

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 18 MARCH 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Barnett, Carden (Opposition Spokesperson), Davey, Hamilton, Kennedy, McCaffery, Smart, Steedman, C Theobald and Mrs Norman

Co-opted Members: Mr J Small (CAG Representative)

Officers Present: Mr P Vidler, Deputy Development Control Manager; Mr H Walke, Area Planning Manager (East); Mr S Walker, Area Planning Manager (West); Mr D Alabi, Planning Officer; Ms K Boggiano, Senior Planning Officer; Mrs H Woodward, Senior Solicitor; Ms P Jennings, Senior Democratic Services Officer; Mr A Renault, Head of Transport Planning & Policy; Mr S Reeves, Principal Transport Planner

PART ONE

206. PROCEDURAL BUSINESS

(A) Declarations of Substitutes

206.1 Councillor Mrs A Norman attended as substitute member for Councillor K Norman.

(B) Declarations of Interest

206.2 Councillor Davey declared a personal but not prejudicial interest in Application BH2008/02376, City College, and Pelham Street. He had been invited to attend meetings of the Project Board in his capacity as a Local Ward Councillor; he had not however attended any of the meetings, had not pre-determined the application and remained of a neutral mind and would therefore remain present during the discussion and voting thereon.

206.3 Councillor Barnett declared a personal but not prejudicial interest in respect of Application BH2009/0048, 3 - 5 Vernon Gardens explaining that she sat on the Adult Social Care & Housing Overview and Scrutiny Committee. However, this application had not formed the subject of discussion at any of their meetings; she had not predetermined the application and remained of a neutral mind and would therefore remain present during the discussion and voting thereon.

- 206.4 Councillor Hyde, the Chairman declared a personal and prejudicial interest in respect of Application BH2008/03043, Land Adjacent to 9 Challoners Close, Rottingdean. As one of the objectors was known to her in a personal capacity it was her intention to leave the meeting and to take no part in the discussion or voting thereon. Councillor Wells the Deputy Chairman would Chair the meeting during her absence.
- 206.5 Councillor Steedman declared a personal and prejudicial interest in Application BH2008/03918, London Road Viaduct by virtue of the fact the application site was immediately adjacent to his home. He stated that it was his intention to leave the meeting during its consideration and to take no part in the discussion or voting thereon.

(C) Exclusion of Press and Public

- 206.6 The Committee considered whether the press and public should be excluded from the meeting during consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present there would be disclosure to them of confidential or exempt information as defined in Section 100A (3) or 100(1) of the Local Government Act 1972.
- 206.7 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item on the agenda.

207. MINUTES OF THE PREVIOUS MEETING

- 207.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 25 February 2009 as a correct record.

208. CHAIRMAN'S COMMUNICATIONS

Web-casting of Planning Committee Meetings

- 208.1 The Chairman explained that afternoon's meeting of the Planning Committee was being web-cast as part of the on-going pilot study which would run until June 2009. Members were reminded to speak directly into the microphones and to switch them off when they had finished speaking in order to ensure that they could be heard clearly both within the Council Chamber and the public gallery above.
- 208.2 Correspondence sent to those wishing to make representations to speak at meetings included information to ensure that they were aware that meetings were being web-cast and guidance was given on use of equipment available in the meeting room including operating instructions for the microphones.
- 208.3 **RESOLVED** - That the position be noted.

209. PETITIONS

- 209.1 There were none.

210. PUBLIC QUESTIONS

210.1 There were none.

211. DEPUTATIONS

211.1 There were none.

212. WRITTEN QUESTIONS FROM COUNCILLORS

212.1 There were none.

213. LETTERS FROM COUNCILLORS

213.1 There were none.

214. NOTICES OF MOTION REFERRED FROM COUNCIL

214.1 There were none.

215. APPEAL DECISIONS

215.1 The Committee noted the content of letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

216. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

216.1 The Committee noted the list of planning appeals which had been lodged as set out in the agenda.

217. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

217.1 Committee noted the information set out in the agenda relating to Informal Hearings and Public Inquiries.

218. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

218.1 **RESOLVED** - That the following site visits be undertaken by the Committee prior to determination.

Applications:	Site Visit Requested by:
BH2008/03963, Medina House, King's Esplanade*	Deputy Development Control Manager
BH2008/02816, Land Adjacent to Eastern Breakwater, Brighton Marina*	Deputy Development Control Manager

BH2008/02303, Elmhurst, Warren Road, Woodingdean*	Deputy Manager	Development	Control
BH2008/00087, GB Liners, Blackman Street, Brighton*	Deputy Manager	Development	Control
BH2008/03960, Leighton Road Depot, Hove*	Deputy Manager	Development	Control
BH2009/00414 & 00415, The Old Market, 11A Upper Market Street, Hove	Mr Small, CAG		

*Anticipated as applications to be determined at the next scheduled meeting of the Committee.

219. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST : 18 MARCH 2009

(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY: 18 MARCH 2009

A. Application BH2008/02376, City College, Pelham Street, Brighton –Application for outline planning permission for the redevelopment of the site for a mixed use scheme including the demolition of Pelham Tower and other associated buildings. (Phase1) for the erection of a 14,237 sqm new City College campus and ancillary uses (Class D1) and associated access. (Phase 2) additional college space (Class D1), student accommodation (ClassC1), youth hostel (sui generis, café with ancillary gallery space (Class A3), employment space (Class B1), GP Clinic (Class D1), residential use (Class C3), infrastructure and landscaping works and associated access. Access, appearance, landscaping, layout and scale to be determined for (Phase1). Access, layout and scale to be determined for (Phase 2).

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer (Ms Boggiano) gave a detailed presentation setting out the constituent elements of the scheme. Perspectives and photomontages were shown indicating how the completed scheme as it would appear from various locations both in the immediate vicinity of the site and in longer views. Phased demolition of all the existing buildings would take place including Pelham Tower. Members were being asked to approve access arrangements, appearance, landscaping and scale for Phase 1, Access, and layout and scale for Phase 2 remained to be determined later.

Questions / Matters on Which Clarification was Sought

- (3) Councillor Wells sought clarification regarding potential loss of sunlight / diminution of daylight to properties located in Whitecross Street. It was explained that the independent surveys had been submitted by the applicant and although a reduction would occur it was considered to be acceptable. The potential juxtaposition of that element of the scheme to properties and gardens immediately adjacent in Whitecross Street had been considered during the site visit the previous afternoon.
- (4) Councillor Kennedy sought clarification that conditions to secure ecological matters were to be adequately addressed and would be applied to any permissions granted for both Phases of the scheme and it was confirmed that they would.
- (5) Councillor Steedman referred to although strategic views across the site, although indicating massing and scale he sought further detail regarding the finishes and materials to be used for Phase 1.
- (6) Reference had been made to the loss of education space on site which would need to be offset by additional provision elsewhere in the City. It was noted that this would be met in part by additional space to be provided at Falmer stadium, which did not form part of the application before Committee that day. Councillor Steedman enquired as to measures to be undertaken if the required level of educational provision had not been provided off-site by the time Phase 1 had been completed, it was explained that this would need to be off-set elsewhere in the City or re-provided on site.
- (7) Councillor Steedman also enquired as to why Phase 2 would be required to achieve a very good rather than an excellent BREEAM rating. It was explained that the current SPD had not been in place when the application had first been lodged.
- (8) Councillor Smart requested to see visuals showing the relationship between the College and St Bartholomew's Church. In answer to questions it was explained that the Pelham Street frontage had been stepped back in order lessen any potential impact on the church. He also asked whether a scheme would be put into place to enable staff that had previously had use of the on-site car park to use any nearby NCP car parks at a discounted rate; no such scheme was envisaged.
- (9) Councillor Barnett sought clarification regarding location of the public and private amenity spaces within the scheme and the areas which would be designated as play space for children living in the completed development.
- (10) Councillor Davey sought information regarding the proposed traffic management arrangements to be implemented around Pelham Square / Trafalgar Street. Councillor Davey had concerns that the highway was not wide enough to "funnel" the potential increase in vehicular movements which could result. The Head of Transport Planning explained the proposals in detail and was of the view that any additional movements could be safely accommodated over the short section of highway proposed.
- (11) Councillor Mrs Theobald sought confirmation regarding height and density of the scheme overall and clarification regarding the sums for public art and education proposed and how / where they would be spent. It was explained that both sums were calculated using an agreed formula. It was envisaged that the public art would be

integrated into the public square and that the money towards educational provision would be provided to schools in the area.

- (12) Mr Small CAG enquired whether following their initial comments English Heritage had been notified of all subsequent amendments to the scheme. It was explained that they had not, however, a number of their concerns had been addressed by changes made to the scheme as originally submitted.
- (13) Mr Bromberg spoke as a neighbouring objector to the scheme. He stated that he had not been properly consulted by the applicant in respect of the proposals which would have a significant and detrimental impact on his property and that next door which was also in his ownership. The aspect of the development which would be adjacent to his property would be too bulky and would result in loss of amenity, light and privacy and would make his garden area unusable. He had experienced problems in engaging with the applicants and was of the view that the design option chosen was not the only one which would be tenable. In his view the impact on day lighting would be more severe than suggested particularly as the podium area would over sail his garden. He also had grave concerns in view of the fact that there was currently a funding gap; the applicant had insufficient funding in place to complete the scheme.
- (14) Mr Frier, Principal of City College spoke in support of the college's application. The scheme represented an integrated option which would provide an educational facility which was fit for purpose and would provide for modern academic and vocational needs. It would also integrate with the North Laines and the New England Quarter by providing additional shopping, housing and employment opportunities.

Questions Seeking Clarification from the Applicant

- (15) Councillor Wells enquired about the numbers of students and staff at the College. The Principal, Mr Frier explained that there would be 8,000 across 4 sites 4,000 of whom would be based at the central site. There were 2,000 full time students and 250 full time equivalent staff. Arrival and departure times were staggered as not all students and staff were present on campus all day every day.
- (16) Councillor McCaffery enquired how loss of existing educational floor space which would result from the proposals would be addressed also, how loss of space during demolition would be managed. Mr Frier explained that that much of the existing space was no longer fit for purpose and was therefore under-utilised. The proposed scheme once completed would result in much better use of space than currently. It was intended that Phase 2 and the demolition associated with that phase of the scheme would not take place until the 10,000 sq. m of additional accommodation had been found off-site.
- (17) Councillor Smart referred to the loss of parking for staff which would be lost in consequence of the increase in site coverage, whether this could be re-located elsewhere and regarding the level of consultation which had been undertaken in respect of this matter. Mr Frier explained that staff had been fully consulted in respect of this matter and the decision had been taken that all staff were to be treated equally and no provision would be provided for them within the scheme. The rationale for this decision had been based on the easy accessibility of the site to good public transport

links, both bus and rail and the availability of pay car parks. The feasibility of providing a dedicated bus link between the various college sites was also being considered.

- (18) Councillor Mrs Theobald enquired whether any staff or students were disabled and whether parking would be provided for them. Mr Frier explained that there were currently 5 and that disabled parking would be provided in the basement level car park.
- (19) Councillor Mrs Norman whilst generally supportive of the scheme had concerns regarding the fact that no staff parking was proposed and the close proximity of tall buildings to Mr Bromberg's garden. She sought confirmation regarding any measures proposed to ameliorate any detriment to neighbouring dwellings. Mr Frier explained that a consultation process had been entered into and that the scheme had undergone significant amendments since first lodged. This had included setting the scheme back from the southern boundary adjoining properties in Whitecross Street and reducing the south facing internal terraces.
- (20) Councillor Davey referred to the proposed shared space traffic arrangements and local traffic movements. The Head of Transport Planning & Policy confirmed the proposed scheme would evolve over time and that some existing traffic movements would be displaced onto other streets.

Points Raised During Debate

- (21) Councillor Wells stated whilst generally considering the scheme to represent an improvement to the existing buildings, he had concerns both regarding lack of staff car parking and the overbearing impact of the scheme on Mr Bromberg's property. These concerns were shared by Councillors Mrs Norman and Theobald. Councillor Wells considered that determination of the application should be deferred pending amendment to address the matters raised. Councillor Mrs Theobald was in agreement considering that the option of providing additional parking at basement level for use by staff and students should be explored. It was explained provision of additional basement car parking would require the significant amendment to the submitted scheme. The Solicitor to the Committee explained that it would not be appropriate to defer the consideration of the submitted application. The changes suggested were major and as such could not be effected other than by a completely new application being lodged. The Committee needed to determine the application as set before them. The Deputy Development Control Manager concurred in that view.
- (21) Mr Small,(CAG) referred to the colour of materials shown in the visuals stating that this lighter shade would be preferable and sought confirmation whether the Committee could give final approval to the materials and finishes to be used. Councillor Steedman concurred in that view and following discussion it was agreed that materials and external finishes to Phase 1 would be agreed by the Development Control Manager in consultation with the Chairman, Deputy Chairman and Opposition Spokesperson.
- (22) Councillor Mrs Norman stated that whilst generally considering the scheme to be a good she did none-the-less have concerns regarding potential impact on Mr Bromberg's property and others in Whitecross Street,

- (23) Councillor Kennedy commended the scheme. Whilst having some sympathy for residents of Whitecross Street, she considered that any benefits accruing from the scheme outweighed any disbenefits. To have the benefit of a large open area next to, them in given the density of the city centre was unsustainable. Councillors Smart and Steedman concurred in that view.
- (24) Councillor Barnett expressed support for the scheme considering that it provided a fantastic opportunity to develop that part of the City. Councillor Carden also welcomed the scheme.
- (25) A vote was taken and on a vote of 8 to 0 with 4 abstentions Members voted that they were minded to grant planning permission in the terms set out below.
- 219.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 10 of the report and that it is Minded to Grant planning permission subject to the completion of a Section 106 agreement in the terms set out in the report and to the conditions and informatives also set out in the report and subject to the additional heads of terms and conditions set out below: Materials to be agreed by the Development Control Manager, Chairman, Deputy Chairman, and Opposition Spokesperson.

Additional S106 head of term requiring the submission, agreement by the Local Planning Authority (LPA) and implementation of a maintenance and management plan for the public square.

Additional S106 head of term requiring the submission, agreement by the LPA and implementation of maintenance plan for the children's play area prior to the first occupation of any of the residential units.

Amendment to Condition 63 to read:

No development shall commence on Phase 2 until details of disabled car parking facilities for the Phase 2 development which will accommodate a minimum of; 9 disabled car parking spaces for the college and student accommodation; 3 disabled car parking spaces for the youth hostel; 4 disabled car parking spaces for the employment space; 2 disabled car parking spaces for the GP clinic; and 6 spaces for residential accommodation for use of the staff, residents and visitors to the Phase 2 development have been submitted and approved in writing by the LPA. The residential disabled parking spaces shall be provided in the 2 car parks which are located to the east of Pelham Street. These facilities shall be implemented and made available for use prior to occupation of any part of the Phase 2 development hereby permitted unless otherwise agreed in writing with the LPA and shall thereafter be retained for use at all times.

Additional Phase 1 development condition:

No development of Phase 1 shall commence until 1.20 scale elevations and sections of:

- a) the overhanging dance studio element (Pelham Street);
 - b) the vehicular gates (Pelham Street); and
 - c) the entrance (north and south) have been submitted to and approved by the LPA.
- Development shall be carried out in accordance with the approved details.

Reason: to ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with QD1 of the Brighton & Hove Local Plan.

Note: Councillors Hyde, Chairman, Mrs Norman, Mrs Theobald and Wells abstained.

B. Application BH2009/00048, 3 – 5 Vernon Gardens, Brighton – Change of use from care home to 10 self-contained flats for disabled occupation and community facility.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (West) (Mr Walker) gave a presentation detailing the constituent elements of the scheme.
- (3) Councillor Barnett sought clarification regarding whether it was intended the internal recreation space would be hired out. It was explained that this space would be available for residents and for those with special needs but would not be available for commercial hire. In answer to a further question it was explained that the age range of residents was not known.
- (4) Councillor Barnett referred to the lack of on-site parking. Although residents would not require parking, some visitors were likely to arrive by car. The Planning Officer explained that there was insufficient space to provide parking on-site.
- (5) Councillor Mrs Norman requested that consideration be given to designating the existing ambulance bay which was located outside the development and which would no longer be required. She asked if this could be utilised for visitor parking, for car club use or as disabled parking bays.
- (6) A vote was taken and Members voted unanimously that they were minded to grant planning permission in the terms set out below.

219.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 10 of the report and resolves that it is minded to grant planning permission subject to a Section 106 Planning Obligation to secure a contribution to amend the Traffic Regulation Order to ensure the development remains car free and to the conditions and informatives also set out in the report and to the following:

Additional Condition:

No development shall take place until elevational details of additional windows to the rear ground floor have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

- C. Application BH2008/03121, 25 – 28 St James' Street, & 24 Dorset Gardens, Brighton** - Redevelopment of first floor and airspace above to form residential development of 34 flats including 13 affordable flats over 4 floors above existing retail.
- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
 - (2) The Planning Officer (Mr Alabi) gave a detailed presentation setting out the constituent elements of the scheme. Samples of materials to be used were displayed and in answer to questions it was explained that solar panelling would be included in the roof membrane of the development. Space would be provided internally within each unit for storage of an electrical bicycle. Power points for charging such equipment would also be provided.
 - (3) Councillor Davey referred to the concerns expressed by the Environmental Health Officer in respect of air quality, asking whether this matter had been adequately addressed. The Planning Officer explained that all necessary assessments had been carried out. The proposed development would have no impact on existing air quality.
 - (4) Councillor Barnett sought clarification as to whether there would be two lifts in the development. It was explained that there would be. The lifts would open on both sides and would be fully bicycle and wheelchair accessible.
 - (5) Councillors Barnett and McCaffery enquired regarding the proposed contribution towards educational provision, noting that there were no secondary schools within the immediate locality. The Deputy Development Control Manager explained that it was in order to request a sum towards education on the basis that there would be family units within the development. The level of contribution requested was worked out using an agreed formula.
 - (6) Councillor Wells enquired regarding the art work to be used within the development and examples were displayed for the Committee's benefit. Councillor Wells also enquired regarding how the contribution towards sustainable transport would be spent. The Traffic Engineer gave a breakdown of the schemes which would be funded by this contribution.
 - (7) Councillor Kennedy asked for details of the materials to be used. Mr Small, CAG stated that the paler colour which now appeared to be proposed would be preferable. In answer to his questions regarding the panelling to be used, the applicant's architect explained that all of the external feature panelling would be butt jointed.
 - (8) In answer to questions by Councillor Mrs Theobald it was explained that there was insufficient space to provide parking on site.
 - (9) Councillor McCaffery enquired whether the development would be greater in height than the blocks located on the opposite side of the road. It was explained that it would not.
 - (10) Councillor Steedman welcomed the proposed development stating that as it was located in his he looked forward to being consulted regarding where monies to be

allocated towards improvement of a local recreation space could be spent most appropriately.

- (11) Whilst supporting the scheme Members were in agreement that an informative should be added to any permission requesting the applicant to consult the East Sussex Fire & Rescue Service about the installation of sprinkler systems in the development.
- (12) A vote was taken and members voted unanimously that they were minded to grant planning permission in the terms set out below.

219.3 **RESOLVED** – (1) That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves that it is Minded to Grant planning permission subject to completion of a Section 106 legal agreement to secure:

- 38.2 % affordable housing
- £44,945 towards primary and secondary education
- £22,700 towards sustainable transport
- £25,000 for public art works
- £57,521.52 towards outdoor recreation space; and

(2) Subject to the conditions and informatives set out in the report together with:

Amendment to Condition 10 to read: A detailed assessment of air quality around the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works hereby permitted and any mitigation measures identified shall be implemented prior to the first occupation of the residential units hereby approved.

Reason: in the interests of pollution control and residential amenity and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

Amendment to Informative 2 to include under Brighton & Hove Local Plan: HE6 Development within or affecting the setting of conservation areas.

Additional Informative: the applicant is advised to consult the East Sussex Fire & Rescue Service about the installation of sprinkler systems in the development.

(ii) **MINOR APPLICATIONS**

D. Application BH2008/03043, Land Adjacent 9 Challoners Close, Rottingdean – The erection of a detached dwelling (C3) and partial demolition of 9 Challoners Close.

- (1) Councillor Wells took the Chair during consideration of this application.
- (2) Ms Cattell and Mr Wojelawski spoke on behalf of neighbouring objectors, concurring with the comments set out in the Officers' report regarding the negative impact of the proposed development on "Challoners", on other neighbouring dwellings and on the character of the conservation area. Mr Wojelawski also referred to the negative impact of the proposed development on 8 Northgate Close.

- (3) Mr Jackson, the applicant spoke in support of his application, stating that it had been sensitively designed in order to have a minimal impact on “Challoners”, the Grade II Listed Building. It was not considered out of keeping with neighbouring properties in Challoners Close or Northgate Close and had been designed to be highly sustainable and to avoid any potential overlooking.
- (3) Having heard the officers’ presentation and submissions from the speakers the Committee moved to the vote.
- (4) A vote was taken and on a vote of 7 to 4 Members voted that planning permission be refused in the terms set out below.

219.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 of the report and resolves to refuse planning permission for the reasons and subject to the informatives set out in the report.

Note 1: Councillors Barnett, McCaffery, Smart and Wells voted that planning permission be granted.

Note 2: Having declared a personal and prejudicial interest in the above application Councillor Hyde, The Chairman, left the meeting during consideration of the above application and took no part in the discussion or voting thereon. Councillor Wells, the Deputy Chairman took the Chair during her absence.

E. Application BH2008/03730, Sutton Close, Woodingdean - The provision of 10 no. echelon parking spaces to a central reservation including anti-traffic bollards to remainder of site. Earth bunds planted with Hebe bushes.

- (1) The Area Planning Manager (East) (Mr Walke) gave a detailed presentation setting out the rationale for recommending that the application be refused.
- (2) Councillor Simson spoke in her capacity as a Local Ward Councillor stating that in this instance notwithstanding the officer’s recommendation she considered that it was appropriate to depart from policy in this instance given the lack of availability of on-street parking. Conflict arose as a result of the space being inappropriately used by older teenagers and adults for the playing of ball games. In reality the area around the green was already used for parking and in the absence of dedicated parking it became a mud churned eyesore, which represented an accident waiting to happen. The proposal reflected the needs of local residents. Following completion of the works and subsequent re-landscaping there would still be an albeit smaller green amenity space. Additional green space was also provided by the downs which were in close proximity. A similar scheme had been adopted in Marden Close which was nearby.
- (3) In response to their requests Members were shown photographs of the completed scheme at Marden Close which it was noted had yet to be landscaped. In answer to questions, Councillor Simson responded that completion of the scheme had been delayed pending agreement of the Planning Department to the final detail of the scheme. The current appearance of the Marden Close scheme did not accurately reflect how it would look once all outstanding works had been completed. In answer to

questions by Councillor Smart, the Area Planning Manager explained that the photographs of Marden Close and the application site had been taken a few days prior to the meeting.

Points Raised During Debate

- (4) Councillors Barnett and Smart expressed support for the proposal stating that similar arrangements had been put into place in Hangleton. Such parking arrangements provided a workable solution in instances where residents did not have access to off street parking. Councillor Wells concurred in that view.
- (5) Councillor Carden referred to the examples cited in respect of Hangleton stating that any departure from Council policy needed to be agreed by the Committee. The only departure of which he was aware related to Marden Close.
- (6) Councillors Hamilton and Steedman stated that in their view the matter was one of enforcement rather than one of relaxing control. Councillor Hamilton stated that a number of the properties appeared to have hard-standing for vehicular parking. He had stated when the earlier Marden Close application had been considered that additional on-street parking could be provided by means of a one-way system which would allow additional parking to be provided on one side of the close, he remained of that view, such a scheme could be adopted in this instance.
- (7) Mr Small, CAG referred to the size and dimensions of the bays and whether they would be able to accommodate larger vehicles such as vans. It was explained that they would.
- (8) Councillor Steedman did not consider that a sufficiently compelling case had been made to depart from established national policy. Loss of amenity and usable green open space would result and this was not acceptable. Councillors Davey and Kennedy concurred stating that valuable amenity / play space should not be sacrificed in order to provide additional car parking. Councillor Davey considered that close proximity of the downs did not justify loss of the existing space which provided an area where parents could watch their children at play. Councillor Kennedy requested it be minuted that should the scheme proceed it would be deplorable and would set an unfortunate precedent. If such decisions were made, it made it very difficult to resist the loss of green space elsewhere in the City. Councillor McCaffery concurred citing the appeal decision in respect of Highcroft Villas which was set out elsewhere on the agenda.
- (9) Councillor Mrs Theobald referred to the wooden posts which it was proposed would demarcate the parking area asking whether it would be possible for these to be removed. It was explained however that the scheme had to be determined as submitted.
- (10) A vote was taken and on a vote of 6 to 4 with 2 abstentions planning permission was refused in the terms set out below.

219.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the recommendation and resolves to refuse planning permission for the reasons and informative set out in the report.

[**Note** : Councillors Hyde (Chairman), Barnett, Smart and Wells voted that planning permission be granted. Councillors Mrs Norman and Mrs Theobald abstained].

F. Application BH2008/03720, Mews House, St John’s Road – Demolition of existing terrace and erection of a single storey rear extension and new terrace.

(1) A vote was taken and Members voted unanimously that planning permission be granted.

219.6 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.

G. Application BH2008/03918, London Road Viaduct, Brighton – Installation of feature illumination to the arches.

(1) The Area Planning Manager (East) (Mr Walke) gave a presentation detailing the proposals. In answer to questions he explained that it was intended that each of the arches would be illuminated with different coloured lighting and that different colours could be used to denote special events.

(2) Councillor McCaffery sought clarification regarding whether it was intended that the proposals would form part of an integrated scheme. It was explained that this was envisaged as a stand- alone scheme.

(3) Councillor Hamilton queried whether planning permission would also be required. Listed Building applications were usually accompanied by a complimentary planning application. The Area Planning Manager (East) explained that in this instance as the proposed works could be effected with minimal impact to the structure itself, planning permission was not required. The objections raised were not germane to consideration of the application for Listed Building Consent.

(4) In answer to questions from Councillor Wells it was explained that the arches were in the ownership of network rail. Councillor Hamilton, whilst having no objections to the scheme, queried whether the Council was able to allow public money to be spent on buildings not actually in its ownership. The solicitor to the Committee considered that if monies were to be used to effect improvements for the public good, this would be deemed acceptable. However, she confirmed that she would check on the legal position and report back to Members thereon. The Committee were advised subsequently that Section 2 of the Local Government Act 2000 allowed all local authorities to do anything which they considered likely to achieve the promotion or improvement of the economic, social or environmental well-being of their area, this could relate to the whole or part of the local authority area, or all or any persons resident in that area. This power also allowed a local authority to incur expenditure. In her view the proposed lighting would clearly fall within those powers.

- (5) Councillor Kennedy expressed her wholehearted support for the scheme which in her view would provide a fitting welcome at one of the main gateways to the City. Councillors McCaffery and Mrs Theobald concurred in that view.
- (6) A vote was taken and the 11 Members present voted unanimously that it to be recommended to the Secretary of State that Listed Building consent be granted in the terms set out.

219.7 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and recommends that the Secretary of State grants Listed Building consent subject to the conditions and informatives set out in the report.

Note : Having declared a personal and prejudicial interest in the above application Councillor Steedman left the meeting during consideration of the above application and took no part in the discussion or voting thereon.

220. TO CONSIDER AND NOTE THE CONTENT OF THE REPORT DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY

(iii) DECISIONS ON APPLICATIONS DELEGATED TO THE DIRECTOR OF ENVIRONMENT

220.1 **RESOLVED** – Those details of applications determined by the Director of Environment under delegated powers be noted.

Note 1: all decisions recorded in this are subject to certain conditions and reasons recorded in the Planning Register maintained by the Director of Environment. The register complies with legislative requirements.

Note 2: A list of representations received by the Council after the Plans List reports have been submitted for printing, was circulated to Members on the Friday preceding the meeting (for copy see minute book). Where representations were received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether these should in exceptional cases be reported to the Committee. This is in accordance with resolution 147.2 of the then Sub Committee on 23 February 2005.

221. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST

221.1 **RESOLVED** - That the following site visits be undertaken by the Committee prior to determination:

Applications:	Site Visit Requested by:
BH2008/03963,	Deputy Development Control

Medina House, King's Esplanade, Hove*	Manager
BH2008/02816, Land Adjacent to Eastern Breakwater, Brighton Marina*	Deputy Development Control Manager
BH2008/02303, Elmhurst, Warren Road, Woodingdean*	Deputy Development Control Manager
BH2008/00087, GB Liners, Blackman Street, Brighton*	Deputy Development Control Manager
BH2008/03960, Leighton Road Depot	Deputy Development Control Manager
BH2009/00414 & 00415, The Old Market, 11A Upper Market Street, Hove	Mr Small, CAG

*Anticipated as applications to be determined at the next scheduled meeting of the Committee.

The meeting concluded at 6.05pm

Signed

Chair

Dated this

day of