



**Brighton & Hove
City Council**

**PLANNING COMMITTEE
LATE LIST**

2.00PM, WEDNESDAY, 21 JULY 2010

COUNCIL CHAMBER, HOVE TOWN HALL

ADDENDUM

| ITEM | Page |
|---|-------|
| 63. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST | 1 - 6 |

| Page | Site Address | Application No. | Comment |
|------|-------------------|-----------------|---|
| 54 | 331 Kingsway Hove | BH2009/03014 | <p>12 <u>objection</u> letters have been received in total including one from 23 Marine Avenue (not 23 Marine Parade as previously reported) and including an additional letter from the owner of 1 Brittany Road (3 in total from this address) objecting to the proposal. The letter dissects and critiques elements of the scheme in detail. In addition to the objections outlined in the committee report, the following additional objections are made:</p> <ul style="list-style-type: none"> • the wall to 1 Brittany Road would be demolished initially leaving the property exposed to a construction site for approximately 2 years. This is unnecessary, unacceptable and harmful to the occupiers of the property, • the access ramp would be open to the elements and attract undesirable activities, • the applicant and the Local Planning Authority have not given weight to the objector's professional assessment of the scheme and ignored mistakes, errors, omissions and contradictions in the drawings, • the applicant has asserted collaboration with the Local Planning Authority and a full investigation is required in to the assertion of collaboration, <p><u>Response:</u> The applicant would be required to ensure that the site is safe and secure and a Construction Environmental Management Plan would be secured by the section 106 agreement. Should permission be granted, day-to-day construction issues affecting neighbouring properties would be matter between the applicant and neighbours. It is not anticipated that the access ramp to the basement will create any significant security risk. Furthermore, Sussex Police have not objected to the access in this location. In reference to the claim of collaboration with the applicant, the Local Planning Authority has met twice with the applicant since the submission of this application to secure improvements to the scheme and seek clarification on issues in the normal manner. Amended drawings were received on 5th July 2010 to clarify some outstanding matters including window positioning and lift overruns. Additional consultation letters were sent out on 6th July 2010 giving neighbours until 20th July 2010 to make additional comments.</p> |

Amendments required to Informative 1

This decision is based on drawing nos. design and access statement received on the 8th December 2009 PL(00)101, 102A, 103, 104A, 105A, and supporting statements received 21st December 2009, proposed window design details received on the 11th March 2010, drawing nos. PL(00) 115B 116A, 117A, 118C, 119C received 27th May 2010 and drawings PL (00) 106C, 107C, 108C,109C, 110B, 111C, 112B, 113C, 114C, received on the 5th July 2010.

Minor amendments required to conditions.

Condition 3

The ground and first floor areas indicated on drawing 107C and 108C shown as D1 clinic and associated rooms shall only be used for the purposes of providing a medical practice and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

Condition 4

The second floor B1/D1 unit shown on drawing numbers 108C shall only be used for the purposes of providing a business uses under the B1 use class and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason To ensure satisfactory levels of employment remain on site and to comply with policy EM9 of the Brighton & Hove Local Plan.

Condition 16

Notwithstanding the details provided within the application, revised details of the cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The revised facilities shall show a minimum of 55 accessible spaces for the residential use and a minimum of 7 accessible cycle spaces for the B1/D1 use. These facilities shall be fully implemented and made available for use in strict accordance with the approved details prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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| 90 | 41 Ladies Mile Road | BH2010/01132 | <p>Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.</p> <p><u>Condition 21</u></p> <p>Prior to occupation of the B1 accommodation, an operation plan shall be submitted and agreed in writing to the Local Planning Authority detailing how the office space shall be serviced. This shall include details of frequency of deliveries and collections, times of deliveries and collections; associated areas and plant and vehicle types. The B1 accommodation shall operate in strict accordance with the operational plan agreed at all times.</p> <p>Reason: To safeguard the amenities of future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.</p> <p><u>Condition 22</u></p> <p>Prior to occupation of the D1 accommodation, an operation plan shall be submitted and agreed in writing to the Local Planning Authority detailing how the D1 unit shall be serviced. This shall include details of frequency of deliveries and collections, times of deliveries and collections, associated areas and plant and vehicle types. The D1 unit shall operate in strict accordance with the operational plan agreed at all times.</p> <p>Reason: To safeguard the amenities of future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.</p> |
| | | | <p>The Food Safety Team has commented on the application; further information is required to ensure that the proposed kitchen facilities meet food hygiene standards. A letter of objection has been received from Councillor Brian Pidgeon who <u>objects</u> to the proposals (copy of letter attached). Additional letters have been received from the occupants of no. 5 Old Patcham Mews, 24 Mayfield Crescent, and nos. 47, 47A, and 49 Ladies Mile Road <u>objecting</u> to the proposal on the following grounds:</p> <ul style="list-style-type: none"> • The proposed use should not be approved as it would be in close proximity to two schools which are promoting healthy eating. • The proposed use will cause traffic and litter, and encourage youths to gather leading to anti-social behaviour. • The proposed hot food takeaway is not needed or wanted. • The proposed use will adversely affect the existing Italian restaurant and takeaway at no. 47 Ladies Mile Road. • No. 41 Ladies Mile Road should remain as a retail outlet. |

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| 141 | 63 Holland Road, Hove | BH2010/00814 | <p>A letter has been submitted by the occupiers of no. 49 Ladies Mile Road, from the Headmistress of Patcham High School. The letter states that Year 11 students are allowed off the school premises at lunchtime, and that many of them choose to purchase food in the locality rather than within the school site. Students would therefore be likely to frequent the proposed hot food takeaway which would further undermine the school's attempts to encourage healthy eating. Concerns are also raised regarding increased litter which such students may cause. The application is therefore opposed.</p> <p>An additional letter has been received from the occupants of no. 56 Ladies Mile Road stating <u>support</u> for the proposal on the grounds an empty property would be occupied, and that in the current economic climate 'we need all the entrepreneurs we can muster'.</p> <p><u>Response:</u> Commercial competition is not a material planning consideration. The other issues are addressed in the committee report.</p> |
| 157 | 119 Church Road, Hove | BH2010/01342 | <p>Flat 2, 3 Lansdowne Street <u>object</u> for the following reasons:</p> <ul style="list-style-type: none"> • this development would restrict light and obscure views, • any changes to previous decision would be wrong • concerns over car parking and waste management <p><u>Response:</u> Issues relating to the impact of the development on neighbouring occupiers, car parking, and waste are addressed in the committee report</p> <p>Condition to be added: Within three months of the date of this permission, unless otherwise agreed in writing, the covered seating area within the rear garden shall be reduced to match the approved drawings.</p> <p>Reason: To ensure the satisfactory preservation of the setting to this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.</p> |

NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 23 February 2005).



Councillor Brian Pidgeon

117 Ladies Mile Road
Brighton
BN1 8TB

Jonathan Puplett
Planning Officer
First Floor
Hove Town Hall
Norton Road
Hove
BN3 3BQ

16th June 2010

Dear Jonathan

Planning Application BH2010/01132 41 Ladies Mile Road

I have had very many residents contact me re the change of use of 41 Ladies Mile Road. Patcham has very many pizza shops, Indian Shops, Coffee shops, and Restaurant, and fast food shops, many residents are very concerned that if a another fast food shop opens many will not survive,

But the main problem is that it is very near Patcham School. A High Court Judge made a land mark legal ruling that councils must take into account the health and well being of pupils when making planning decisions. The unprecedented ruling follows a crackdown on unhealthy eating by national and local government. This shop will be very close to the school and open all through the lunch break. All of you will have seen the letter written by the Patcham School head teacher were she says that they are trying to get the pupils on to much heather food.

Mr Justice Cranston said that the councillors who had agreed to the take-away opening had been wrongly informed and had not taken into account how close the shop was to the school.

Last September we also opposed the application for other reasons which were, very bright neon lights, the amount of street rubbish it creates, noise and the increase in traffic ie delivery motor bikes and cars, attracts youths until late at night,


I have to inform you that a petition is being taken and very many are signing it.

The law has now been clarified and sets a bench mark that enable local authorities everywhere to take account of health and well being of all schoolchildren as factors in determining planning applications.

I ask this committee to refuse planning for this shop

I ask that this letter is published in the agenda; I confirm that I will be speaking at the Planning Committee.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'B. Pidgeon', written in a cursive style.

Councillor Brian Pidgeon
Patcham Ward