

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 6 MAY 2026

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE

MINUTES

Present: Councillors Thomson (Chair), Cattell, Earthey, Nann, Parrott, Robinson, Shanks, Sheard, C Theobald and Pickett

Officers in attendance: Chris Swain (Planning Team Leader), Katie Kam (Lawyer), Steven Dover (Senior Planning Officer), Rebecca Smith (Planning Officer) and Shaun Hughes (Democratic Services)

PART ONE

1 PROCEDURAL BUSINESS

a) Declarations of substitutes

1.1 There were none.

b) Declarations of interests

1.2 Committee Members stated they had all been contacted via email by residents regarding planning application BH2025/00019: 267 Old Shoreham Road Brighton.

c) Exclusion of the press and public

1.3 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.

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

d) Use of mobile phones and tablets

1.5 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 ‘airplane mode’.

2 MINUTES OF THE PREVIOUS MEETING

2.1 **RESOLVED** – The minutes of the meeting held on 1 April 2026 were agreed.

3 CHAIR'S COMMUNICATIONS

3.1 There were none for this meeting.

4 PUBLIC QUESTIONS

4.1 There were none for this meeting.

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

5.1 There were no site visits requests.

6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

6.1 Call Over: The Democratic Services officer noted that only one of the planning applications on the agenda was a major and the remaining 4 were minors. The agenda items with speakers, were called as well as item E. Items B and C were not called therefore, they were agreed as per the officer recommendation set out in the report. The running order would be A, D and E.

A BH2025/00019 - 267 Old Shoreham Road, Brighton - Full Planning

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

Speakers

2. Emma Russell addressed the committee as a resident representing other objecting residents and stated they lived in the area and had concerns relating to public health and road safety. Emma Russell set out a number of concerns; The application site is on a major walkway for children to nearby schools, with as many as 3,000 students. It appeared that the applicant was targeting young people. The National Planning Policy Framework (NPPF) states that fast food outlets near schools should be refused. The site is not an appropriate location near a very busy road junction. The application will impact on road safety, pollution levels, and residents. The proposals are in opposition to the City Plan which strives to reduce pollution.
3. Ward Councillor Hewitt addressed the committee and stated that they supported the officer recommendation to refuse the application. The site is a small industrial estate with standard hours of business. The surrounding streets are residential. The proposed drive-through fast food restaurant will change the area. The increase in traffic on Old Shoreham Road will put a strain on the roads. The community objections include schools. It is noted that the proposed 24-hour opening has been reduced to 16 hours per day. Councillor Hewitt stated that this concession was due to the residents objecting who have highlighted the impact on local people. The committee were requested to refuse the application.
4. Mike Spurgeon addressed the committee as the agent acting on behalf of the applicant and stated that they considered the local schools were not too close at half amile away, which is more than the accepted 400m. Parking provision is acceptable and there are no adverse effects from the proposals. All planning matters have been addressed. The existing industrial estate is small; the proposed restaurant will employ

more people with around 120 new jobs. The applicant wishes to support the community.

Answers to Committee Members Questions

5. Councillor Sheard was informed that the Transport Team have objected. The Principal Transport Development Officer stated that 10 parking spaces would be compliant with planning policy, however, the proposals were for 39. The Planning manager stated it was considered the nature of a drive-through restaurant was such that it would create additional vehicular trips.. It was noted that any further change of use after this application would require planning permission. The traffic back-up for the nearby retail park was not known. It was confirmed that the proposed restaurant would have a trademark appearance.
6. Councillor Thomson was informed by the Principal Transport Development Officer that the transport assessment was based on 39 spaces being full and the resulting traffic build up. It was noted that some detailed information arrived late and the application has been with the planning team for over a year. The applicant's highway consultant stated that the highway junction has been surveyed and modelled, all of which took time. It was noted that there were 28 parking spaces at Shoreham restaurant and 43 at the Marina. The Principal Transport Development Officer stated that the proposed yellow junction box was a sensible idea, however, the uncontrolled pedestrian crossing was an issue, the central island suggested was not considered suitable given the risks.
7. Councillor Robinson was informed by the Principal Transport Development Officer that there were concerns regarding the proposed uncontrolled pedestrian crossing, which would be close to road junctions. Modelling has been used; however, the results were not clear. It was a concern that traffic would stretch back to Holmes Avenue and Elm Drive, thereby having a severe impact. The applicant's highway consultant confirmed that any highway alterations or works would be funded by the applicant. The Principal Transport Development Officer stated that there were no improvements proposed for pedestrians or cyclists. The applicant's highway consultant stated that they had a meeting with the council to understand concerns regarding junction plans.
8. The applicant's highway consultant stated they had carried out pedestrian and queuing surveys and used micro simulation modelling, which included the local bus timetable. There had not been time to submit the requested supporting information, however, the pedestrian crossing information has been provided. The site would have 11 parking spaces for operational uses. The parking has been assessed against two other nearby locations in Shoreham and Brighton Marina, and enough parking spaces are proposed compared to these other sites. An articulated lorry will be able to turn on the site, with deliveries of 3 to 5 times a week at quite times.
9. Councillor Theobald was informed by the applicant's highway consultant that the proposed filter lane will mirror the lane opposite to the south of Old Shoreham Road. The pedestrian crossing proposed would be 93m from the site. A yellow road junction box was also proposed. The restaurant would be 377sqm with 76 covers. The planning manager confirmed that the building to the rear of the photographs was not part of the application site.
10. Councillor Pickett was informed by the Case Officer that it was considered that 800m was a reasonable distance to walk to the restaurant. The authority's Consultant in

Public Health stated that the 2011 study and mapping showed secondary school children would find 800m usual. The Principal Policy Planning Officer, Policy that there was insufficient industrial land in the city and policy protects the remaining space. The application site is not vacant, which demonstrates demand.

11. Councillor Nann was informed by the Principal Transport Development Officer that the modelling calibration was very important and not enough of the detailed background information had been provided by the applicant. The videos were submitted very late and the uncontrolled pedestrian crossing was not included in the modelling. The authority's Consultant in Public Health stated that the fast food could be a health risk factor if nearby.
12. Councillor Parrott was informed that Hove Park secondary school was 740m away from the site, Goldstone Primary 761m, Blatchington Mill secondary 876m and Aldrington Primary 1,130m. The sea front was some distance from the site. The authority's Consultant in Public Health stated that mapping showed secondary school children purchased fast food on the way to and from school. National guidance was fed into the mapping information. The applicant's highway consultant stated that they compared the Shoreham and Marina restaurants as requested by the council.
13. Councillor Earthey was informed that the existing floor space would be reduced from 900sqm to 350sqm with 62 full time equivalent jobs. It was noted that the site has protected use under planning policy. The Principal Policy Planning Officer stated that the site was protected for employment purposes. The 2024 land study showed that there was a demand for units within established industrial estates.
14. Councillor Shanks was informed that the under policy SPD18 this application was considered an out-of-town drive through restaurant. The city already has a high level of fast-food restaurants and under the NPPF the restaurant should not be within walking distance of a school. The authority has a responsibility to protect residents. The authority's Consultant in Public Health that the city has the second highest number of fast-food restaurants per population in the southeast of England. It was noted there was a strong relationship with obesity and poverty.
15. Councillor Cattell was informed by the agent that it was considered that the benefits outweighed the out-of-date policies. The creation of jobs would be good and a merit for the scheme.

Debate

16. Councillor Nann supported the officer recommendation to refuse. They considered the proposal would exacerbate health issues in the area and have a negative impact.
17. Councillor Theobald considered it was a shame to lose the proposed employment, and the schools were not exactly next door. Healthy eating was not a planning matter. 39 parking spaces was good, and it would not be in the city centre. The opening hours have been reduced from 24/7 and there are no residential properties nearby. If the roads were made safe the councillor would support the application.
18. Councillor Cattell supported the officer's recommendation to refuse as the application was contrary to policy and the floor space was needed for employment uses. Another fast-food establishment was not needed. There was no reason to depart from policy.

19. Councillor Robinson wanted to safeguard the existing employment floorspace. The councillor supported the case officer's recommendation to refuse.
20. Councillor Shanks supported the officer's recommendation to refuse. The road is dangerous and very busy; a crossing is needed. The heavy traffic would not be good.
21. Councillor Parrott considered the combination of children and fast-food restaurant would exacerbate the road dangers. The councillor supported the case officer's recommendation to refuse.
22. Councillor Sheard noted the highway issues and considered there was not enough space for queuing. The site is protected by policy for employment. The councillor supported the case officer's recommendation to refuse.
23. Councillor Pickett considered the application should be refused given the public health and road safety issues, and the site being protected.
24. Councillor Earthey supported the case officer's recommendation to refuse.
25. Councillor Thomson supported the case officer's recommendation to refuse given the use of space is protected and the road is very dangerous.

Vote

26. A vote was held and by 9 to 1 abstention, the committee agreed with the case officer's recommendation to refuse the application.
27. **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.

B BH2025/02640 - 23 Byron Street, Hove - Full Planning

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

C BH2026/00046 - 63 Hallyburton 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.

D BH2026/00393 - 19 New England Street, Brighton - Full Planning

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

Speakers

2. Ward Councillor McLeay sent a speech read out by the Democratic Services officer: The officer report concludes the proposal technically meets current HMO policy thresholds - 6% HMO concentration within 50 metres is below the 10% ward threshold, and below the city-wide limit. However, policy compliance should not be the end of our

consideration. Seven local residents have objected. New England Street is a dense residential street with families and young children living immediately adjacent. Noise, disturbance and high turnover are already sensitive issues in this location. Four-bed family homes are in severe shortage across Brighton and Hove. Accommodating seven people risks creating cramped conditions and pressure on shared facilities. Seven occupants would almost certainly require some bedrooms to be double-occupied. We must not approve a scheme that risks poor living conditions for tenants themselves. The communal living room is large and should be protected as a communal area – not retrospectively converted into a bedroom. This address is not eligible for parking permits within the Controlled Parking Zone. Any future residents would need to rely on long-term paid parking off London Road. Community impact, housing need, living conditions and cumulative change on this street all justify a much more cautious approach. I urge you to scrutinise this proposal closely and consider whether refusal, reduction in occupancy, or stronger conditions would better serve both residents and the wider city.

3. Toby Deacon addressed the committee as the agent acting on behalf of the applicant and stated that there was 2% Homes of Multiple Occupancy (HMO), well below the 20% allowed. No extensions are proposed, and the existing bedrooms remain. There will be no overlooking issues. The proposals will not cause any material harm, with robust management control. There is a condition to prevent noise. The site will offer a good standard of living in this sustainable location. This is a car free location with excellent access to the train station, buses and the local supermarket. The proposals comply with the local plan. The committee were requested to agree the application.

Answers to Committee Member Questions

4. Councillor Shanks was informed that the only internal alternations would be introducing a wall on the first floor and moving a bedroom door. It was noted there was no permitted development available, therefore if the property were to be converted back to a family home, planning permission would be required. The number of bathrooms would remain the same, as would the communal space.
5. Councillor Theobald was informed that the small bedroom was 7.5sqm, which was acceptable, as was the communal space.
6. Councillor Pickett was informed that the application was assessed on seven persons sharing.
7. Councillor Cattell was informed that the current use as an AirBnB was unlawful, and planning enforcement would investigate any reports of the property being used as such in the future. It was noted that another HMO application in the area had not been brought to committee as there were not enough objections.
8. Councillor Robinson was informed that the calculations for HMOs in the area would change if this application was agreed. The motivation for submitting the application was not known and would not be a material consideration.
9. Councillor Thomson was informed that the concurrent HMO application would be affected if this application was agreed.

Debate

10. Councillor Theobald stated they were sorry not to see photographs of the proposed rooms. It was good that the property would not be a 'party house' let. The application is difficult to turn down. The councillor therefore supported the application.
11. Councillor Cattell was concerned that the property had been used as an unlawful AirBnB. They considered the application could not be refused. Any reports of the house being a 'holiday let' should be reported.
12. Councillor Parrott was concerned that the communal space would be turned into a bedroom by stealth, however, an HMO was not necessarily a bad thing.
13. Councillor Robinson considered the situation was not ideal, however, the application would formalise the position, and HMOs were needed. The councillor supported the application.
14. Councillor Sheard stated they lived in an HMO and costs were rising. The double rooms were a good thing, offering stability for young couples. Car parking was not needed in this sustainable location. It was refreshing to have above minimum standard rooms sizes.
15. Councillor Pickett considered it was sad to lose a family home, however, there were not many physical changes. The councillor supported the application.
16. Councillor Shanks noted the property had been an AirBnB for some time. The accommodation was considered to be good.
17. Councillor Thomson supported the application.

Vote

18. A vote was held, and the committee agreed unanimously to grant planning permission.
19. **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 BH2026/00158 - 8 Windmill Drive, Brighton - Householder Planning Consent

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

Answers to Committee Member Questions

2. Councillor Theobald was informed that the gardens were currently being landscaped.
3. Councillor Earthey was informed that the rear elevation of the nearest neighbours to the south were 40m from the application property and that a condition was proposed whereby the rear terrace would be required to have screening to the sides to protect neighbouring amenity.

4. Councillor Sheard was informed that the rear garden was to the south of the property, and there were therefore no significant issues relating to overshadowing or loss of light.
5. Councillor Pickett was informed that the existing property has a terrace to the rear, and the proposals include new terracing to the rear and a new upper floor, which will be some distance from the neighbours.
6. Councillor Thomson was informed that the balcony screening would be to stop sideways views, leaving oblique views only.

Debate

7. Councillor Cattell considered as there was a two-storey house next door, overlooking already existed. The councillor did not consider that neighbours would purposefully look at neighbouring gardens. It was noted that there was a large dormer on another property nearby. The councillor supported the application.
8. Councillor Pickett considered the design to be modest compared to other properties in the road. The topography of the site means the property will be higher than others and there will be some overlooking. The councillor supported the application.
9. Councillor Shanks supported the application.
10. Councillor Sheard noted the area was hilly, therefore neighbours can see into gardens and was not a matter for concern. It was considered there was no overshadowing. The councillor supported the application.
11. Councillor Theobald considered the trees would have been good to keep and if standing the owners could see over the balcony screening. The councillor considered a precedent would be set by the application. A site visit would have helped the committee Members understand the situation were privacy is an issue. The balcony is quite big. The councillor was against the application.
12. Councillor Parrott considered the proposals to be a significant upgrade for the property and there was a need for family homes.
13. Councillor Robinson considered the design to be sensible. The councillor supported the application.
14. Councillor Thomson noted the topography of the city was hilly. The councillor supported the application.

Vote

15. A vote was held, and by 9 to 1, 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.

7 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

8 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

8.1 There were none for this agenda.

9 APPEAL DECISIONS

9.1 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 4.53pm

Signed _____ Chair

Dated this _____ day of _____

