

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 7 DECEMBER 2022**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Littman (Chair), Childs (Opposition Spokesperson), Barnett, Janio, Moonan, Shanks, C Theobald, Yates and Hugh-Jones (Substitute)

**Apologies:** Councillors Ebel and Hills

**Substitutes attending:** Councillors Hugh-Jones for Councillor Hills

**Officers in attendance:** Nicola Hurley (Planning Manager), Jane Moseley (Planning Manager), Paul Davey (Arboriculturist), Alison Gatherer (Lawyer), Matthew Gest (Planning Team Leader), Chris Swain (Planning Team Leader), Emily Stanbridge (Senior Planning Officer), Wayne Nee (Principal Planning Officer) and Shaun Hughes (Democratic Services Officer)

**PART ONE**

**61 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

61.1 Councillor Hugh-Jones substituted for Councillor Hills

**b) Declarations of interests**

61.2 Councillor Yates stated they had made comments on item A, however, they remained of an open mind. Councillor Childs stated they had made objections to item B and would withdraw from the discussions and not take part in the vote. Councillor Childs also stated they had received communications from residents on item L, however, they remained of an open mind.

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

61.3 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.

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

**62 MINUTES OF THE PREVIOUS MEETING**

62.1 **RESOLVED:** That the minutes of the meeting held on 2 November 2022 were accepted as a correct record.

**63 CHAIR'S COMMUNICATIONS**

63.1 The Chair stated the following: We've got a fairly long agenda today, so I'll keep my communications brief. However, there are a couple of things I'd like to mention.

Firstly, I'm delighted to see that another two developments which passed through this Committee have won awards. Both Circus Street, for about the fifth time, and Valley Gardens, have gained prestigious acknowledgement from professional bodies. Although we can claim very little credit for this, we can enjoy the fact that in both cases our decisions have been shown to be justified. It may also be the case that our scrutiny means that developers go the extra mile to provide our city with high class development. Long may it continue.

Secondly, Local Planning Authorities have recently received a letter from the Secretary of State for Levelling Up, Housing and Communities giving advance warning of some potential planning and housing reforms. Obviously, we don't know what the eventual outcome will be, but then interim statement appears to give with one hand but potentially take away with the other. Housing numbers may become advisory rather than mandatory, allowing Authorities to apply to protect sensitive sites, but on the other hand, cites will be required to build more, to protect neighbouring rural districts. So, we will have to wait and see.

**64 PUBLIC QUESTIONS**

64.1 There were none.

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

65.1 There were none.

**66 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2022/02830 - Hove Western Lawns and Hove Lagoon, Kingsway, Hove - Full Planning**

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

Speakers

2. Ward Councillor Appich addressed the committee and stated that they were supporting the new linear park and were grateful for all the work, consultations, residents' comments and action group responses. The councillor expressed some concerns at the height of the proposed sports facilities building, however everything else was much improved and they were looking forward to the scheme being implemented. The committee were requested to support the proposals.
3. Susan Howard addressed the committee as a resident objecting to the application and stated that they represented other residents. The proposals were not in keeping with the Sackville Gardens area and they objected to the loss of space and the 6 metre high floodlights were not suitable. Noise would be increased as more sports were proposed for this space next to the King Alfred Sports Centre. The committee were requested to not support the application.
4. The applicant Vicki Linton-Cooke stated they had worked with Members and other partners and groups and noted the size of the scheme was confined by budget from the Levelling Up fund which gave money for the regeneration of the western lawns. The new linear park was designed to meet the needs of the residents, who were consulted throughout the process. The council had been working with new and existing stakeholders to produce a business case. The proposals will improve access, protect key heritage features and biodiversity. The park is designed to bring benefit to all.

#### Answers to Committee Member Questions

5. Councillor Hugh-Jones was informed that the landscaping and biodiversity would be monitored by condition, the sports hub would be heated by air source heat pumps and the sands sports area would be sunken down to reduce the impact of the fencing and would not be close to the bowls green. The sports facilities have been designed in consultation with various groups to ensure better access for all.
6. Councillor Yates was informed that the outdoor sports hub will include a lift.
7. Councillor Shanks was informed that the existing public toilets were not included in the scheme for refurbishment as there were not enough funds. There are other toilets in the proposals which will include increased changing areas and showers. A management plan will cover the use of these proposed facilities to ensure they are available to the public. The noise impact has been considered and is acceptable.
8. Councillor Moonan was informed that the events space and sunken garden were available for all to hire and restrictions on the size and frequency of events would apply. Events would be allowed on 28 days each year, with any more requiring a planning application. Events will be managed through the council events team. The bund on the lawns to prevent access will be replaced and a wider footway added once works are finished. The Planning Manager noted that the businesses applying for events could not be controlled under planning legislation. The use of cycles off cycleways is restricted by by-laws and users of the wheeled park space will be required to dismount to access the area. The wheeled area will not have a specific area for parents teaching children to cycle etc. The signage around the area is to be agreed by condition.

9. Councillor Theobald was informed that the sprinklers do not form part of the planning application and will be dealt with under Building Control. The proposals include a bar in the sports hub and number of toilets has been increased. The existing buildings in front of the gardens are to be demolished and native meadow planted. The bowling green building is also to be removed.
10. Councillor Janio was informed that the croquet area was much used and would remain.

#### Debate

11. Councillor Yates considered the new linear park to be good to regalanise the sports area with improved access, toilets, and restaurant. The councillor believed that the number of car journeys to the site would increase as the area became a destination for all the city, however the existing arrangements seem acceptable. The scheme will be an asset to this part of the city, which has recently lost some character. The councillor supported the application.
12. Councillor Theobald considered the facilities to be wonderful and the project much needed with better access and more toilets. The councillor supported the application.
13. Councillor Shanks considered the scheme looked good and needed doing and hoped the costs would not be prohibitive. The councillor supported the application.
14. Councillor Hugh-Jones was concerned at the loss of green space; however, they noted the other areas the scheme created. The councillor supported the application.
15. Councillor Moonan was concerned about the cycle areas and considered planning needed to look at the dangers of cycles and scooters. The by-laws need to be enforced.
16. Councillor Janio considered that Brighton received investments, however there was not much in Hove. The councillor considered private investment would have helped the scheme. The councillor supported the application.
17. Councillor Littman noted the improvements and understood the concerns regarding cycles etc. The councillor supported the application and considered that the scheme would attract more people using sustainable transport. The councillor hoped the biodiversity would eventually be increased and native trees would be used in the landscaping.

#### Vote

18. A vote was taken, 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 set out in the report.

#### **B BH2022/02167 - 35 - 36 Egremont Place, Brighton - Full Planning**

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

Answers to Committee Member Questions

2. Councillor Theobald was informed that the building was no longer fit for use as a care home and that 12 trees are to be removed, none of which were considered suitable for Tree Preservation Orders (TPOs). The proposals will be similar in height to the existing buildings.
3. Councillor Barnett was informed that the residents have already been rehoused in better facilities in the city.
4. Councillor Hugh-Jones was informed that green roofs will be added to the new block and mews houses.
5. Councillor Janio considered the loss of the care home a sad loss. They were informed that following a review the lack of facilities and site limitations meant it was better to move residents to better care homes rather than upgrade the site.

Debate

6. Councillor Yates noted the City Plan Part Two (CPPT) criteria were met however affordable housing should have been included. The wording 'or a commuted sum in lieu' should be removed from the Heads of Terms.
7. Councillor Hugh-Jones was concerned at the loss of accommodation; however, they understood the building to be empty since 2019 and had been underused. The councillor supported the application.
8. Councillor Theobald was not happy with the lack of affordable housing.

Vote

9. A vote was taken, and by 6 to 1 the committee agreed to grant planning permission. (Councillors Shanks and Childs took no part in the vote or the decision making process).
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 be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives as set out in the report.

**C BH2022/01063 - Moulsecoomb Hub North, Hodshrove Lane, Brighton - Full Planning**

1. This application was withdrawn after the publication of the agenda.

**D BH2022/02562 - Montpelier Inn 7-8 Montpelier Place Brighton - Full Planning**

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

## Speakers

2. Ward Councillor Philips addressed the committee and stated that the pub had been a constant source of nuisance to the residents, and this had been reported to the Police and licensing team. There are 3 pubs in the immediate area and residents don't want this pub, which was not used by locals. The application to convert to residential use would not create a precedent. The committee were requested to support the application against the officer recommendation for refusal.
3. Shelley Tiltman addressed the committee as a representative of local residents, noting that there were 180 bars and pubs within 20 minutes' walk of the pub and 45 restaurants within 6 minutes' walk. There have been 10 years of complaints regarding noise nuisance and drugs, as well as a murder. The pub is not independently owned, the community has spaces and there is a need for housing. Parking for the area is an issue. Graffiti and drug use is ongoing. The committee were requested to approve the application to change the use of the site.
4. Simon Bareham, the agent, addressed the committee and noted the objections to the loss of a community space at the site were withdrawn. Pubs in planning policy terms are considered community spaces, however this pub was not considered valued by the local community, particularly with 3 other pubs close by. The Members were requested to take note of the current impact on the listed building, which the proposals will improve and allow the application.

## Answers to Committee Member Questions

5. Councillor Janio was informed that a community run space had not been proposed.
6. Councillor Theobald was informed that there were residents in the floors above the pub.
7. Councillor Moonan was informed that community use would need to comply with policy DM10. It was noted by the agent that policy DM10 encourages use of the site as a local pub, however, this is not possible here and was not considered a viable community asset.
8. Councillor Hugh-Jones was informed that the marketing had been for a pub use for 10 months only, when 24 months is required by policy.
9. Councillor Yates was informed that the applicant could come back in 14 months' time to meet the policy requirements.

## Debate

10. Councillor Moonan considered more housing was required, however, the policy is for everyone, the agent should look at community use and market for 24 months as policy requires. The councillor supported the officer recommendation.
11. Councillor Yates noted that other pubs have been community run and have succeeded and considered the pub could be good again. The policy was there to prevent the loss of

pubs which once gone, were lost for good. The councillor supported the officer recommendation.

12. Councillor Childs considered the protection of pubs a key part of CPPT and there appeared to be no evidence of proper marketing. After a further 14 months the councillor may support. The councillor supported the officer recommendation.
13. Councillor Theobald considered the listed building to be nice and pubs should be protected and noted the application was against policy. It was considered a shame to lose the pub to housing. The councillor supported the officer recommendation.
14. Councillor Janio noted that the Ward Councillor had spoken against the officer recommendation to refuse and noted that residents live in horror and don't want the pub. The pub does not appear to be a community asset and the city is not lacking in pubs. The councillor was against the officer recommendation.
15. Councillor Hugh-Jones expressed sympathy with the residents and the Ward Councillor, however the marketing had not been done adequately and nothing had been said to justify an exception. The applicant should come back in 14 months' time as required by policy. The councillor supported the officer recommendation.
16. Councillor Littman expressed sympathy for the residents but noted that pubs with bad reputations can be made good. The application was against policy and the councillor supported the officer recommendation.

Vote

17. A vote was taken, and by 7 to 1 the committee agreed to refuse the application. (Councillor Shanks took no part in the vote or the decision making process).
18. **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 set out in the report.

## **E BH2022/02465 - 23 Brooker Street, Hove - Full Planning**

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

Answers to Committee Member Questions

2. Councillor Theobald was informed that the property had been extended to the rear in about 1878, before the 'baseline' date set out in the policy of 1947. The property was noted as being individual and not the same as surrounding properties so no precedent would be set.

Debate

3. Councillor Theobald considered the application to be setting a precedent and not fair on neighbours. The councillor did not support the application.

## Vote

4. A vote was taken, and by 4 to 2 the committee agreed to grant planning permission. (Councillors Moonan, Childs and Shanks were not in attendance to vote or take part in the decision making process).
5. **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 BH2022/02842 - 94 Western Road, Brighton - Full Planning**

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **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 set out in the report.

**G BH2022/02278 - 7 Meadow Close, Hove - Full Planning**

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

## Answers to Committee Member Questions

2. Councillor Theobald was informed that it is permissible for applications to be retrospective and that this cannot be taken into account in deciding them.
3. Councillor Hugh-Jones was informed that there was considered to be no overshadowing as the structure was a substantial distance from other buildings and neighbours.
4. Councillor Janio was informed that 12 representations had been received from neighbours and residents.

## Debate

5. Councillor Yates noted that the retrospective application had been considered under the same process and policies. The councillor supported the application.
6. Councillor Theobald considered that anyone could apply for retrospective planning permission and was informed that enforcement action can be taken if an application was refused.

## Vote

7. A vote was taken, and by 6 to 1 abstention the committee agreed to grant planning permission. (Councillors Shanks and Moonan were not present for the vote and took no part in the decision making process).

8. **RESOVLED:** 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.

## H BH2022/02281 - St Marys Church, Surrenden Road, Brighton - Full Planning

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

### Speakers

2. Ward Councillor Neild addressed the committee and stated that there was a need for nurseries in Preston Park and the application fulfils local needs. It was noted that this is an independent and not a chain nursery, has a large garden and not all children have outdoor space at home. It was noted the neighbours have objected on noise grounds but it was noted that there will be 20/30 children and they will not be outside at the same time, or outside all day. The councillor considered a huge amount of work had been done by the applicants and requested that the committee support the application.
3. Camille Kumar addressed the committee as a resident. The Democratic Services officer read out the following: I am a parent of a child registered at Little Shoes Nursery. I am also Brighton and Hove City Council's first anti-racist education lead. I speak in full support of this application. Little Shoes nursery is a unique provision. My wife and I visited six nurseries before we found Little Shoes. While each nursery had something valuable to offer, we were repeatedly let down by nursery managers being unable to demonstrate their commitments to challenging gender stereotypes, to LGBT+ inclusion and anti-racism. By contrast, on our visit to Little Shoes both myself and my wife felt immediately comfortable and welcome. As a queer mixed heritage family, it is especially important to us that our son is in a nursery community where his identity and the identity of his family is accepted and celebrated in all its fullness. We are all too aware from our own experiences of education. The strong commitment to belonging and ethos of inclusivity and diversity at Little Shoes creates an atmosphere that welcomes and celebrates difference. Little Shoes offer a rich global citizenship education that prepares children for the modern world and enriches their education with linguistic and cultural diversity. I urge you to consider Little Shoes invaluable contribution to the anti-racist pledge of the city as you make your decision.
4. Sven Rufus addressed the committee as agent and stated that the change of use has been agreed by other council departments. The noise from the garden will not be all the time with a maximum of 15 supervised children at any time for 2 to 3 hours. A hedge will also protect the neighbours from noise. The report recommends a noise plan which can be reviewed. The committee were requested to support the application.

### Answers to Committee Member Questions

5. Councillor Moonan was informed that the operator of the nursery was not a planning matter, and that the planning permission went with the land.
6. Councillor Childs was informed that the child care use had been ongoing since 2017.

## Debate

7. Councillor Theobald considered it was good to be inclusive, a good use of the site and was much needed in the area.

## Vote

8. A vote was taken, and the committee agreed the officer recommendation unanimously. (Councillor Shanks took not part in the vote or the decision making process).
9. **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.

**I BH2022/02956 - Land to the Rear and Side of 48 Lockwood Crescent, Brighton - Full Planning**

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

## Speakers

2. Josef Huber acting as the agent addressed the committee and stated that the site was a disused plot with no passing traffic. The agent considered a higher quality build was needed in the area and the proposals would have a minimal impact on the streetscene, have a respect for the setting and improve the outlook for neighbours. The build would be sustainable and environmentally friendly. The family friendly home will be accessible for all ages with good views from the bedrooms. The proposals have been altered following officer feedback.

## Answers to Committee Member Questions

3. Councillor Hugh-Jones was informed that three bedrooms would have less than a metre between side elevations and the boundary fencing. The agent confirmed that the windows are large, allowing lots of light and that the size of the neighbouring garden had been increased through the removal of the existing garage.

## Debate

4. Councillor Yates believed in finding additional space in the city for housing, however, this was not the right location. The amenities for the neighbours or occupiers were not considered acceptable. The councillor supported the officer recommendation to refuse.
5. Councillor Theobald stated they were torn on the application and were surprised by the number of objections. The councillor supported the proposals against the officer recommendation.

## Vote

6. A vote was taken, and by 6 to 1 the committee agreed to refuse the application in line with the officer recommendation. (Councillors Moonan and Shanks did not vote and took no part in the decision making).
7. **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 set out in the report.

**J BH2022/02433 - 56 - 57 and 56A Boundary Road, Hove - Full Planning**

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **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 set out in the report.

**K BH2022/02826 - 16 Chichester Place, Brighton - Full Planning**

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **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 set out in the report.

**L BH2022/01324 - 118A St James's Street, Brighton - Full Planning**

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

Answers to Committee Member Questions

2. None

Debate

3. Councillor Childs expressed concerns regarding the room standards, which were deemed acceptable by officers, however they were against policy. There are three Houses in Multiple Occupancy (HMO) in a row, however, officers note that in this case there are commercial uses at the ground floor level so the policy can be applied more flexibly. The floor space is below minimum standards and oppressive. The communal space is less than ideal, there is no cycle store and concerns have been raised by neighbours. The councillor did not consider the quality high enough.
4. Councillor Yates considered the business on the ground floor was not enough reason to allow three HMOs in a row, the proposals were not City Plan Part Two (CPPT) compliant and the improvements to the building were not good enough to mitigate the below standard accommodations.

5. The case officer noted that the three HMOs in a row were acceptable under the supporting text in the CPPT policy as the properties were traditional houses and the policy allows for flexibility. Larger rooms were not possible in this listed building as the loading bearing walls could not be removed. The new sash windows, railings and roof were all acceptable.
6. Councillor Janio stated they were against the application.
7. Councillor Shanks considered the improvements should be made anyway and did not support the application.

Vote

8. A vote was taken, and by 6 to 1, and 1 abstention, the committee did not support the officer recommendation to grant planning permission. (Councillor Moonan took no part in the vote or decision making process).
9. Councillor Janio proposed a motion to refuse the application as it was against CPPT policy. The motion was seconded by Councillor Yates.

Vote

10. A vote was taken and Councillors Janio, Childs, Yates, Hugh-Jones, Barnett, Theobald, Shanks and Littman voted to refuse the application. (Councillor Moonan took no part in the vote or the decision making process).
11. **RESOLVED:** Contrary to DM7(2)(c) as would lead to a continuous frontage of three or more HMOs, for which an exception is not considered to be warranted.

**M BH2022/02391 - The Coach House, 1 Namrik Mews, Hove - Householder Planning Consent**

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **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 set out in the report.

**67 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**

67.1 There were none.

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

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

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

69.1 There were none.

**70 APPEAL DECISIONS**

70.1 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 5.42pm

Signed

Chair

Dated this

day of