

# **BRIGHTON & HOVE CITY COUNCIL**

## **PLANNING COMMITTEE**

**2.00pm 2 JULY 2025**

### **VIRTUAL**

### **MINUTES**

**Present:** Councillors Thomson (Chair), Cattell, Earthey, Nann, Parrott, Shanks, Sheard (Deputy Chair), C Theobald, Winder and Loughran (Substitute)

**Officers in attendance:** Nicola Hurley (Head of Planning), Alison Gatherer (Lawyer), Matthew Gest (Planning Manager), Chris Swain (Planning Team Leader), Michael Tucker (Senior Planning Officer), Ben Daines (Planning Team Leader), Charlie Partridge (Planning Officer) and Shaun Hughes (Democratic Services Officer).

### **PART ONE**

#### **103 PROCEDURAL BUSINESS**

##### **a) Declarations of substitutes**

103.1 Councillor Loughran substituted for Councillor Robinson.

##### **b) Declarations of interests**

103.2 Councillor Winder declared they were ward councillor for item c: BH2025/00889: FreeButt, 1 Phoenix Place.

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

103.3 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.

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

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

103.5 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'.

**104 MINUTES OF THE PREVIOUS MEETING**

- 104.1 **RESOLVED:** The minutes of the meeting held on 4 June 2025 were agreed.

**105 CHAIR'S COMMUNICATIONS**

- 105.1 The chair commented that recently 104 new affordable homes have been built in Portslade. 226 in 2024/25, 418 are projected for 2025/26. A planning application for Homes for Brighton and Hove on Old Shoreham Road will deliver 306 homes, with 50% being council rented, and the rest will be shared ownership from Hyde Homes. The East Brighton Gasworks appeal is currently with the Secretary of State and decision is expected in September. Work on the City Plan 2041 continues with a workshop for agents and developers coming in the autumn. The Short Lets overview and scrutiny report went to cabinet last week and will form part of the new City Plan. The Planning and Infrastructure bill is going before the national government; therefore, changes are coming. Members are reminded that mandatory training is taking place on 30 July.

**106 PUBLIC QUESTIONS**

- 106.1 There were none for this meeting.

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

- 107.1 No site visits were requested by the committee.

**108 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

- 108.1 The Democratic Services officer noted that there were four items on the agenda, two were major applications and therefore automatically called for discussion, and two were minor applications which had speakers, therefore all four items were called for discussion.

**109 BH2025/00264 - BRIGHTON COLLEGE PREPARATORY SCHOOL, WALPOLE LODGE, 2 WALPOLE ROAD AND PRE-PREP SCHOOL, EASTERN ROAD, 2 BELLE VUE GARDENS AND 141 & 143 EASTERN ROAD BRIGHTON - FULL PLANNING**

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

Speakers

2. Eve Vamvas addressed the committee as an objecting resident and stated that they represented Kemptown residents. The application was not considered to be planning policy compliant, and an approval would be contrary to other refusals. An exhibition was held at Brighton College to present the scheme; however, this was not a consultation. Brighton College say they are prestigious, we say bad neighbour. The college expansion means more pupils, and more fees, the equivalent to £9.4m. Profit is taking precedence over education. The proposed buildings mean more profit. The council should not be encouraging private schools when others are closing in the city.

The council should put an end to housing being bought, which a planning inspector agrees with under a previous refusal. The planning report refers to the area around the college as a campus, it is not, it is Kemptown and Walpole Road is protected. Most housing in the area is in family use and a previous application was refused as it would change the character of the area. 150 new boarders will change the area and be against policy. This will not be a balanced neighbourhood. The institutional development will harm the quality of life with a loss of amenity open space, which is protected by national policy. Amenities are for all, once it's gone, it's gone. There will be traffic and parking issues, particularly with the East Sussex County Hospital so close. There is zero confidence in Brighton College being able to manage traffic. The support received has come from college student parents. The committee are requested refuse the application.

3. Ward Councillor Burden addressed the committee and stated that the streets in Kemptown are narrow and crowded. Reducing inequality is in the council plan and this application will not benefit the area. The college is not suitable for 150 new boarders and will be against planning inspector decisions which have been rejected before. One institution should not dominate an area against City Plan Part Two policy. The previous application was dismissed, and the same concerns are raised here. Kemptown is not the Brighton College campus.
4. Ward Councillor Williams addressed the committee and stated that they considered the application did not improve local school provision. An approximate £63,000.00 will be earned from boarders who come from outside Brighton. This will not help the city by providing good education for local children. The access to sports facilities by locals is a concern. The councillor has lived opposite the college and watched the expansion. The homes owned by the college should be for families not the college in the current housing crisis. The application will be detrimental to local residents' wellbeing, where too much expansion has already happened. The committee are requested to refuse the application.
5. Neighbouring Ward Councillor Wilkinson addressed the committee and stated that they were concerned about transport issues, access and road safety. Residents are concerned about traffic congestion particularly at opening times. The application is against planning policy. The sustainable transport is not sufficient, and traffic will delay ambulances into East Sussex County Hospital at peak times. The narrow local streets will be blocked with traffic. There is not enough parking on the roads and the application will bring more pressure to the streets. Footways will also be an issue. The planning inspector refused the previous scheme, and this application fails on key policies. The committee were requested to refuse the application.
6. The applicant, Steve Patten, addressed the committee and stated that they were director of projects at the school, which been in existence for 180 years. The school takes 12,000 students from BN post codes and is proud of the impact on the city, with support for local businesses and charities, which the pupils support. The college is a Brighton institution. The application will make better use of open space. The boarding house will remove pressure on local housing. The drop off and pick arrangements will be improved by the scheme. The school supports local soup kitchens and care homes. The sports facilities will be available for after school use by others as the school wants to be part of the community. The school has some of the best results in the world and

they are proud of the culture. The impact on the local community is not treated lightly. Sports England and the Heritage team have no objections to the application and conservation officers agree. Local businesses benefit from the college. The transport officer has agreed the road schemes. Most pupils and staff are from the Brighton area. The proposals understand the issues in this conservation area led design. The scheme was amended after public consultation. It is predicted that the traffic measures will lead to a 25% reduction in traffic. The college understands residents' concerns.

7. The Head of Planning stated that the planning policies relating to schools applied to both private and council schools and did not distinguish between the two. There is not a loss of residential floorspace in this application as the floorspace is already in educational use. It is recommended that the travel plan is to be requested by condition should the committee decide to grant planning permission.

#### Answers to committee Member questions

9. Councillor Nann was informed that the application is different from the previously refused scheme, with the proposals on school land and not outside the existing site. The school travel plan will increase sustainable transport usage. The application is not considered to be contrary to planning policy SA6 regarding sustainable neighbourhoods. There will be no reduction in pupil numbers. The policy refers to all schools and does not distinguish between private or council schools. The 150 boarders will be less than currently at the college on a daily basis.
10. Councillor Sheard was informed that the closure of council schools in the city was irrelevant to the application before the committee. Changes have been made to the travel plan including the removal of coaches in favour of minibuses, bus discounts for staff, car sharing scheme for staff and parents. Looking at reducing Eastern Road use with travel being free for 1 to 4 years. BN1 and BN2 families to use a proposed double decker bus.
11. Councillor Shanks was informed that the net increase in open space at the Convent site was some 80sqm and the partial loss of the playing field area has been approved by Sport England and the remaining pitch will be maintained and improved by condition. The applicant stated the college was diverse and 20% of the pupils come from BN2. The design is acceptable in the Walpole Road area of different styles and when considered as a whole within the planning balance. The Urban Design Officer considered the St Mary's Hall structures to be suitably anchored in the site context and to preserve the views of St Marks Church. The grouping and form were considered reflective of the whole area. The Walpole Road design was considered excellent as it removed the 20<sup>th</sup> century additions, resulting in a strong coherent layout. The breach of planning at Walpole Road is being considered at a submitted Pre-application to find the right way forward, with an ongoing investigation.
12. Councillor Theobald was informed that the drop off traffic will be managed by a one-way system exiting onto Bristol Gate as well as maintaining the existing exit onto Eastern Road. Minibuses form part of the draft travel plan, which will be negotiated by condition.

13. Councillor Loughran was informed that the school being private was not relevant to the application. The Head of Planning confirmed that an equalities assessment was not required from the Applicant.
14. Councillor Thomson was informed that the disparate sites are not good for pupils and 150 was less than currently on the Convent site on a daily basis. The school is running at less than capacity and is smaller than other schools in the city. The applicant stated they were keen to increase sustainable transport and there was no increase in capacity. Following public consultation and engagement with planning officers, the scheme was moved south on the plot and the proposed planting was improved to keep the sea view for residents. The façade of the new buildings at St Mary's Hall was changed to terracotta following consultation. The college cares about noise and considers borders to be less intrusive and the landscaped areas are not play areas.
15. Councillor Winder was informed that there was a public liaison officer at the college, and they were part of a group that meets regularly to discuss issues. The college will be obligated to plant trees with 6 elm trees to be sited at St Mary's Hall and maintained by existing grounds staff. By condition the trees will need to be replaced if they die within the first five years. The previously granted theatre has been a huge success as an example of community use of the college facilities. There will be a staff travel plan and a five-year travel plan.
16. Councillor Parrott was informed that the new buildings would be accessible, and support would be provided for neuro divergent pupils.

#### Debate

17. Councillor Theobald noted there had been no objections from outside bodies and the double decker bus was a good idea as was the reduction of traffic. The neighbouring East Sussex County hospital is a modern building, and the application proposals look better than the existing. If the buildings were houses there would be more cars. It was good that the unsightly cages are to be removed. The application is a sensible scheme for the school, which is first class. The scheme is considered excellent. The councillor supported the application.
18. Councillor Cattell considered they could not refuse the application on non-planning grounds like pupil location and they were only looking at planning issues. The design was good, and the heritage team had no objections. The use of the sports hall by the community was good, security was good, and they were struggling to object. Should the application be refused they considered the council could lose at appeal.
19. Councillor Loughran was concerned with the background to the application. The planning inspector considered the previous application would have noise issues, and this application would have more pupils. The layout of the site resulted in poor quality space. The design & massing of the convent site proposed building was a concern, as was the effect on the public realm. The sites cannot be separated and there are equality concerns.
20. Councillor Shanks did not consider the design of the convent site to be an enhancement. It was noted at the site visit that the neighbours would be impacted, and

community cohesion would be an issue. If the boarding building was a House of Multiple Occupancy (HMO) there would be concerns. The councillor did not support the application.

21. Councillor Parrott was concerned at the long-term monitoring of conditions. The community use of facilities was a good idea; however, a culture change would be required. The increase in traffic was a concern during drop off and pick up.
22. Councillor Thomson was conflicted and asked the applicant to engage with the community if they were granted planning permission. The councillor was convinced the traffic flow would improve and supported the application.

Vote

23. A vote was taken, and by 5 for and 5 against, with a casting vote from the Chair the committee granted planning permission.
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 be **MINDED TO GRANT** planning permission subject to:
  - A) Completion of a s106 Agreement and secure the Heads of Term as set out below:
    - Contribution for monitoring obligations relating to Biodiversity Net Gain (£TBC)
    - Travel plan monitoring obligations (£7249)
    - Submission of an agreed scope and schedule of works to the western
    - Boundary wall along Walpole Road to be implemented within 18 months of the details being agreed.
    - Employment and Training Strategy
    - Contribution of £6360 for Employment and Skills Training
  - B) The Conditions & Informatives set out at Appendix B**SAVE THAT** should the s106 agreement not be completed on or before 4<sup>th</sup> October 2025 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Appendix C of the report.

## 110 BH2023/03293 - 9-12 ST CATHERINES TERRACE, HOVE - FULL PLANNING

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

Answers to Committee Members Questions

2. Councillor Shanks was informed that there were no objections from highways and the site was in the Controlled Parking Zone (CPZ). An informative was added to allow the restriction of permits. The Principal Transport Development Officer noted that planning reports no longer came with a permit free condition, this was now covered by an informative. There is no second homes policy in the city. The proposal was amended to remove 6 less flats which would make the scheme even less viable than set out in the Viability Review by the DVS.
3. Councillor Earthey was informed that the development helped to meet the housing targets set out in the City Plan.

4. Councillor Parrott was informed that the late stage viability review would not result in a reduction in the affordable housing contribution sought by the Council. The amount could only increase.
5. Councillor Winder was informed that the basement area had been increased, the flats originally proposed for basement only were now split level and covered the ground floor and basement. The agent stated that the original 36 flats had been reduced by 6 to 30 with duplex units. The light assessment considered the basement met standards.
6. Councillor Theobald was informed that there would be a cycle store and while no bin store was shown, it would be secured via a planning condition. In addition, street bins in the surrounding area are available to use. The disabled access flats will be on the ground floor and there are existing disabled parking spaces nearby. The development will have sprinklers throughout, and Building Control will check this.
7. Councillor Loughran was informed that the affordable housing figures were updated usually every year, and index linked and £239,000 was the residual amount left over to contribute to affordable housing as set out in the viability assessment.

Debate

8. Councillor Earthey considered the affordable housing contribution not to be good; however they supported the application.
9. Councillor Theobald considered affordable housing would be good, the building looked good from the front and some parking would have been nice. The proposals are considered to be a high standard of accommodation. The councillor was in two minds about the application.
10. Councillor Cattell considered the current building was derelict and the proposals would be attractive in the street scene. The £239,000 would be put towards other affordable housing schemes and buying back council housing. The councillor wanted to move away from private sector building towards affordable housing.
11. Councillor Nann supported the application; however, they considered the financial figures to be arbitrary, and a higher affordable housing contribution would be good.
12. Councillor Shanks stated there had been protests against the previous hostel, so it was good to see the development. An affordable housing contribution less than the cost of one flat was not good and the national government should look into viability.
13. Councillor Sheard considered that the committee needed to look at how affordable housing contributions were calculated and make improvements.
14. Councillor Thomson considered the affordable housing contribution would help. The councillor supported the application.

Vote

15. A Vote was taken, and the committee agreed unanimously 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 be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 24<sup>th</sup> September 2025 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12 of the report.

**111 BH2025/00889 - THE FREEBUTT, 1 PHOENIX PLACE, BRIGHTON - FULL PLANNING**

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

Speakers

2. Sarah McCarthy addressed the committee as the chair of the Phoenix Residents Group and stated that the application site was previously listed, starting as tap house then a music venue. The extension of the building would remove the Georgian style. The surrounding area is all social housing. The ownership has changed several times. The current building is not accessible; however, the proposals would impact on the listed building next door. Parking in the area is already an issue. The residents want the application building to be listed.
3. Ian Coomber addressed the committee as the agent acting on behalf of applicant and stated that the former music venue is not wanted now. Planning permission exists for the site and this application seeks to vary that permission with level access to ground floor. The building has been empty for 15 years and is in the conservation area. The current building is a disgrace and renovations are needed. The planning conditions would remove some of the uses under use class E, however, a medical centre would still be possible. The application would attract Community Infrastructure Levy (CIL) payments.

Answers to Committee Member Questions

4. Councillor Shanks was informed that the proposals included one extra unit and an extra floor when compared with the previously approved scheme on the site. The previous refused application included a mansard roofscape with parapet that was considered too large in relation to the neighbouring listed building. This application includes eaves that match the neighbouring listed building.
5. Councillor Loughran was informed that the internal layout of the units included one bedroom over a living space and Building Regulations would cover noise regarding units over each other.

Debate

6. Councillor Sheard considered the design a good use of space, and there was no need to look at old schemes. The councillor supported the application.

7. Councillor Theobald noted the historic building was not very attractive, however, the proposals include four ensuite bedrooms, which was good. As the development would be the same height as the neighbour, the councillor supported the application.
8. Councillor Cattell considered it was good to bring life back to area and the inclusion of business space was also good. The proposed House of Multiple Occupancy (HMO) was good and the flats were a decent size and an improvement on the existing. The councillor supported the application.
9. Councillor Thomson considered that the building required some TLC (tender loving care) and the proposed height was in keeping with the neighbouring property.

Vote

10. A vote was taken, and the committee agreed unanimously to grant planning permission.
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.

## 112 BH2024/01962 - 63 LYMINSTER AVENUE, BRIGHTON - FULL PLANNING

1. The Case officer introduced the report to the committee.

Speakers

2. Christopher Behan addressed the committee as an objecting resident and stated that the original proposals were amended. This application is new and has an overbearing impact. The adjoining neighbours north facing window will lose light. The drawings are inaccurate and designed to allow a 'build what you like' approach. The proposals do not pass the 45° rule, and the design is unbuildable. The decking proposed will extend 7m along the boundary between the neighbours. Some plans were submitted too late to be examined by the neighbour. The harm is acknowledged in the report. The scheme needs to be better. The committee should refuse the application.
3. Ward Councillor McNair submitted a speech, read out by the Democratic Services Officer, as follows: The development will affect the neighbour. Planning Officers note some harm. This proposal will leave a lasting, oppressive impact on the neighbour's home. The kitchen/diner will lose a fundamental sense of openness and a devastating amount of light. The extension will obliterate the vital light and outlook from the rear window, leaving a solid, oppressive wall, depriving the South Downs views. The neighbour commissioned a 3D scan which proves the drawings are fundamentally inaccurate. The proposals fails the 45-degree rule on both the horizontal and vertical axes. The report gives conflicting heights for the single-storey element – one section says it aligns with the first floor (which is around 3.3m from the neighbours ground level); another states it's approximately 2.5m. The boundary is not clear on the plans and drawings are deliberately vague. It is possible that the eaves of the extension will overhang the boundary line, which would go against the Supplementary Planning

Document. The extension, at 4 metres depth, is also greater than planning guidance which states it should not be greater than half the depth of the main house. The 1.8m privacy screen on the raised decking, extends 7 meters along the boundary. This will give a sense of being walled in. There will be serious overlooking into neighbour's garden, and the properties below. Please refuse the proposal.

4. Tanvir Bansal addressed the committee as the agent acting on behalf of the applicant and stated that the property owners love the area and they have spoken to the adjoining neighbour and agreed the proposals. The current property internal layout is not practical, and the house has been sold as there is not enough space. The applicant has worked with the council and made amendments when requested. The applicant wants to develop the home into one that works. The application is within policy boundaries and the committee are requested to approve the development.

#### Answers to Committee Member Questions

5. Councillor Theobald was informed that the 2.5m height measurement is from the finished floor level of the property and the drawings are too scale, dimensions are therefore not needed. A sun/daylight assessment is not needed on this scale of development. The north facing loss of light is not deemed harmful. The 45° rule only failed on the horizontal not the vertical, but this rule is a tool to be used and is not the only consideration.
6. Councillor Shanks was informed that the committee need to assess the scheme before them. The previous two storey scheme was revised to the current proposals.
7. Councillor Loughran was informed that the drawings are to scale, and the height of the extension is 2.5m from finished floor level. If the construction exceeds this height, then enforcement action can potentially be taken. Dimensions are not shown as the drawings have a scale bar.
8. Councillor Sheard was informed that the 45° rule may be found in an appendix to SPD12 derived from BRE guidance and that the committee needs to also consider what can be done under permitted development.
9. Councillor Theobald was informed that the majority of the boundary hedge is to be maintained to act as a privacy screen. The committee needed to consider the application before them and not wait until the new owners of the property submit one. The applicant did not need to attend the meeting for the committee to make a decision and there was no reason to defer the application.
10. Councillor Nann was informed that the sale of the house was not a planning consideration.
11. Councillor Shanks was informed that the case officer has visited the site.

#### Debate

12. Councillor Theobald considered the proposals would overshadow the neighbour and the decking was not good. The councillor did not support the application.

Vote

13. A vote was taken, and by 4 to 6 the committee did not agree with the case officer's recommendation.
14. Councillor Theobald, seconded by Councillor Shanks proposed that the application should be refused for being overbearing and overshadowing the neighbour leading to a loss of amenity.
15. A recorded vote was taken, and the following voted for the refusal: Councillors: Earthey, Loughran, Nann, Shanks, Theobald and Winder. The following Councillors voted against the refusal: Cattell, Parrott, Sheard and Thomson. Officers to draft reason for refusal and send to proposer (Councillor Theobald) and seconder (Councillor Shanks).

### **113 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

### **114 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

- 114.1 There were none for this agenda.

### **115 APPEAL DECISIONS**

- 115.1 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 7.34pm

Signed

Chair

Dated this

day of

