

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 4 DECEMBER 2024**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

**Officers in attendance:** Jane Moseley (Planning Manager), Chris Swain (Planning Team Leader), Katie Kam (Lawyer), Charlie Partridge (Assistant Planning Officer), Jack Summers (Planning Officer), Michael Tucker (Senior Planning Officer) and Shaun Hughes (Democratic Services Officer)

**PART ONE**

**37 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

37.1 Councillor Sheard substituted for Councillor Allen

**b) Declarations of interests**

37.2 Councillor Earthey declared that they had submitted comments and photographs relating to item 43: Rights of Way Definitive Map Modification Order, however, they remained of an open mind on the application. Councillor Earthey also noted that they had been lobbied by residents regarding Brighton Gasworks. Councillors Winder and Galvin noted that item A was in their ward, however they remained of an open mind. Councillor Loughran stated that they were a member of the Ramblers Association and in relation to item 43, they remained of an open mind.

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

37.3 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.

37.4 **RESOLVED:** That the public are excluded from Part Two item on the agenda.

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

37.5 The Chair requested that Members do not use mobile phones during the meeting, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

### **38 MINUTES OF THE PREVIOUS MEETING**

38.1 **RESOLVED:** The committee agreed the minutes of the meeting held on 6 November 2024.

### **39 CHAIR'S COMMUNICATIONS**

39.1 There were none.

### **40 PUBLIC QUESTIONS**

40.1 There were none.

### **41 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

41.1 Councillor Earthey requested a site visit to item C: BH2024/01289: Land to the rear of 15 Dean Court Road, Rottingdean. Councillor Theobald seconded the request. The committee did not agree with the suggestion by 2 for, 3 against and 5 abstentions.

### **42 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

42.1 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 E: BH2024/02094: 44 Saxon Road, Hove

All other applications were called for discussion.

### **A BH2023/01058 - 15-26 Lincoln Cottages, Brighton - Full Planning**

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

Speakers

2. Liz Cooke addressed the committee on behalf of local residents and stated that they were aware of the context of the application, and they were generally pleased with the new consultation and the changes made. The new community garden and removal of the bungalow from the scheme were welcomed, however, access to the garden was not clear and only mentioned by the case officer. Parking was a serious concern, as 16 new units with parking permits would be an issue. Parking in the area is a major issue and the access would be very narrow for vehicles. The suggested heat source pumps would be noisy therefore insulated sound boxes are requested.

3. Oliver Milner acting as the agent on behalf of the applicant stated that the development was on a council allocated site for new homes and was a terrace of houses. Following engagement, the development was reduced from 9 to 8 units: the bungalow was removed, and the land given over to a new community garden which increases separation distances with the existing properties. Replacement trees are to be planted, and the bin store is to be repositioned. The net gain on biodiversity has been increased. The development will have Green Technology and meet Future Home standards. The development will be car free, and no parking permits will be issued. It was noted the local community supported the development and the scheme delivered much needed new homes.

#### Answers to Committee Member Questions

4. Councillor Sheard was informed that the landscaping would be covered by condition, as would the lighting of pathways, and the Environmental Health team will be consulted. The landscaping master plan includes 1m high bollards, details of which will be submitted by condition.
5. Councillor Robinson was informed that the new residents will be responsible for maintaining the community garden. The councillor was informed that the use of the garden by existing residents and if there were a lease agreement was not a planning matter.
6. Councillor Galvin was informed that who had access to the community garden was not a planning material consideration.
7. Councillor Theobald was informed that the access to the development would be too small for cars, and parking permits were not restricted by condition, however, they were managed by the parking team. Following the viability assessment the planning inspector recommended a standard contribution to affordable housing. It was noted that the heat pumps will be installed and were considered to cause no harm to the new and existing residents.
8. Councillor Shanks was informed that the first scheme granted planning permission was not viable, therefore the bungalow has been removed from the development. The agent noted that this reduction in units allowed more money to be put into the new community garden.
9. Councillor Robinson was informed by the agent that the since the planning appeal, community engagement has increased, and the developer will continue to liaise with existing residents. It was noted that conditions cover the impact on neighbours during construction.
10. Councillor Winder was informed that it was not a reasonable requirement for the agent to agree to use of the new community garden by existing residents.
11. Councillor Nann was informed that it was outside of the consideration process to ask the applicant to talk to existing residents.

#### Debate

12. Councillor Theobald considered it would be a shame if existing residents were not able to access the new community garden. Affordable housing would have been good; however, it was noted that the development was allowed at appeal. The councillor was not happy with the whole scheme.
13. Councillor Thomson considered the developer had liaised with the community and reduced the scheme. The councillor supported the application.
14. Councillor Robinson considered it to be a shame the affordable housing contribution had been reduced; however, the application was better than before. The councillor supported the application.
15. Councillor Sheard considered the reduction in affordable housing contribution was a shame. The councillor considered the scheme to be decent and they supported the application.
16. Councillor Earthey considered it was a shame the affordable housing contribution was reduced. The councillor considered the new community garden should be for the use of new and existing residents. The councillor supported the application.
17. Councillor Galvin considered the new community garden should be for the use of new and existing residents.
18. Councillor Winder considered that the developer should continue to liaise with the existing residents regarding the access to the new community garden. The councillor supported the application.

#### Vote

19. A vote was taken, and the committee voted unanimously to grant planning permission.
20. **RESOLVED:** Transport and access: 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 on the Heads of Terms set out in the report and the Conditions and Informatives as set out thereafter, SAVE THAT should the s106 Planning Obligation not be completed on or before 26 February 2025 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12 of the report.

#### **B BH2024/01723 - St Margarets, High Street, Rottingdean, Brighton - Full Planning**

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

#### Speakers

2. Bill Ainscow addressed the committee as an objecting resident and member of the tenant's association, supported the case officer's recommendation. It was noted that the application site was a fine example of Art Deco architecture, and the state of the original building was important. A second aerial on top of the building would not be good. The

roof of the block of flats as an amenity space for residents and any loss would not be acceptable. It was considered that radiation levels will be increased by the application. It was a concern that if planning permission were granted then the telecom company could increase the size of the aerial at any time. The resident considered other locations were available.

3. Ward Councillor Fishleigh addressed the committee and stated that they considered there was a telecom 'merry-go-round' in Rottingdean. It was noted that a temporary mast had been erected and allowed until 2025. The mast would then be removed leaving residents struggling for connection. The South Downs National Park and a locally listed building will be affected by the application. Should the aerial be refused, then a new location should be found by consultation with the community and ward councillors.
4. Simon Bucknell addressed the committee as the agent acting on behalf of the applicant and stated that providing coverage was a duty and St Margarets was the obvious choice. The location needs to be effective as 'EE' have taken over as emergency services provider and no service will affect blue light services. Under the code of practice, the location is suitable as it has an existing aerial and is an existing building. Free standing masts are against policy. The appearance of the aerial will be less than shown in the case officer presentation and will not be visible from the front façade of the building. There will be no lasting impact on the building. It was also noted that access to the roof space is limited anyway.

#### Answers to Committee Member Questions

5. Councillor Shanks was informed that for a radius of 27 - 30m around the existing aerial no access was allowed unless it was turned off. The resident stated that the roof terrace had been used since 1938, however, at this time the railings were not safe and were awaiting repair. Once repaired there was an intention to return to using the roof terrace.
6. Councillor Robinson was informed by the agent that other sites had been looked at and the Tesco store had been considered, however, this would require a 10m base mast as the building was low down in the topography of the village.
7. Councillor Earthey was informed that the White Horses pub was no longer a suitable location as the roof was not capable of supporting a mast. The agent confirmed that access to the roof terrace was restricted by the existing antennae.
8. Councillor Thomson was informed by the agent that clearance above ground level was required for a mast, and this was not achievable on the Tesco store site. The car park used by the temporary mast was not suitable either. The best site was St Margarets as it was the highest.
9. Councillor Galvin was informed that the leaseholders would be aware of the application. It was noted that the correct certificates were issued.
10. Councillor Robinson was informed that a 10m high mast on top of the Tesco store would be too heavy. St Margarets is the prime location. The temporary car park location is not suitable as the loss of parking spaces and visual impact were not acceptable.

11. Councillor Loughran was informed that no important views were affected. St Margarets is locally listed. The effect on the South Downs National Park was considered to be neutral. The only impact was on the building itself. Some weight was given to national networks; however, other locations need to be explored. It was noted that the aerial had no screening, and no alternatives have been offered.
12. Councillor Nann was informed that the application would be re-assessed if refused and new locations submitted.
13. Councillor Sheard was informed by the agent that ground clearance was needed, and the topographic slopes of the village affected the choice of locations. The car park site would need raising.

#### Debate

14. Councillor Theobald considered the building to be lovely and would look ugly if the application were allowed, and result in a loss of amenity for residents. Alternative sites need to be found.
15. Councillor Earthey stated they supported the officer recommendation to refuse planning permission. It was considered that other sites had not been explored. The temporary mast needs to be removed, and a new location agreed by all parties.
16. Councillor Shanks was minded to accept the application as they considered telecoms to be vital and Rottingdean should have good access. The aerial will not be seen from local area and the heritage assets will not be affected. The councillor was against the officer recommendation to refuse the application.
17. Councillor Sheard stated they understood the residents view and higher locations needed to be found.
18. Councillor Robinson supported the officer recommendation to refuse the application and considered alternative locations needed to be looked at.
19. Councillor Thomson supported the officer recommendation to refuse the application.
20. Councillor Loughran supported the officer recommendation to refuse the application and considered alternative sites needed to be found.

#### Vote

21. A vote was taken, and by 8 to 2 the committee agreed with the officer recommendation to refuse planning permission.
22. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons given in the report.

**C BH2024/01289 - Land to the Rear of 15 Dean Court Road, Rottingdean, Brighton - Full Planning**

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

Speakers

2. James Halls addressed the committee on behalf of the neighbouring residents and stated that nine letters of objection have been received since the application was amended. The development was considered incongruous and higher than the existing garage. It was noted that policies have changed, however, the development will be outstanding in the location. The white and cream render will look out of place. The small garden left after the development will feel cramped on the plot. Numbers 13 and 17 will be overlooked. The case officer did not visit neighbouring properties. The development will have an adverse impact on the area. The committee were requested to defer the application till a site visit could take place.
3. Julie Lawrence of Rottingdean Parish Council addressed the committee and stated that they considered the development to be against policy S1 and does not meet others. The scheme will be an over development of the site, which should not be considered as an infill development. There have been 150 new builds in Rottingdean, and the Parish Council have supported them. This development will equal a loss of amenity space and increase density. The application contravenes policy. The Parish Council object to the scheme.
4. Ward Councillor Fishleigh addressed the committee and requested a site visit by members. They considered the development would affect the neighbours and they should have been visited. The councillor did not consider this to be an infill development, and it would be disappointing to have the scheme granted permission. The application offers only one house. It was considered that if refused, the applicant could go to appeal, and the inspector would make the decision.
5. The case officer noted that two additional letters of representation were received, and these appeared on the Late List. A site visit had been carried out, and even though the neighbours were not visited the views were seen. There are tree protection measures in place by condition. The development is considered by planning officers to be an infill development.

Answers to Committee Member Questions

6. Councillor Theobald was informed that the previous application in 2004 was an outline application only. The first-floor accommodation has been removed. The rear garden is 85sqm, with a front garden of 50sqm.
7. Councillor Winder was informed that the overall plot size was considered acceptable.
8. Councillor Loughran was informed that the proposals would not be visible from Dean Court Road. The upper parts of the development would be visible from Gorham Avenue above the existing boundary fence.

Debate

9. Councillor Earthey stated they would vote against the application. They considered the topography of the site was misleading and a site visit was recommended. The proposals will not help the housing crisis, and this was not an infill development.
10. Councillor Shanks considered the definition of infill development fitted the scheme and this was a good use of space. The councillor supported the application.
11. Councillor Robinson agreed more housing was needed and they supported the application.
12. Councillor Loughran considered the one storey height to be good and the parking to be well hidden, however, the appearance was not right.
13. Councillor Winder raised concerns regarding building standards and the loss of land to the original dwelling.
14. Councillor Theobald was torn as they noted only two objection letters, no first floor and not much garden.

Vote

15. A vote was taken, and by 7 to 2, and 1 abstention 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.

**D BH2024/01717 - 8 Stanford Close, Hove - Householder Planning Consent**

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

Answers to Committee Member Questions

2. Councillor Robinson was informed that the obscure glazed glass screen replaced a brick wall on the first floor.
3. Councillor Theobald was informed that the obscure glazed glass screen was to provide privacy.

Debate

4. Councillor Robinson considered the scheme had been improved and they supported the application.
5. Councillor Theobald considered the scheme an improvement.



6. Councillor Galvin stated that they were ready to approve, and they supported the application.
7. Councillor Loughan noted the improved privacy and stated they supported the application.

Vote

8. A vote was taken, and the committee voted unanimously to grant planning permission.
9. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons, or the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to the receipt of no further representations raising any new additional material considerations not already considered within the reconsultation period ending 06.12.2024 and the Conditions and Informatives in the report.

**E BH2024/02094 - 44 Saxon Road, Hove - Removal or Variation of Condition**

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

**43 RIGHTS OF WAY DEFINITIVE MAP MODIFICATION ORDER**

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

Speakers

2. David Carr addressed the committee as the objecting landowner and stated that they could not comment on historical maps, however there were lots of paths and bridleways in use. If granted, the path would cut directly across a field disturbing the agriculture. It would be better to continue going around the field, which is safer as it is outside the boundary fence. There were plenty of footpaths in the area.
3. David Brookshaw addressed the committee as the applicant and stated that the old drove way gave access to the South Downs. The short section under review has been ploughed out. The maps show a bridleway with exceptional views in all directions. They noted the legal officer supported the application, as well as other local access societies. The committee were asked to support the application.

Answers to Committee Member Questions

4. Councillor Shanks was informed that the if approved the council would work with the landowner on the way forward and any objections would go to The Secretary of State.
5. Councillor Sheard was informed that the pathway followed the administrative boundary.
6. Councillor Nann was informed that the all the old maps were looked at. It was noted that once a highway, always a highway.

7. Councillor Galvin was informed that the application should be decided on evidence.
8. Councillor Robinson was informed that by the landowner that in their lifetime there had never been a footpath in the position. The applicant noted that pathways can be ploughed out, however, they need to be replaced within 10 days.
9. Councillor Theobald was informed that it was not relevant if there was livestock currently in the field.
10. Councillor Winder was informed that each application was looked at on its own merits.

Debate

11. Councillor Earthey stated they supported the application and considered the route to be logical. A fence or gate may be needed, and any obstructions should be cleared away.
12. Councillor Shanks considered it was important to protect rights of way. The councillor supported the application.
13. Councillor Sheard found the history interesting and noted that old routes often formed farm boundaries. It was noted that the old maps show the route of the path, and the zigzag route appeared to be newer. The councillor supported the application.
14. Councillor Theobald considered it was a shame the pathway would cut across the field and cattle, or sheep could be a problem. It was noted there were plenty of rights of way already.
15. Councillor Nann considered that it had been proven to exist.
16. Councillor Loughran supported the evidence of this in principle decision.

Vote

17. A vote was taken, and by 8 to 2 the committee agreed to recommendations.
18. **RESOLVED:** That Committee resolves a Definitive Map Modification Order, under Section 53(2) in consequence of an event specified in sub-section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add a bridleway to the Definitive Map and Statement for Brighton between the T-junction of the route known as Upper Bannings Road and Tenant Hill, northwards across the field and ending at a T-junction with an existing bridleway, on the boundary of Telscombe Tye, should be made.

**44 PART TWO**

**45 BH2021/04167 - BRIGHTON GASWORKS LAND BOUNDED BY ROEDEAN ROAD (B2066), MARINA WAY AND BOUNDARY ROAD, BRIGHTON - PART TWO**

1. This section of the meeting was held in Part Two and therefore confidential.

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

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

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

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

**48 APPEAL DECISIONS**

48.1 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 6.52pm

Signed

Chair

Dated this

day of

