a great job, however, they had a few concerns. Overall, the councillor supported the application.
16. Councillor Nann supported the application.
17. Councillor Sheard considered the scheme to be a wonderful opportunity to create a great amenity in the lanes, which would pull people to this part of the city. The councillor considered it to be good that the developer was a family business.
18. Councillor Winder considered the scheme to be a wonderful opportunity and they supported the application.
19. Councillor Loughran considered the building to be a very important heritage asset and the loss would be significant. The councillor considered the developer was doing a good

job and the scheme would have limited impact on the area. The councillor supported the application.

Vote

20. A vote was taken, and the committee unanimously agreed the officer recommendations. (Councillor Miller took no part in the discussion process or the vote).

21. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to:

A) Completion of a s106 Agreement and secure the Heads of Term as set out below:

- Employment and Training Strategy
- Contribution of £70,800 for Employment and Skills Training
- Contribution for monitoring obligations (Events Management Plan)
- Contribution for monitoring obligations (Delivery and Servicing Management Plan)
- Contribution for monitoring obligations (Travel Plan)

B) The Conditions & Informatives set out at Appendix B **SAVE THAT** should the s106 agreement not be completed on or before 3<sup>rd</sup> August 2024 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Appendix C of the report.

**B BH2022/02444 - The Hippodrome, 51 & 52-58 Middle Street, Brighton - Listed Building Consent**

1. The case officer introduced the application to the committee.
2. The Listed Building Consent was discussed at the same time as the planning application. For minutes, please see BH2022/02443.

Vote

3. A vote was taken, and the committee unanimously agreed the officer recommendations. (Councillor Miller took no part in the discussions or the vote).

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

**C BH2022/01500 - St Margaret's Church, The Green, Rottingdean, Brighton - Full Planning**

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

Speakers

2. Erica Partridge addressed the committee as an objecting resident and stated that they had carried out forensic work on the application and were concerned that the committee had not visited the site which is grade II\* listed and therefore very important. Living opposite the church the extension seemed unnecessary as the proposals would cause harm to the north wall and the Edward Burne-Jones window. The new windows are considered ugly and not in keeping with the building and area. The proposals look like a supermarket or public toilets. The extension will cause harm to the existing windows. The planning committee should decide; however, the extension is not needed.
3. Reverend Anthony Moore addressed the committee as the applicant and stated that they had been vicar at the church for 7 years and noted that the church was a registered charity with trustees, who manage the resources and finances. There is a need to protect the building and the English Heritage officers have been working with the church, allowing the church to flourish whilst serving the wider community. As Easter Sunday proved additional space is needed for wheelchair users, parents with babies and others. The church has been in contact with user groups, looking at ways to utilise the church, reduce running costs and maximise income. The ecological impact of the development is appreciated, and measures have been taken to mitigate any harm to the environment. The pastoral sensitivity is noted, and the works are considered respectful.
4. Jim Gowans of the Conservation Advisory Group addressed the committee and asked if any existing views of the north elevation had been shown to the committee. It was confirmed that 3D visuals had been shown and existing elevations.

#### Answers to committee Member Questions

5. Councillor Earthey was informed that the north elevation was chosen as the best option for the scheme following extensive pre-application advice. It was noted that the Burne-Jones window would be protected by condition and the Saxon doorway would be re-opened as a fire exit. The Saxon walls would remain undamaged, and an archaeologist would be on site during the works.
6. Councillor Nann was informed by the applicant that the congregation had been consulted in a survey in 2019. It was noted that the survey results showed that the congregation considered the facilities inadequate, space was needed with separate heating and lighting.
7. Councillor Miller was informed that the church holds 200 people comfortably. It was noted that the church needed to be more accessible.
8. Councillor Theobald was informed that all options had been explored with regard to location, and the northern elevation was considered to minimise the impact and therefore the best location. A single storey extension was not considered to be in keeping. A two-storey extension was considered to be more acceptable against the existing building.
9. Councillor Cattell was informed by the objecting resident that the scheme would be 60m from the neighbours in Tudor Close and in a prominent view and officers clarified that at the nearest point the development would be 25-30m from Tudor Close although where the objector lived within Tudor Close was unknown.

10. Councillor Miller was informed that the Burne-Jones window is high up in the elevation and part of the first-floor extension would include a rooflight to still provide natural light the window.
11. Councillor Winder was informed that the stained-glass windows would be protected during the works by condition.
12. Councillor Loughran was informed that the Tudor Close properties were sufficiently away from the proposed works which were considered to have no overbearing impact.

Debate

13. Councillor Shanks considered the proposals to be in keeping and they noted the Burne-Jones window as an asset to the building.
14. Councillor Cattell considered the churches need to move forward and disability access was very important. The councillor supported the application.
15. Councillor Nann noted the changes were supported by the congregation and they supported the application.
16. Councillor Robinson noted the applicant had done a lot of work and the church needed to move forwards. The councillor supported the application.
17. Councillor Miller considered the church needed to be good for the community. The councillor supported the application.
18. Councillor Winder considered the application was good for the community and supported the application.
19. Jim Gowans of the Conservation Advisory Group reminded the committee to weigh the impact on the north elevation of the listed building against the public benefits.
20. Councillor Theobald considered the materials to fit the existing building, the proposals to provide good facilities and it would be difficult not to grant planning permission. The councillor supported the application.
21. Councillor Earthey considered the building was protected by conditions and supported the application.
22. Councillor Loughran considered the church to be spectacular following a site visit. The extension was in the right place to minimise the harm. The church needs to survive. The congregation is large and there are many visitors to the church and commonwealth graves in the graveyard. The councillor considered the heritage test had been met.

Vote

23. A vote was taken, and the committee unanimously agreed the officer recommendations.

24. **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 BH2023/03197 - 26 Arundel Drive East and 22-24 Arundel Drive East, Saltdean, Brighton - Full Planning**

1. The case officer provided a verbal update on the application to propose an amendment to a condition which no longer would refer to Use Class C2(a) and would refer to C2 only. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

**E BH2023/03432 - Flat 13, St Gabriels, 18A Wellington Road, Brighton - Full Planning**

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

Answers to Committee Member Questions

2. Councillor Shanks was informed that the application dwelling was a flat.
3. Councillor Miller was informed that the committee needed to look at the application before them and there was a shortage of cheap housing in the city. It was noted the living room window would face east and the external changes to building were to be kept to a minimum. It was also noted that the existing flats were constructed 5 years ago so the thermal insulation was good. The case officer noted that conditions needed to be reasonable and a new rooflight by condition would not be reasonable.
4. Councillor Winder was informed that the kitchen and communal space covered 37sqm and this was acceptable. The storage space was 5sqm, the small bedroom was 15sqm and the double bedroom was 18sqm. There was also a shower room and a bathroom.
5. Councillor Loughran was informed that the building regulations would cover the insulation of the property. It was noted that the flat existed and access would remain the same. The application is to extend the flat. Sound insulation would be provided by condition and the building regulations. There would be a maximum of 5 persons, where there is 3 at present. It was not considered there would be much cumulative impact on the communal stairs.
6. Councillor Nann was informed that the House of Multiple Occupancy (HMO) would be for 5 people. It was noted 3 studio flats already exist in the space.
7. Councillor Robinson was informed that there would be a dormer window in the living room area.
8. Councillor Loughran was informed that there were 13 flats in the building at present, there was no outside space for the flats, however there were parks nearby.
9. Councillor Sheard was informed that the space to be converted was void.



Debate

10. Councillor Cattell noted that the building consisted of bedsits, and this was low-cost accommodation, for which there was a demand. Outside space would be good, however, here it is not possible. The councillor supported the application.
11. Councillor Sheard declared that they were undecided, and the design was a concern, with a studio flat being turned into a 3-bed flat. Lack of communal space was a concern; however, housing was needed.
12. Councillor Robinson agreed that cheaper housing was required, however, they considered this space a challenge. The councillor did not support the application.
13. Councillor Winder expressed concerns for future occupiers and considered a more flexible house would be better. The councillor had doubts about the application.
14. Councillor Miller noted that housing was needed, however, it needed to be good quality. The councillor had concerns over space and the impact on future occupiers. The councillor did not support the application.
15. Councillor Shanks considered there were no planning reasons to refuse the application. The councillor noted that HMOs were needed. The councillor supported the application.
16. Councillor Nann expressed concerns for the residents below the proposals.
17. Councillor Loughran expressed concerns that a site visit had not taken place.
18. Councillor Theobald considered the size of the rooms to be adequate and they therefore had no issues with the application.
19. Councillor Earthey proposed a motion to defer the application till a site visit could be made by the committee Members. Councillor Miller seconded the motion.

Vote

20. A vote was taken and by 9 to 1 the committee agreed to defer the application until a site visit could be arranged.

**F BH2024/00057 - Brighton Museum and Art Gallery, Pavilion Buildings, Brighton - Full Planning**

2. The case officer provided a verbal update on the application proposing an additional condition at the request of the applicants. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

**G BH2024/00058 - Brighton Museum and Art Gallery, Pavilion Buildings, Brighton - Listed Building Consent**

- 3. The case officer provided a verbal update on the application proposing an additional condition at the request of the applicants. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

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

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

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

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

**103 APPEAL DECISIONS**

- 103.1 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 5.44pm

Signed

Chair

Dated this

day of