

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 6 NOVEMBER 2024

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Loughran (Chair), Allen (Deputy Chair), Earthey, Galvin, Robinson, Shanks, C Theobald, Thomson and Winder

Co-opted Members:

Officers in attendance: Jane Moseley (Planning Manager), Steve Dover (Planning Officer), Jack Summers (Planning Officer), Michael Turner (Senior Planning Officer), Katie Kam (Senior Solicitor).

PART ONE

28 PROCEDURAL BUSINESS

a Declarations of substitutes

28.1 There were none for this meeting.

b Declarations of interests

28.2 There were none for this meeting.

c Exclusion of the press and public

28.3 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.

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

d Use of mobile phones and tablets

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- 28.5 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'.

29 MINUTES OF THE PREVIOUS MEETING

- 29.1 **RESOLVED** – That the minutes of the meetings held on 22 May 2024 and 2 October 2024 were agreed as a correct record.

30 CHAIR'S COMMUNICATIONS

- 30.1 There were none.

31 PUBLIC QUESTIONS

- 31.1 There were none.

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

- 32.1 There were no site visit requests.

33 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

- 33.1 All items were called, with exception of Item D, BH2024/00673 – 214 Preston Road, Brighton which was agreed as per the recommendations set out in the report.

A - BH2024/00798 - TENNIS COURTS, DYKE ROAD PARK, DYKE ROAD, HOVE - FULL PLANNING

1. The case officer introduced the application to the committee.

Speakers

2. Valerie Bundy addressed the committee as a representative of the residents of Park Lodge that strongly objected to the application. Valerie Bundy stated that three tennis courts in Dyke Road Park had been dug up in the last week and questioned whether the developer had already been granted approval for works, or whether they were proceeding prior to a decision being made. Valerie Bundy criticised the developer, stating they had not followed correct planning procedure and had not consulted with residents at Park Lodge and requested Councillors consider the lack of consultation when making their decision on the application. Valerie Bundy stated that playing tennis at nighttime was not a right compared to the human right of quiet enjoyment of one's home. Valerie Bundy stated that Dyke Road was within the UNESCO Living Coast Area and shared that local wildlife would be adversely affected by the implementation of floodlights and requested that Councillors vote against the application.

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3. Councillor Bagaeen addressed the committee in support of the application, stating that the addition of floodlights to the tennis clubs courts was always a part of the club's business development plan to increase their membership and the number of people playing tennis. Councillor Bagaeen stated that the committee had previously granted approval for tennis court lighting within the city and emphasised the health benefits of sport. Councillor Bagaeen commended the officer report, stating that it well outlined the case for granting permission, citing the lack of concerns from ecology and lighting experts.
4. Sara Asiz addressed the committee on behalf of the applicant, stating that the tennis courts would be open to the wider public and that they would not be part of an exclusive club. Sara Asiz provided details of works already undertaken, stating that the courts were being resurfaced in anticipation of a granted application. Sara Asiz commented on the success of floodlit tennis courts at Queens Park and Hove Park and expressed they wished to work with the council to replicate this at Dyke Park and prevent light spillage. Sara Asiz provided details on the floodlights that would be used, stating that a 21:00 curfew would be put in place for their use. Sara Asiz stated that the installation of floodlights on tennis courts increased their use by 35%.

Answers to committee Member Questions

5. Councillor Allen was informed that the public were made aware of the application through the use of sign-notices. Councillor Allen was also informed that there were various limits on the hours permitted for floodlights across the city depending on location.
6. Councillor Theobald was informed that the existing courts were currently being resurfaced.
7. Councillor Shanks was informed that the tennis courts were public 'pay and play' facilities and could be booked until 21:00.
8. Councillor Robinson was informed that pricing for use of the courts would vary seasonally, and that operation of the floodlights was automated.
9. Councillor Thomson was informed that the developer had assessed the area against the lighting requirements for a rural location and that the developments lighting would be compliant as the light reaching residential windows would be 5 lux or below. Andy Collins stated that residents of Park Lodge would receive 0.29 lux of light through windows, further stating that measurement as dimmer than moonlight.

Debate

10. Councillor Theobald considered the tennis courts a positive benefit to local residents and stated their support for the application.

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11. Councillor Robinson noted the benefits for residents to get involved in sports after work and school, particularly in the winter, and stated their support for the application.
12. Councillor Galvin considered the success of similar developments in Queen's Park and stated that they felt objectors' questions had been adequately answered. Councillor Galvin stated their support for the application.
13. The Chair considered the positive benefits on residents' health and wellbeing, as well as the improved standards of lighting technology and regulation, and stated their support for the application.

Vote

14. A vote was taken on the application that was agreed unanimously.

B - BH2024/01649 - 20 DENMARK VILLAS, HOVE - FULL PLANNING

1. The planning manager introduced the application.

Speakers

2. Simon Evans, the applicant, spoke in favour of the application, citing its minimal impact on the character of the neighbourhood and conservation area. Simon Evans stated that they were sensitive to the character of the neighbourhood expressed that the works would not result in an overdeveloped appearance at the property. Simon Evans stated that their property was the only in a row of 6 to not have a driveway, sharing the reason for this was due to a tree that had since been removed by the Council. Simon Evans stated that the driveway enhances the symmetrical and uniform character of this side of the street and shared that neighbours had signed a petition in support of the development. Simon Evans drew attention to the driveway being crucial in the installation of an Electric Vehicle (EV) charging point, citing concerns regarding low numbers of EV charging points in the area.

Answers to Committee Member questions.

3. Councillor Shanks was informed of the process regarding the installation of a crossover driveway in a conservation area. Councillor Shanks was also informed that the nearest EV charging points to the property were located at Hove Station.
4. Councillor Thomson was informed that there were no EV charging points on Denmark Villas.

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5. Councillor Theobald was informed that the proposed driveway was identical to those of neighbouring properties.
6. The Chair was informed that the EV charging point had not yet been installed at the property.
7. Councillor Galvin was informed that the EV charging point would be for private use.
8. The Chair was informed that a precedent would not be set were the application to be agreed by members.
9. Councillor Robinson was informed that drainage on the driveway had been managed and installed by Council Approved supplier, Sussex Driveways.
10. Councillor Thomson was informed that the tarmac outside of the drive stood out as it had not been in place long enough to weather. Councillor Thomson was informed that weathering would prevent the tarmac standing out.
11. Councillor Theobald was informed that the applicant would prefer to install traditional tiling on the driveway and would do so if preferred by the Committee.
12. Councillor Thomson stated that a precedent had already been set by other houses installing their own driveways.
13. Councillor Earthey was informed that all driveways on the street were later additions to the properties.

Debate

14. Councillor Allen provided an overview of the history of Denmark Villas and referred to the 1984 Conservation Area Character Statement of the area that described the unfortunate harms caused to original roofs, elevation details and through the loss of garden walls. Councillor Allen stated that the application would have an impact on the appearance of the area and stated that they would not be supporting the application.
15. Councillor Shanks agreed with Councillor Allen and raised concerns regarding the impact of concrete driveways on urban flooding. Councillor Shanks stated that they would not be supporting the application.
16. Councillor Thomson stated that the application would not cause significant harm to the area and stated that while they disagreed with the paving over of the driveway they stated that if a soakaway or runoff were to also be installed the issue of flooding would be negated. Councillor Thomson stated that they would be supporting the application.
17. Councillor Allen drew attention to the planning policy, stating that an application must preserve or enhance the character of its area and reiterated their statement that they would not be supporting the application.

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18. Councillor Earthey cited five properties on Denmark Villas that had already installed driveways and did not consider the impact they had was out of keeping with the area.
19. Councillor Robinson stated the conflict of upgrading buildings while also considering the planning objective of preservation and enhancement. Councillor Robinson stated that they were minded not to support the application.
20. Councillor Winder stated that it seemed reasonable to protect the area and stated their support for the officer recommendation to refuse the application.
21. Councillor Theobald expressed concerns that the granting of the application would set a precedent for others to convert their front gardens into driveways and stated that they would not support the application.

Vote

22. A vote was taken with 7 in favour and 2 against the officer recommendation.
23. It was resolved that the committee agreed with the officer recommendation to refuse the application.

C - BH2024/01452 - SITE OF 239 TO 243 KINGSWAY, HOVE - FULL PLANNING

1. The case officer introduced the application to the Committee.

Speakers

2. Francis Mitchell, the clerk, read a representation from Councillor Nann who was unable to attend the meeting. Councillor Nann's representation stated that the generator was large, visually intrusive and potentially noisy. Councillor Nann requested that the committee protect local residents by imposing conditions ensuring that the generators impact was minimized as much as possible. Councillor Nann stated that residents should be notified in advance of the proposed annual noise test and communicated with regarding the definition of what constituted an 'emergency' to avoid confusion regarding unexpected use of the generator.

Answers to Committee Members questions

3. Councillor Earthey was informed that the generator was required as the building was over 8 storeys tall in order to power sprinkler systems during a catastrophic event. Councillor Earthey was also informed that as the system was not a green energy source it would not be used to provide energy to the grid.
4. Councillor Allen was informed that the application was exempt from biodiversity net gain as it was an application for retrospective planning permission. Councillor Allen

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was also informed due to the size of the application it would be exempt due to not impacting on a sufficient area of habitat.

5. Councillor Thomson was informed that the generator in its current position had already been agreed in principle, and that a condition had been placed on the application requiring timber screening to be installed within two months.
6. Councillor Theobald questioned whether the generator could be better obscured and was informed that timber screening would be required to do so.
7. Councillor Galvin was informed that the generator was powered by the national grid.

Debate

8. Councillor Allen shared that they felt the application was reasonable and stated that they would be voting in favour of the application.
9. Councillor Theobald stated that as the generator would be used only for emergencies, and that it would be obscured from view by screening and landscaping, they would be voting in favour of the application.
10. Councillor Thomson stated that they would be supporting the application.
11. Councillor Winder stated that they would reluctantly support the application, sharing their feeling that the application was necessary but of minimal effort.
12. Councillor Robinson stated that they would support the application.

Vote

13. A vote was taken on the application that was agreed unanimously.

D - BH2024/00673 - 214 PRESTON ROAD, BRIGHTON - FULL PLANNING

1. This item was not called and was agreed as per the officer recommendations.

E - BH2024/01946 - ROEDEAN HOUSE, 14 ROEDEAN WAY, BRIGHTON - FULL PLANNING

1. The case officer introduced the application to the committee.

Speakers

2. There were no speakers.

Answers to Committee Members questions

3. The case officer demonstrated to Councillor Theobald the extent to which the proposed front of the development would protrude beyond the site of the current

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dwelling. Councillor Theobald was also informed that the application had been reduced in size since its original submission.

4. Councillor Robinson was informed that the proposed development would sit 3.7m further forward and 2.2m higher than the existing building on the site.
5. Councillor Thomson was shown the buildings to either side of the application site.
6. Councillor Earthey was informed that the applicant was exempt from the Community Infrastructure Levy as it was a self-build so the applicants would be living in the development.
7. The Committee was informed that while the height of the proposed development would not exceed that of the neighbouring house to the west, it would exceed the neighbouring house to the east.
8. Councillor Thomson was informed that the top floor terrace had been reduced in size.

Debate

9. Councillor Theobald stated their disagreement with the removal of an acceptable house to be replaced with a larger house that would impact neighbouring properties and stated that they would not be supporting the application.
10. Councillor Robinson stated their concern regarding the imposing nature of the top floor terrace.
11. Councillor Winder expressed that the application would be overbearing and shared their concerns that the design of the building was oversized for the area.
12. Councillor Robinson expressed concerns regarding the lack of off-street parking and shared concerns about street overcrowding.
13. Councillor Thomson stated that they would be voting in support of the application.
14. The Chair stated that the proposal confused future housing design on the street.

Vote

15. A vote was taken with 4 in favour and 4 against the officer recommendation with 1 abstention. The Chair used their casting vote against the application.
16. Councillor Theobald put forward the following alternative recommendation, which was seconded by Councillor Robinson:
 - 16.1. The development would be unacceptable in terms of its design and the impact on the character of the area by reason of its bulk, scale, the overdevelopment of the site, and its incongruous appearance in the context of the streetscene and

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neighbouring dwellings, contrary to Policy DM18 of the City Plan Part 2 and SPD17.

- 16.2. The development would result in unacceptable impacts on the amenity of neighbouring residents to the east from the terrace on the second floor through having an overbearing and dominating effect, and resulting in a perception of opportunities for overlooking that would be detrimental to their enjoyment of their property, contrary to Policy DM20 of the City Plan Part 2.
17. The Committee voted on the alternative recommendation with the following recorded vote:
- Cllr Loughran – for
 - Cllr Allen - against
 - Cllr Galvin - against
 - Cllr Robinson – For
 - Cllr Thomson – against
 - Cllr Winder - for
 - Cllr Shanks - against
 - Cllr Theobold- for
 - Cllr Earthy – abstention
18. Councillor Loughran as Chair then used her second, casting vote to vote for the alternative recommendation. This was therefore carried, and permission was refused for the reasons set out in paragraph 38.17 above.

39 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

40 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

41 APPEAL DECISIONS

41.1 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.

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The meeting concluded at 16:34

Signed

Chair

Dated this

day of

