

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 5 JUNE 2024

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Loughran (Chair), Allen (Deputy Chair), Earthey (Substitute), Galvin, Nann, Shanks, Sheard (Substitute) C Theobald, Thomson and Winder.

Officers in attendance: Jane Moseley (Planning Manager), Katie Kam (Lawyer), Steven Dover (Planning Officer), Sonia Gillam (Principal Planning Officer), Emily Stanbridge (Senior Planning Officer) and Shaun Hughes (Democratic Services Officer).

PART ONE

123 PROCEDURAL BUSINESS

a) Declarations of substitutes

123.1 Councillor Sheard substituted for Councillor Robinson. Councillor Earthey substituted for Councillor Fishleigh.

b) Declarations of interests

123.2 Councillor Galvin stated that they were on the board of Brighton Racecourse and would therefore take no part in the discussions or decision-making process for item D BH2023/03054: Racehill, Warren Road, Brighton. Councillor Thomson would be addressing the committee on items E and F, and therefore would not take part in the discussions or decision-making process for BH2023/03417 (PLA) and BH2023/03418 (LBC): 132 Kings Road, Brighton.

c) Exclusion of the press and public

123.3 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.

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

d) Use of mobile phones and tablets

123.5 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'.

124 MINUTES OF THE PREVIOUS MEETING

124.1 **RESOLVED:** The minutes of the meeting held on 8 May 2024 were agreed.

125 CHAIR'S COMMUNICATIONS

125.1 The Chair congratulated Nicola Hurley on being appointed Head of Planning.

The chair also noted that any interruptions to the committee meeting would result in the persons involved being asked to leave the chamber or removed if necessary, and depending on the situation an adjournment would be called.

126 PUBLIC QUESTIONS

126.1 There were none.

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

127.1 There no requests for site visits.

128 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

128.1 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 C: BH2024/00507: 62 Albion Hill, Brighton
- Item G: BH2024/00213: 7 Meadow Close, Hove
- Item H: BH2024/00154: Grange Court, 91 Payne Avenue, Hove

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

129 DEFERRED ITEMS

A BH2023/03236 - Emblem House, Home Farm Business Centre, Home Farm Road, Brighton - Full Planning

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

Speakers

2. Maude Casey addressed the committee as a resident and stated that they were a lifelong promoter of world peace and live in this city considered a 'sanctuary-on-sea'. If the application was granted this would polarise society. The equalities assessment

shows that ethnic groups would be affected. Minorities feel vulnerable. Neighbours have reported losing family members as a result of war. The council should support residents, as should the committee Members.

3. Ward Councillor Fowler addressed the committee and stated that they objected to the application, which was considered an overdevelopment of the site. The current permission granted in 2018, ran out in 2023, therefore the building should be removed, and the site made good. The media coverage has shown abhorrent actions from Palestine, and it needs to stop. Hate crimes across the city have increased. Harassment in the city needs to stop. Planning permission needs to be refused to stop the creation of arms. The committee were asked to vote against the application.

Answers to Committee Member Questions

4. Councillor Shanks was informed that the informal enforcement action was always attempted before formal enforcement action which can include seeking a planning application to regularise development which had happened in this case, hence the planning application under discussion.
5. Councillor Allen was informed that some external legal advice had been shared in in the officer report, to be transparent, and in providing the advice, it had considered the Officer Report and equalities impact assessment. Other advice had also been sought but this was legally privileged. It is the decision of the committee as to the weight given to the legal advice received from King's Counsel in the overall planning balance. The resident informed the councillor that they had contacted the Minister for Parliament and local councillors to request the removal of the factory in the community. The resident considered that a cross section of Brighton residents shared their thoughts.
6. Councillor Earthey was informed by the Chair that the social impact of the application could be considered.
7. Councillor Theobald was informed that the applicant requested planning permission after considering that they wished to retain the structure.
8. Councillor Nann was informed by the resident that children had not been included in the equalities assessment and they would be deeply affected by the war in Palestine and war components being made in the city. The Planning Manager noted that there was no evidence to show children would be disproportionately affected by the development. The resident considered there would be a disproportionate impact on certain parts of the community, with Jewish and Muslim city communities affected. The resident considered that the applicant was in breach of UK and European law.
9. Councillor Thomson was informed by Ward Councillor Fowler that they had read that the use was permitted for 5 years only, after which the land should be returned to original condition. The Planning Manager noted the applicant had suggested the five-year temporary permission in the original application, it had not been imposed by the local planning authority. An extension to the time would require planning permission.

10. Councillor Loughran was informed by the Planning Manager that it was not known if the development had been designed specifically for that space, however, it was subservient and considered an acceptable extension on an industrial estate under planning policy.

Debate

11. Councillor Shanks considered it was not a difficult decision as they did not want this in the city. The councillor was against the application.
12. Councillor Allen considered the impact on city cohesion, and the council needed to be the right side of justice. Human Rights affected all decisions, and this was damaging. The councillor was against the application.
13. Councillor Nann considered that voting for the application would create a rift in the community. The councillor was against the application.
14. Councillor Thomson stated they had looked at the application for a long time and if stripped away it would appear to be acceptable, however, the community will be affected, therefore the councillor was against the application.
15. Councillor Earthey stated they had read the King's Counsel report and they wanted to boost harmony in the city.
16. Councillor Winder considered the King's Counsel report to be weighty and must be considered. The councillor was against the application.
17. Councillor Galvin stated they were against the application.
18. Councillor Theobald noted the planning permission was temporary, however, the development did impact on the South Downs National Park. The councillor considered it was difficult to not get involved with the politics of the application.
19. Councillor Sheard considered to support the applicant would not be good or humane, and if voted against there may be costs, however, the King's Counsel report had weight and the councillor was against the application.
20. Councillor Loughran considered that the equalities assessment noted the impact on minority groups in the city, particularly the Jewish and Muslim groups, some 11,000 residents. It was noted hate crimes had increased and this was a significant concern. They noted the building was not in use for additional employment, however, the Planning Manager noted it was a loading bay so part of the wider site use.

Vote

21. A vote was taken, and the committee voted unanimously against the officer recommendation to approve the application.
22. A motion to refuse the application was proposed by Councillor Allen and seconded by Councillor Nann.

23. A recorded vote was taken and Councillors Allen, Earthey, Galvin, Nann, Shanks, Theobald, Thomson, Winder, Sheard and Loughran voted for the refusal.
24. **RESOLVED:** The planning committee agreed that planning permission be refused for the following reason, subject to final agreement with the proposer and seconder: The benefit of retaining the extension on a permanent basis would be outweighed by its impact on community cohesion and on the provision of safe, accessible spaces and would have a disproportionate impact on those with protected characteristics, increasing discrimination, harassment, and victimisation, to the detriment of fostering good relations between people of one race and another, or one religion and another, contrary to section 149(1) of the Equality Act 2010 and paragraph 135(f) of the NPPF, and Strategic Objectives 19 and 20 and Policy SS1 of the City Plan Part 1.
25. It was further agreed that if the application went to appeal that the Committee delegates resolving any conditions and obligations to the Head of Planning.

B BH2023/03130 - Portslade Village Centre, 3 Courthope Close, Portslade - Full Planning

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

Answers to committee Member Questions

2. Councillor Galvin was informed that the existing community centre will be demolished, and the new centre will form part of the new buildings and will be smaller. It is considered that the centre will be better quality than the existing.
3. Councillor Theobald was informed that the users of the existing centre have been consulted and the new site will be more accessible, and the internal spaces can be arranged into different sizes. It was noted that other council owned buildings will be available for use of current hirers. The parking spaces to the north and west are for the centre users, with a total of 10.
4. Councillor Shanks was informed that the housing would be 100% affordable but that only a policy-compliant 40% can be secured through legal agreement. The opening times were suggested by the applicant, and these were covered by condition. The Estate Regeneration Project Manager noted that Nautical Training use the site currently and no end user had been identified. The centre will be let by the council to a management company and hirers will pay the management company.
5. Councillor Galvin was informed that the closing time of 10pm can be changed by the end user if they apply for a variation of the condition relating to opening times. The Planning Manager noted the quiet times were 11pm to 7am.
6. Councillor Loughran was informed that overlooking and loss of privacy had been considered by officers in assessing the application.
7. Councillor Winder was informed that each unit had outside space of either a balcony or patio, and there were also communal spaces.

Debate

8. Councillor Theobald considered the affordable housing to be good, as was the design. It was disappointing to reduce the size of the centre, however, they supported the application.
9. Councillor Allen considered the 100% affordable housing refreshing to see and considered the development sat well within the area. They considered Nautical Training to be a good group.
10. Councillor Shanks considered the location for housing to be good, however, it was a shame the centre was to be smaller.
11. Councillor Earthey considered it to be good that the development would be owned by the council and not privatised.
12. Councillor Loughran proposed a change to condition 4 regarding opening times to allow later opening if wanted.

Vote

13. A vote was taken on condition 4, and the committee agreed unanimously to update C4 to add 'Unless otherwise agreed in advance and in writing by the Local Planning Authority'.
14. A vote was taken on the application, and the committee agreed unanimously to grant planning permission.
15. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the Conditions and Informatives, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 5th September 2024 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in the final section of the report.

C BH2024/00507 - 62 Albion Hill, Brighton - Full Planning

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

D BH2023/03054 - Racehill, Warren Road, Woodingdean, Brighton - Full Planning

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

Speakers

2. Neighbouring Ward Councillor Rowkins addressed the committee and stated that they represented the view of the local residents, who considered they were on the fringe of the city and there the application would result in one large car park on Racehill. There are existing parking areas, and this would add to total parking. Surface water is a

concern and the quote 'unlikely to be significant' is disputed. Any increase in surface water in the area would be an issue.

3. Matthew Pardoe addressed the committee as the agent acting on behalf of the applicant and stated that the site was allocated to park-and-ride in 2013, the scheme would therefore not be creating additional parking but had sealed the area. The park-and-ride included 700 parking spaces and parking was a lawful use with planning permission. The character and appearance of the site was as parking, and the scheme would improve the visual appearance. The drainage was deemed acceptable as the proposed aggregate would be better than the existing mud. The traffic management will be good. The committee were requested to support the application.

Answers to Committee Member Questions

4. Councillor Shanks was informed by the agent that the land was owned by the council and used as a park-and-ride for the football stadium and was suitable for parking.
5. Councillor Loughran was informed that there was no extra risk of flooding on the site.

Debate

6. Councillor Theobald considered it was better to have the ground treatment and native hedging than the existing situation. The councillor supported the application.
7. Councillor Winder considered the site as recreational open space, that the proposed hedging was acceptable. The current parking is haphazard in this area of biodiversity.
8. Councillor Allen considered the views from the site to be stunning and this site was always used for events. The councillor weighed up use and utility, with a lean towards parking. It was considered that the scheme could help the pressure on the roads.
9. Councillor Sheard supported the application noting the extreme pressure on the area next to the stadium. The proposals were considered to alleviate the pressure and to be a benefit to the city.

Vote

10. A vote was taken, and by 8 to 1 the committee agreed to grant planning permission. (Councillor Galvin took no part in the decision-making process or vote).
11. **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 BH2023/03417 - 132 Kings Road, Brighton - Full Planning

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

Speakers

2. Eleni Shiarlis addressed the committee as a resident and stated that they were part of the family run restaurant, with a loyal customer base, underneath the application site. The development is considered out of keeping with the existing building, with no consideration of the asset, as the scheme is visually jarring. It is considered that the plans are contrary to National Planning Policy Framework (NPPF) and the city plan policies and will have a harmful impact. The four mechanical vents would need to be moved as they would be too close to the development. The proposed lift shaft is an issue. The resident stated they would not agree to any part wall agreements.
3. Ward Councillor Thomson noted the application was not new for this property. The development was against the NPPF and although not listed was adjoining a grade II listed building. The heritage building neighbouring the site overlooks the property. The development is not in keeping with existing building. It is considered that the neighbouring windows will be obscured by the development. There are concerns that the 'bungaroosh' walls will not be able to support the structure. The committee were requested to reject the application.
4. Michael Wilson addressed the committee as the agent acting on behalf of the applicant and stated that the project was restoration and maintenance with a regency frontage. The rear of the property is in poor condition, and the proposed accommodation would cover the cost of maintaining the building. The development has a simple light weight design with a new parapet wall obscuring the structure from the street. The frame will be timber with glass windows. The existing walls will support the structure and would not overload them. The application has pre-application approval from Planning officers.

Answers to Committee Member Questions

5. Councillor Nann was informed that the due weight was given to the setback aspect of the development with consideration to the maintenance of the rest of the building. The agent stated that they had had no direct conversations with the neighbours, however, they had been notified.
6. Councillor Shanks was informed by the Principal Heritage Officer that the development would not be prominent as the balustrading would screen the structure. The agent stated that they were trying to match old photographs of the building and they had submitted the Listed Building Consent (LBC) application as the neighbouring property was listed. It was noted that the Conservation Advisory Group (CAG) comments had been taken into account, as well as the council heritage team comments.
7. Councillor Theobald was informed that the proposed lift would rise from the first floor to the top floor.
8. Councillor Allen was informed by the agent that they did not consult the neighbouring residents and they had not spoken to the Regency Society.
9. Councillor Loughran was informed by the agent that they were relying on the old photographs in the report for design and they had not contacted the Conservation Advisory Group (CAG).

10. Councillor Galvin was informed that the building was not listed. Any work to the adjoining walls of neighbouring listed building would require consent.

Debate

11. Councillor Nann objected to the development, which they considered to be shoved into the space. The councillor considered the project to be risky and expressed concern relating to the lack of consultation. The councillor was against the application. The Planning Manager noted that applicants were encouraged to consult, however, this could not be a reason to refuse the application.
12. Councillor Theobald noted there were eleven representations from residents objecting to the development. It was noted that the proposed balustrade would hide the proposed flat, and the building was not listed.
13. Councillor Allen expressed concerns at the lack of engagement. However, the councillor was generally disposed to building upwards instead of out.
14. Councillor Sheard expressed disappointment at the lack of community engagement. It was noted that the development would not be seen from street level, the property would not be a House of Multiple Occupancy (HMO) and the property was near to amenities.

Vote

15. A vote was taken, and by 4 to 5 the committee voted against the officer recommendation. (Councillor Thomson took no part in the decision-making process or the vote).
16. Councillor Nann proposed a motion to refuse the application, seconded by Councillor Earthey.
17. A recorded vote was taken, and Councillors Allen, Earthey, Galvin, Nann and Winder voted for the refusal. Councillors Shanks, Theobald, Sheard and Loughran voted against the refusal. (Councillor Thomson took no part in the decision-making process or the vote).
18. **RESOLVED:** The planning committee agreed that planning permission be refused for the following reasons, subject to final agreement with the proposer and seconder:
 1. The scheme would result in an unacceptable loss of light to neighbouring residents, contrary to Policy DM20 of City Plan Part 2.
 2. The appearance of the development, primarily the glass frontage, would result in harm to the conservation area and the setting of the adjacent listed and locally listed buildings, contrary to Policy CP15 of CPP1 and Policies DM26, DM27 and DM28 of City Plan Part 2.

1. The Planning Manager introduced the application to the committee.
2. The speakers, questions and discussion relating to the development are minuted for the planning permission application BH2023/03417.
3. A vote was taken, and by 4 to 5 the committee voted against the officer recommendation to approve the application. (Councillor Thomson took no part in the decision-making process or vote).
4. Councillor Allen proposed a motion to refuse the Listed Building Consent, which was seconded by Councillor Nann.
5. A recorded vote was taken, and the following Councillors voted to refuse the application: Allen, Earthey, Galvin, Nann and Winder. Councillors Shanks, Theobald, Sheard and Loughran voted against the refusal. (Councillor Thomson took no part in the decision-making process or vote).
6. **RESOLVED:** The Planning Committee has decided that the Listed Building Consent be refused for the following reasons: The scheme would cause harm to the heritage of the listed building, contrary to Policy CP15 of CPP1 and DM27 of the CPP2.

G BH2024/00213 – 7 Meadow Close, Hove – Householder Planning Consent

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

H BH2024/00154 – Grange Court, 91 Payne Avenue, Hove – Full Planning

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

I BH2024/00617 – 8 & 9 Lucraft Road, Brighton – Full Planning

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

Speakers

2. Ward Councillor Alexander addressed the committee and stated they had received emails from concerned residents. The councillor asked the committee to consider the look and character of the road and area. Parking in the area in football match days is very difficult as is parking in general. Losing two parking spaces and adding more cars would have a negative effect. The narrow home would change the appearance of the road. The committee were asked to refuse the application.
3. Simon Bareham addressed the committee as the agent acting on behalf of the applicant and stated that the development was identical to another application allowed at appeal in 2021. The main issue is visual impact and the inspector found this acceptable under CP12 of government guidance. The parking and appearance of the development are acceptable. It was noted that there was a housing crisis in the city, this was a brownfield

site, and the scheme was well designed. The committee were requested to grant planning permission.

Answers to Committee Member Questions

4. Councillor Earthey was informed by the agent that there were two garages to the rear of the existing properties, and these would be demolished.
5. Councillor Galvin was informed by the agent that the proposed development would not be a House of Multiple Occupancy (HMO) like the adjoining neighbours and converting the property to an HMO would require planning permission.
6. Councillor Sheard was informed by the agent that there was no policy to prevent a dwelling being 'sandwiched' between two HMO properties, only a new HMO 'sandwiching' a dwelling.
7. Councillor Thomson was informed that the terraced design was established in the streetscene by an existing terrace of properties. It was noted that there was 4m between the front doors of the properties.
8. Councillor Shanks was informed that the 2021 appeal was allowed and the applicant had 3 years in which to start works but that had elapsed, so the permission had expired.
9. Councillor Loughran was informed that the same architect was attached to the application and the appeal.

Debate

10. Councillor Allen considered the appeal decision added great weight to the application. It was noted that the Ward Councillor considered parking to be a major issue and the inspector did not.
11. Councillor Sheard expressed concerns that the development took away parking, which was an issue on football match days. The councillor considered that an application to turn the development into an HMO would be refused by the council. It was noted that the owner was prepared to lose the two garages, but not if the occupiers agreed. The councillor was concerned at the inspector's decision and how this reflected on City Plan policy.
12. Councillor Theobald expressed concerns that they did not feel they had much option. The councillor supported the application.
13. Councillor Earthey stated they would like to object, however, they felt they could not.
14. Councillor Thomson considered the development felt wrong and they would like to object.

Vote

15. A vote was taken, and by 8 to 2 the planning 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.

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

130.1 There were none.

131 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

132 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

133 APPEAL DECISIONS

133.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 6.06pm

Signed

Chair

Dated this

day of