

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 5 AUGUST 2026**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Thomson (Chair), Sheard (Deputy Chair), Earthey, Nann, Parrott, Pickett, Shanks, Winder and Lyons

**Officers in attendance:** Matthew Gest (Planning Manager), Katie Kam (Lawyer), Liz Arnold (Planning Team Leader) and Shaun Hughes (Democratic Services)

**PART ONE**

**37 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

37.1 Councillor Winder substituted for Councillor Robinson. Councillor Lyons substituted for Councillor Theobald.

**b) Declarations of interests**

37.2 None.

**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 not excluded from any item of business on the agenda.

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

37.5 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'.

**38 MINUTES OF THE PREVIOUS MEETING**

- 38.1 There were no minutes for this meeting. The minutes of the meeting held on 1 July were agreed on 29 July 2026 meeting. The 29 July 2026 minutes will be submitted for a future agenda.

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

- 39.1 There were none.

### **40 PUBLIC QUESTIONS**

- 40.1 There were none.

### **41 MEMBER QUESTIONS**

- 41.1 Member Questions: Councillor Shanks asked the following question: *Can the chair please give an update on the applications which were agreed by this committee for Toad Hole Valley and for Benfield Valley, both for substantial amounts of housing including affordable, but where no development has been started.*

*Chair: Thank you for your question and I can provide the following updates regarding these applications. In respect of the application at Benfield Valley, planning and legal officers are finalising the legal agreement with the developer and the decision will be issued shortly. The negotiation on the legal agreement has taken longer than normal due to a few issues but as discussions were positive and productive, officers did not implement the second recommendation that would have seen the application refused due to lack of progress with the legal agreement. In respect of the application at Toads Hole Valley. Officers have been working with the developer in respect of the next phases to bring forward the reserved matters application and design code that are required to be agreed before works commence. The owner has submitted a consolidated planning application which officers are currently reviewing and if approved will provide implementable permission in the event the original application lapses.*

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

- 42.1 There were no site visit requests.

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

- 43.1 Call Over: The Democratic Services officer noted there was one major planning application on the agenda, which was automatically called for discussion. Out of the five minor planning applications on the agenda, only item B: BH2025/01757– Tennis Courts, St Anns Well Gardens, Somerhill Road, Hove - had speakers and was therefore automatically called for discussion. Items C, D, E were called for discussion. Item F BH2026/01213: Flat 9, 191 Kingsway, Hove - was not called, and the application was therefore agreed as per the officer recommendation set out in the report.

#### **A BH2026/00198 - 76-79 and 80 Buckingham Road, Brighton - Removal or Variation of Condition**

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

Answers to Committee Members Questions

2. Councillor Shanks was informed that the development is car free. The planning and highways teams are reviewing the implementation of planning policy and parking

permits; however, permits are restricted by a TRO at this site which is outside the planning process. It was noted that the decision notice will show on conveyancing documents.

3. Councillor Lyons was informed that the 36 units in the development, all new developments are car free, and residents are not allowed to request permits unless the TRO is changed.

#### Debate

4. Councillor Sheard stated they were glad to see the amendment. The councillor supported the application.
5. Councillor Pickett considered that car free areas are good. The councillor supported the application.
6. Councillor Lyons supported the application.
7. Councillor Winder considered it was better that parking permits would be outside planning. The councillor supported the application.
8. Councillor Shanks stated they wanted the development to stay car free. The councillor was against the application.
9. Councillor Thomson stated they did not know the developer's intentions; however, the development was next to the railway station and bus routes. The councillor supported the application.

#### Vote

10. A vote was held, and by 6 to 3 against the committee agreed 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 and subject to the S106 agreement for planning application BH2022/02361 (as amended by the Deed of Variation) which also applies to this S73 application.

#### **B BH2025/01757 - Tennis Courts, St Anns Well Gardens, Somerhill Road, Hove - Full Planning**

1. The Planning Team Leader introduced the application to the committee.

#### Speakers

2. Graeme Kerr addressed the committee as a resident and stated that they were disappointed by the officer's report, and seven nights a week for 365 days a year was excessive. The residents, who live in the 6 blocks of flats neighbouring the tennis courts, have not been consulted on 365 days a year. There has been no noise assessment, or site visit by the committee and no way of asking questions.

3. Caroline Davies addressed the committee as a resident and stated that their main concern was that no detailed measurements have been taken regarding the distance from the tennis courts to the nearest residential properties. The application should therefore be invalid. The committee were asked to make a site visit before making a decision.
4. Mari Quashie addressed the committee as a resident and stated that the impact assessment should have been submitted earlier. Under the equality act, the tennis courts would be considered noisy. By 6pm in the winter months there is a hiatus and residents can look at the stars, which will not be possible if there is light pollution. The committee were requested to make a site visit before making a decision.
5. Ward Councillor Muten addressed the committee and stated they felt a compromise could be made, with an 8pm finish time instead of the submitted 10pm, which is too late, and reducing the number of days per week. Mitigations are needed.
6. Ward Councillor Barton Ahmad addressed the committee and requested the committee vote against the application and visit the resident's homes before making a decision. The suggested 8pm finish time is good. The councillor stated they were not anti-sport or tennis and considered that the gardens were well loved. There seems to have been a total lack of consultation, and the residents have been let down by the applicant. The biodiversity of the gardens is very good, including bats and birds. Dark skies should be a key consideration. The councillor objected to the application.
7. Conrad Brunner addressed the committee as the applicant and stated that they were a reputable tennis company. Families use the courts between 6-9pm, a popular time. The court lighting needs to be good in winter as the darkness stops play. Lighting will allow tennis to continue. No bookings will be taken after 9pm. The lighting proposed is a modern design. The courts will encourage more social activity.

#### Answers to Committee Members Questions

8. Councillor Lyons was informed by the lighting designer that the lighting would be the same as at Dyke Park, using Philips OptiVision lights, and they would be acting under very strict guidance. The case officer stated that the timings at Drove Way were till 9pm Monday to Sunday (including Bank Holidays), Dyke Road was open till 9pm and Hove Park was 10pm. The Planning Manager stated that each application should be looked at individually. It was noted the county ecologist had no objections. Under national guidance condition 8 required two bat boxes and two bird nesting boxes. Condition 9 required at least one bee brick and condition 4 required all ecological measures and/or works to be carried out in accordance with the details contained in the Ecological Review Report.
9. Councillor Shanks was informed by the applicant that the court lights would not be turned on if there were no bookings. Currently the lights are on till 9pm. The applicant confirmed it was one court, one light.
10. Councillor Sheard was informed that the light mapping worked horizontally. The light readings reducing rapidly away from the courts. The Environmental Health team have assessed the application against Institute for Lighting Professionals guidance as if it

were in a rural location, which is the restrictive and have no objections. It was noted that one Holly tree will be lost and condition 5 requires a Biodiversity Gain Plan (BGP). It was noted that no post installation report was required and information submitted was acceptable.

11. Councillor Pickett was informed that measurements were taken from the scaled drawings submitted by the applicant. It was noted that an equality assessment was not required. It was considered there was no discrimination. Details of light spillage are to be submitted, and if there is harm, the environmental health team can action. It was noted that the lights will have cowls on the back of each light to reduce glare. The lighting designer stated that the Philips OptiVision lights were the best. It was noted the installing company could not be controlled by condition.
12. Councillor Parrott was informed that if issues arise, then residents can report to environmental health, who will take assessments. The applicant stated they fulfil community interest needs and friends of the company have been informed of the proposals. There have been three public meetings, and the lights have been restricted to 9pm. The company represents the residents who enjoy the gardens and playing tennis. It was noted by the planning team leader that the correct public consultation had been undertaken. The applicant stated a small storage shed would be constructed on the land between Sunnyhill Road and the tennis courts as this was considered the most discrete location with minimal intrusion. It was noted there was a full tree assessment submitted and there were no objections by the arboricultural officer.
13. Councillor Winder was informed that increase in noise levels was not considered unacceptable and the tennis courts are available during the day. It was noted by the planning manager that the lights will be conditioned for tennis only.
14. Councillor Nann was informed that it was not reasonable to add a condition allowing residents to complain directly to the company.
15. Councillor Thomson was informed by the applicant that they were happy to talk to residents and stated that the Lux levels would be at factory setting. The lighting designer stated that the 8m height was needed and the lights would have a direct focus down onto the court, with no lighting into the sky. The installation would be carried out under strict guidance. It was considered that the glare would be less than street lighting on residents' windows. The lights would be set at a maximum of 65° to prevent any nuisance to residents.
16. Councillor Earthey was informed by the applicant that they had spoken to Ward Councillor Muten and Barton Ahmad and were happy to talk further.

#### Debate

17. Councillor Lyons supported the application as they considered 9pm was fair considering other parks in the city. The councillor was satisfied with the lighting expert's responses and considered there would not be much play in winter anyway.
18. Councillor Sheard stated on the plus side the local community would be able to play tennis late, and on the negative side there were concerns. The councillor stated they were leaning towards granting planning permission.

19. Councillor Shanks requested an 8pm or 8.30pm finish time.
20. Councillor Pickett stated they were not opposed to tennis in the evening, however, there was not consultation with residents. The councillor requested an 8pm or 8.30pm finish time.
21. Councillor Nann considered there was no planning reason to not vote for the application. The councillor asked the applicant to talk to residents.
22. Councillor Parrott considered there was no planning reason to refuse the application. The councillor was disappointed there had been no consultation with residents, and considered conversations were better.
23. Councillor Thomson noted there were opposing views on the application.
24. Councillor Winder stated that they wanted the application to work for all, as the proposal was good and they wanted the residents to feel better.

#### Motions

25. Councillor Nann proposed a motion, seconded by Councillor Lyons, to amend condition 6 to include a post installation survey.
26. A vote was held and the committee agreed the motion unanimously.
27. Councillor Pickett proposed a motion, seconded by Councillor Shanks, to reduce the finish time to 8pm.
28. A vote was held and by 3 to 6 against the motion was not agreed.

#### Vote

29. A vote was held and the committee agreed unanimously to grant planning permission as amended.
30. **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.

#### **C BH2026/00745 - Varndean School, Balfour Road, Brighton - Full Planning**

1. The Planning Team leader introduced the application to the committee.

#### Answers to Committee Members Questions

2. Councillor Shanks was informed that the council was the freeholder of the land and the gates will be open during school opening hours, there was no information regarding school holidays. It was noted that the applicant stated that the existing fencing was not sufficient for safeguarding.

3. Councillor Earthey was informed that the fence height was standard and mesh design was chosen to maintain views.
4. Councillor Pickett was informed that the under 9.6 of the report consideration was given to the operational requirements of the school and the need to provide a safe and secure environment for pupils and staff. It was noted that existing fences at the school may not have required planning permission. The planning manager confirmed that there was no government guidance they were aware of to dictate the height of school fencing.

#### Debate

5. Councillor Pickett considered it was sad to enclose the space; however, they understood it was for safeguarding and therefore the councillor did not feel they could refuse the application. The councillor supported the application.
6. Councillor Shanks expressed concern that the applicant had submitted no evidence, therefore there appeared to be no safeguarding issues at the school. The councillor was against the application.
7. Councillor Earthey noted there was a statutory requirement for safeguarding; however, the councillor considered there was no reason to support the application.
8. Councillor Lyons expressed concerns over what the particular issues may be at the school.
9. Councillor Sheard considered they understood the issues raised by committee Members and felt it was a shame the fence was needed and considered the design very industrial. The councillor supported the application as there was more awareness of safeguarding now than before and the protection of children was a major issue. Other areas will still be available for residents.
10. Councillor Parrott considered schools were struggling with health & safety issues, as well as absenteeism, and teachers were under more pressure.
11. Councillor Winder felt uncomfortable at agreeing to the fencing; however, they understood there was anti-social behaviour and safeguarding was needed. The councillor considered a more neutral colour would be preferred.
12. The planning manager noted the safeguarding reasons were given on the application form.
13. Councillor Thomson considered there had been dangers in the past and they could not vote against the application. The councillor supported the application.

#### Vote

14. A vote was held and by 7 to 1 against and 1 abstention the committee agreed to grant planning permission.

15. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**D BH2025/03102 - North Cottages, Ovingdean Road, Brighton - Full Planning**

1. The planning team leader introduced the application to the committee.

Answers to Committee Members Questions

2. Councillor Earthey was informed that the windows would be timber framed and further details would be submitted by condition. It was noted that there was an article 4 direction at the site and the development was within a conservation area.
3. Councillor Thomson was informed that timber window frames were considered to last longer than UPVC frames and the timber was renewable. UPVC frames were not suitable for a conservation area where timber was more traditional.

Debate

4. Councillor Lyons supported the application as they considered the design looked to be in keeping and was better than the existing building.
5. Councillor Earthey was in favour of the application as it would add to the housing stock.
6. Councillor Parrott supported the application as they considered the house to be suitable, and any house was welcome.
7. Councillor Sheard supported the application.
8. Councillor Thomson supported the application as a small contribution to the housing stock.

Vote

9. A vote was held and the committee unanimously agreed to grant planning permission.
10. **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 BH2025/02058 - 31 Eldred Avenue, Brighton - Full Planning**

1. The planning team leader introduced the application to the committee.

Answers to Committee Members Questions

2. Councillor Lyons was informed by the planning manager that there was a lot of variation in design in the street. Some of the plot widths were generally wider but they did reduce along the street. The width was considered acceptable on planning balance. It was noted that the scheme had been amended to remove side elevation roof dormers and the design reflected the change in ground levels, with descent accommodation that was



slightly different. The application was not considered harmful enough to refuse. It was noted that the highways team raised no objections to the proposed crossover.

3. Councillor Pickett was informed that condition 10 required the crossover to be constructed before the first occupation. The transport team have raised no objections and find the scheme acceptable. It was noted that at 9.35 in the report: there would be an increase in trips as a result of the proposed development, but this is unlikely to have a significant impact on the public highway capacity, therefore the crossover was acceptable. The planning manager noted that informative 4 stated the need for a crossover licence.
4. Councillor Shanks was informed by the planning manager that there were double yellow highway lines opposite the application site. It was noted it was an offence to park on a crossover and informative 4 states that a licence is required for the crossover.
5. Councillor Thomson was informed that there was no hard-and-fast rule on garden space. It was noted that the garden was vegetated and the trees to be removed were non-native. Condition 12 required a landscaping scheme to be submitted and approved, and condition 17 required the protection of trees during the construction process. It was noted that views are not a planning issue; however, outlook is assessed.

#### Debate

6. Councillor Lyons was against the application. Although the extra house was welcome, the proposals would be crammed in the southern part of the street. Parking was an issue on this busy road, and the design was out of keeping with the area.
7. Councillor Sheard supported the application as they considered it would add one house to the housing stock and the scheme would not have much impact. The councillor wanted to encourage this style of development, which they considered quirky. There was no material reason to refuse the application, which would have a minor impact on the highways.
8. Councillor Pickett expressed surprise at the owners wanting to develop the land and they were concerned about the impact on the road junction; however, they supported the application.
9. Councillor Earthey expressed concerns that the scheme may set a dangerous precedent; however, the councillor supported the application.
10. Councillor Thomson noted highways found the scheme acceptable; however, it was a shame to lose the garden space. The councillor supported the application.

#### Vote

11. A vote was held and by 8 to 1 against, the committee agreed to grant planning permission.
12. **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.

**F BH2026/01213 - Flat 9, 191 Kingsway, Hove - Full Planning**

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

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

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

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

- 45.1 None for this agenda.

**46 APPEAL DECISIONS**

- 46.1 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 5.01pm

Signed

Chair

Dated this

day of