

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 1 FEBRUARY 2023

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Apologies: Councillors Barnett, Childs, Ebel and Hills

Officers in attendance: Nicola Hurley (Planning Manager), Katie Kam (Lawyer), Russell Brown (Principal Planning Officer), Rebecca Smith (Planning Officer), Jack Summers (Planning Officer) and Shaun Hughes (Democratic Services Officer). Paul Davey (Arboricultural Officer), Paul Campbell (Parks Projects & Strategy Manager)

PART ONE

81 PROCEDURAL BUSINESS

a) Declarations of substitutes

81.1 Councillor Allbrooke substituted for Councillor Hills. Councillor Hugh-Jones substituted for Councillor Ebel.

b) Declarations of interests

81.2 None for this meeting.

c) Exclusion of the press and public

81.3 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.

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

82 MINUTES OF THE PREVIOUS MEETING

82.1 **RESOLVED:** The committee agreed the minutes of the meeting held on 11 January 2023.

83 CHAIR'S COMMUNICATIONS

- 83.1 The Chair stated the following: Concerns were raised recently amongst committee lawyers with regard to the risk of challenge if members are absent for a portion of the consideration of an item. As a result, we have introduced a new protocol. This protocol is not uncommon in other authorities. So, *“Would Committee Members please note that where a decision is made on an agenda item, to be able to participate in the debate and vote Members must be present throughout the entirety of the Committee’s consideration of that item, including the officer presentation, any public speaking, and the question and debate session. In the event that a Member needs to leave the Chamber briefly during consideration of an item, but still wishes to participate, the Member should indicate to the Chair that they need be excused. If this is the case, I will briefly suspend the meeting for the duration of their absence.”*

84 PUBLIC QUESTIONS

- 84.1 There were none for this meeting.

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

- 85.1 There were none from this meeting.

86 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

- 86.1 Item A was withdrawn from the agenda and items B, C, D and E included speakers and were therefore automatically called for discussion.

A BH2022/00456 - Former Dairy, 35-39 The Droveway, Hove - Full Planning

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

B BH2022/00287 - Land Adjacent Hillside, Ovingdean Road, Brighton - Reserved Matters

1. The Planning Manager introduced the application to the committee. The case officer informed the committee that the wording ‘unlawfully felled’ was incorrect as the trees were not protected.

Speakers

2. Ward Councillor Fishleigh noted that officers has visited the site, not committee Members. The damage to the existing trees was against the law and the applicant will benefit if the committee agree planning permission. The Councillor wanted to increase the protection of trees generally in the city as agreed at full council in a Notice of Motion, which was unfortunately ‘watered down’. The councillor considered there was not enough space for the proposed house.
3. Pam Wright addressed the committee as a resident and stated they spoke for a number of neighbours and residents, and locals were concerned at this development on a blind

corner, with much traffic, speed of the highway traffic was a concern. The number of trees to be removed was regretted and would have a considerable impact. In July 2022 neighbours persuaded trees works to be stopped. Following this there was no confidence in the landscaping scheme, which will need checking. Future occupiers knocking down trees was a concern; therefore, a Tree Preservation Order (TPO) was requested for all the trees on site, which has high amenity value.

4. Craig Sweeney addressed the committee as the arboriculturist acting for the applicant and stated they were an independent tree consultant and noted that the tree works carried out were not unlawful and it was noted at the officer's site visit that no criminal acts had taken place. The tree planting and removal has already been agreed in October 2022. The native hedging and planting have been agreed on site. The ground levels require the removal of trees, and a method statement has been submitted. 18 trees will be removed due to the excavation works not 22.

Answers to Committee Member Questions

5. Councillor Hugh-Jones was informed that the access to the site did not form part of the discussions. The Council Arboriculturist noted the Tree Preservation Order (TPO) was for the area, within which the sycamore trees next to the highway were listed. The elm trees on site have been lost many years ago. Eight sycamores are to be removed, four have planning consent to remove and the others are within the footprint of the new building.
6. Councillor Theobald was informed that the application was for reserved matters and the previous application had been for outline planning permission. The case officer confirmed the existing electricity substation was owned and operated by UK Power Networks and access was part of the proposals. It was noted that there were no transport details at the outline stage, therefore the transport officers could not comment.
7. Councillor Shanks was informed that the four sycamores would be felled for access and another four for the house. It was noted that the access was already agreed, as was the house position. The council arboriculturist had no objections.

Debate

8. Councillor Theobald considered the proposals far too big for the site, located at the top of dangerous hill, with 21 trees being removed so near to the South Downs National Park. It was noted that there had been 25 objections received. The councillor did not support the application.

Vote

9. A vote was taken, and by 6 to 1 the committee 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 **APPROVE** planning permission subject to the Conditions and Informatives as set out in the report.

C BH2022/02299 - Tennis Courts, Hove Park, Old Shoreham Road, Hove - Full Planning

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

Speakers

2. Ward Councillor Brown addressed the committee in support of the application and spoke on behalf of Councillor Bagaeen. The club house was considered a good design for the well run club. It was noted that other park users support the proposals, which includes much needed storage, a space for community groups and toilets. It is considered the works, 6m from the mulberry tree, would be acceptable. Cycle parking was included, and the scheme is acceptable in terms of form and scale. S106 agreement monies are being used on the project. The committee were requested to support the scheme.
3. Gareth Hall addressed the committee as an objecting resident and stated that they supported the officer's recommendation to refuse the application as the white mulberry tree will be affected. The impact on wildlife will be considerable and it is noted that city parks have concerns. Following the demolition of the existing structure the new build will cause damage to the mulberry tree if the application is granted. This is a hedge sparrow location, and the removal of the hedge would have an effect. The committee were requested to refuse the current application and the proposals to be moved to another location.
4. Neil Dickson addressed the committee as the agent and noted that new tennis courts and floodlights have been installed and the next step was the pavilion. There have been meetings and correspondence on the proposals. The building will be shared with other users than just the tennis club. The toilets will be good for all. The mulberry tree will be protected by using pile driving technology 6m from the tree. It was noted that the council arboriculturist changed the distance required to 10m. No arboriculturist comments were required for the installation of nearby goal posts. If granted, the club are willing to work with the council as the scheme needs to be a success.

Answers to Committee Member Questions

5. Councillor Yates was informed that the applicant would work with the council sports and parks and was happy to share the pavilion. The application was being refused on the effect on the mulberry tree.
6. Councillor Moonan was informed that the football fencing was agreed in 2017. The council arboriculturist stated that the footings for the football pitches will have caused some damage and it was vital to prevent any further damage to the mulberry tree. The proposals will need to be 10m from the tree following a site visit and the measuring of the tree trunk. The case officer noted that moving the scheme 10m away from the tree may affect the viability of the proposals.
7. Councillor Hugh-Jones was informed by the agent that there were drainage channels on along the sides of the building, electricity and water are already on the site, and the proposed location is ideal for services.

8. Councillor Shanks was informed by the Park Projects & Strategy Manager that the council were working with business' in the park, and the plans include toilets, storage and other amenities. It was noted that the site needed a masterplan, which would take time. Joint use is wanted of the pavilion and being located at the table tennis club would be better.
9. Councillor Allbrooke was informed that it would be a struggle to relocate the building in this meeting as the application red line was for the area of the pavilion not the whole park.
10. Councillor Theobald was informed that the council arboriculturist was not consulted in 2017 when planning permission was granted for the fencing to the football pitches.

Debate

11. Councillor Moonan welcomed the tennis club pavilion with toilets; however, they supported the officer recommendation. Not enough detail and the mulberry tree will be under stress. The applicant should work with Parks to find a better site.
12. Councillor Yates was against haphazard development in the park and considered the position and proposed development not to be suited. A masterplan is needed with more thought to access. The park users need support like the toilets, and mulberry tree needs to be protected. The development is not justified. The councillor supported the officer recommendation.
13. Councillor Shanks noted that anything that took away from public space was not good. The councillor supported the refusal.
14. Councillor Hugh-Jones appreciated all that the tennis club brought to the community and asked that they work with a masterplan. The table tennis club is also a good location. The councillor supported the refusal.
15. Councillor Theobald considered the proposals to be a good use of the triangle of land and noted that the existing storage unit had not damaged the mulberry tree. There were many supporters and only one objection to this great facility. The committee were requested to defer the application for further discussions.
16. Councillor Littman considered the proposals to be a good idea, just in the wrong place. The existing storage unit has put the mulberry tree under stress, which was pruned to accommodate the unit. The councillor supported the officer recommendation.
17. The chair requested a seconder to councillor Theobald's request to defer. No councillor seconded the motion. There was therefore no vote on the proposed deferment.

Vote

18. A vote was taken, and by 6 to 1 the committee agreed with the officer recommendation to refuse 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 **REFUSE** planning permission for the reasons:
1. The proposed development will result in the loss of a Council-owned White Mulberry tree due to it creating an unacceptable accumulation of development around said tree (detrimentally impacting on its root system) and requiring significant pruning. Loss of this tree would represent harm to the visual amenities of the area and local biodiversity, contrary to policies CP10 and CP13 of the Brighton & Hove City Plan Part One, and DM22 and DM37 of the Brighton & Hove City Plan Part Two.

D BH2022/03609 - 4-6 Longridge Avenue, Saltdean, Brighton - Full Planning

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

Speakers

2. Ward Councillor Fishleigh addressed the committee and stated that the green roofs were a heritage feature and need to be protected. The councillor noted the leaseholder was happy to look for green tiles and to explore options. The committee were requested to refuse the application.
3. Zoe Horton addressed the committee as the agent and stated that the building was not listed or in a conservation area. It was noted that the roof has failed leading to the closer of the pub on a number of occasions. The reroofing is not taken lightly, and have searched for tiles, which are not available in the UK. Reclaimed tiles have the same issue, cracking along the ridge. All channels have been investigated to find tiles.

Answers to Committee Member Questions

4. Councillor Yates was informed by the agent that the tiles cannot be found. The colour is not available in painted tiles and the roof needs to be replaced.
5. Councillor Moonan was informed by the agent that it was not possible to remove the roof, make water tight and replace the roof as the tiles have failed.
6. Councillor Littman was informed that the green roofs of Saltdean are attractive but not protected and therefore not a reason for refusal.

Debate

7. Councillor Yates was concerned at the impact of the development on the character of area. The existing pub is attractive and of interest.
8. Councillor Hugh-Jones understood the existing tiles have defects and reclaimed have the same issue. The councillor supported the granting of planning permission.
9. Councillor Theobald considered the green tiles look nice and were a part of the Saltdean character.

10. Councillor Allbrooke noted the green tiles were part of the area and noted the hospitality was struggling. The councillor agreed with the recommendation.
11. Councillor Moonan considered there were issues with reclaimed tiles, however, they felt there were alternatives and did not support the officer recommendation to grant.
12. Councillor Littman considered that if permission were granted, then all the Saltdean green roofs could go. The councillor noted DM18 policy of City Plan Part 2 and considered the proposals would have a negative sense of space. The councillor did support the granting of planning permission.

Vote

13. A vote was taken, and by 1 to 5, with 1 abstention, the committee did not agree with the officer recommendation.
14. Councillor Littman proposed a refusal relating to City Plan Part 2 policy, seconded by Councillor Yates, with the wording to be agreed.
15. A recorded vote was taken, and Councillors Moonan, Shanks, Theobald, Yates, Allbrooke and Littman voted in favour of the refusal. Councillor Hugh-Jones voted against the refusal. The refusal was agreed.
16. **RESOLVED:** That the Committee has taken into consideration and refuses planning permission for the following reasons: 'The change in tiles from green glazed roof tiles to clay roof tiles would contribute negatively to the sense of place of Saltdean contrary to policies DM18 and DM21 of the Brighton & Hove City Plan Part Two.'

E BH2022/01584 - 25 Drove Road, Brighton - Full Planning

1. The Planning Manager introduced the application to the committee. The case officer updated the committee that the plan list is now the location plan only and condition 2 is now an informative.

Speakers

2. Ward Councillor Simson addressed the committee and stated that the application was confusing, and the majority of the land was in the South Downs National Park, with driveway in Brighton and Hove City Council boundary. The neighbouring residents were concerned over the loss of trees and noise. There were mobile homes on site already, and the access was used by walkers and cyclists. The committee were requested to refuse the application.
3. David Champion addressed the committee as the agent and stated that they agreed with the report and the owners had bought the freehold some years ago, and there was no scaffolding business at the site, only horses. There is a mobile home on site and no enforcement action had been taken against the owners. The council have been informed of the tree felling, which were not covered by a Tree Preservation Order

(TPO). It was noted there were no objections to equine use at the site. The committee were requested to grant planning permission.

Answers to Committee Member Questions

4. Councillor Yates was informed that the committee were to consider the access part of the application only.
5. Councillor Hugh-Jones was informed that the committee needed to make a decision and the applicant could appeal.
6. Councillor Moonan was informed that the South Downs National Park decision has no bearing on the access in the city boundary. The applicant requires both authorities to grant permission. It was noted the South Downs National Park have refused permission to the rest of the site. The application before the committee was for access only.
7. Councillor Theobald was informed that the committee would require a substantive reason to refuse the application. It was noted that usage would not be great.

Debate

8. Councillor Yates supported the officer recommendation as there was no valid reason not to.
9. Councillor Moonan noted that the committee were not deciding the site, which was in the national park. Residents can monitor any issues. The councillor supported the application.
10. Councillor Hugh-Jones considered there was no valid reason to refuse the application.
11. Councillor Theobald considered there were more business' than horses on site and was against the granting of planning permission.
12. Councillor Littman thanked the officers and considered the usage increase of 9% would be acceptable. The councillor supported the application.

Vote

13. A vote was taken, and by 6 to 1, the committee agreed to grant planning permission.
14. **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.

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

- 87.1 There were none from this meeting.

88 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

89 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

89.1 There were no informal hearings and public inquiries for this agenda.

90 APPEAL DECISIONS

90.1 There were no letters received from the Planning Inspectorate advising of the results of planning appeals for this agenda.

The meeting concluded at 4.21pm

Signed

Chair

Dated this

day of