

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 1 JULY 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Carden (Opposition Spokesperson), Caulfield, Mrs Cobb, Davey, Hamilton, Hawkes, Kennedy, Pidgeon, Smart and Steedman

Co-opted Members Mr J Small (CAG Representative)

Officers in attendance: Jeanette Walsh (Development Control Manager), Hamish Walke (Area Planning Manager (East)), Liz Hobden (Local Development Team Manager), Steve Reeves (Principal Transport Planner), Kathryn Boggiano (Senior Planning Officer), Hilary Woodward (Senior Lawyer) and Penny Jennings (Senior Democratic Services Officer)

PART ONE

33. PROCEDURAL BUSINESS

33A Declaration of Substitutes

33.1 Councillors Hawkes and Pidgeon were in attendance for Councillors McCaffery and C Theobald respectively.

33B Declarations of Interest

33.2 Councillor Pidgeon explained that he had been invited by the applicants to visit the Asda site, Application BH2009/00508 in his capacity as a Ward Councillor. In answer to questions by the Solicitor to the Committee he confirmed that he had not predetermined the application, remained of a neutral mind and intended to remain at the meeting during the discussion and voting thereon.

33C Exclusion of Press and Public

33.4 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 was 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).

33.5 **RESOLVED** – That the press and public be not excluded from the meeting during consideration of any item on the agenda.

34. MINUTES OF THE PREVIOUS MEETING

34.1 **RESOLVED** - That the Chairman be authorised to sign the minutes of the meeting held on 10 June 2009 as a correct record.

35. CHAIRMAN'S COMMUNICATIONS

Web casting

35.1 The Chairman explained that afternoon’s meeting of the Planning Committee was being web cast. 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 in the public gallery above.

Status of the Existing Local Plan and Formulation of Core Strategy Update

35.2 The Local Development Team Manager updated Members regarding the status of the existing Local Plan and progress in developing the Core Strategy. Copies of the Local Plan were tabled including a list detailing the 9 policies which were no longer “saved” as part of the plan, either because they had already been implemented or fell within national policy guidance.

35.3 Following initial consultation significant amendments had been made to 8 of the policies contained within the Core Strategy, due in part to changes to the national park boundary. A further “draft” document had been circulated to amenity groups and others for comment as part of the further consultation process. The period for comment on this further consultation was due to expire at the end of August. Changes had been effected to the following areas:

- Shoreham Harbour;
- the Marina (future developments not to exceed the height of the cliff);
- the London Road corridor;
- the urban fringe

35.4 The Local Development Team Manager referred to the existing urban fringe stating that this area could be used as a contingency in the event the City’s housing targets to be attained by 2020 could not be met.

Questions/Matters on Which Clarification was Sought

35.5 Councillor Smart enquired whether the Core Strategy document was based on the national park boundaries as finalised and it was confirmed that they did.

35.6 Councillor Wells sought confirmation whether references to lower density for any future development(s) at the Marina related to the number of dwellings or to the height of

development(s). The Local Development Team Manager confirmed that this related to the height of any proposed development and that any development for which there was extant planning permission was unaffected by this change.

35.7 Councillor Hamilton asked how these changes would impact on any appeals which had already been lodged. The Solicitor to the Committee explained that when considering any appeal a Planning Inspector would consider it in the context of current planning policies. The weight given to these policies was greater as they came closer to adoption/were adopted.

35.8 The Development Control Manager confirmed that Members would receive a further briefing following expiry of the current consultation exercise.

35.9 **RESOLVED** - That the position be noted.

36. PETITIONS

36.1 There were none.

37. PUBLIC QUESTIONS

37.1 There were none.

38. DEPUTATIONS

38.1 There were none.

39. WRITTEN QUESTIONS FROM COUNCILLORS

39.1 There were none.

40. LETTERS FROM COUNCILLORS

40.1 There were none.

41. NOTICES OF MOTION REFERRED FROM COUNCIL

41.1 There were none.

42. APPEAL DECISIONS

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

43. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

44. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

44.1 The Committee noted the list of planning appeals set out in the agenda relating to Informal Hearings and Public Inquiries.

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

45.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application	Site visit requested by:
BH2009/00761, Sackville Road Trading Estate	Development Control Manager
BH2009/00737, Longhill School, Falmer Road	Development Control Manager

46. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST: 1 JULY 2009

(i) TREES

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Chairman requested that where possible in future trees be referred to by their common names e.g., beech, sycamore in addition to their Latin forms.
- (3) Councillor Smart stated that following his attendance at the site visit he was of the view that the beech tree, one of the trees included in the application, appeared to be in perfect physical condition, improved the amenity of the neighbouring street scene and should be retained. Other Members concurred in that view and in consequence the Chairman took separate votes in respect of the three trees proposed to be felled.
- (4) A vote was taken and on a vote of 9 with 3 abstentions permission to fell the beech tree was refused. Members voted unanimously for the other trees included in the application to be felled.

46.1 **RESOLVED** – (1) That the Committee has taken into consideration and agrees with the reasons for the recommendation in Paragraph 7 and resolves to grant permission to fell the following trees covered by a TPO subject to the conditions set out in the report:

Application BH2009/01030, 2a Croft Road, Brighton –
 the holly tree; and
 the sycamore tree

(2) That the Committee has taken into consideration but refuses to grant permission to fell the beech tree included in Application BH2009/01030, 2a Croft Road on the grounds that it is considered to be a specimen in perfect physical condition, is located at a sufficient distance from the side of 2a Croft Road and adds amenity value both to that dwelling and to the neighbouring street scene.

Note: Councillor Smart proposed that felling of the beech tree be refused, this was seconded by Councillor Wells. On a recorded vote Councillors Hyde (Chairman), Caulfield, Cobb, Hamilton, Hawkes, Kennedy, Pidgeon, Smart and Wells voted that permission to fell the tree be refused. Councillors Carden, Davey and Steedman abstained. Therefore on a vote of 9 with 3 abstentions permission to fell the tree was refused.

(ii) **SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY:
1 JULY 2009**

A. Application BH2009/00508, Asda Store, Crowhurst Road, Brighton – Extension to existing store to provide 1,676 square metres of additional gross floor space.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Ms Boggiano gave a presentation detailing the proposed extension to the existing store in order to provide an improved shopping environment for its existing customer base. The applicants had submitted sufficient supporting evidence to show that they were over trading within their current floor space. It was considered that there would be no adverse impact to other shopping centres, as there were none located nearby.

Questions/Matters on Which Clarification was Sought

- (3) Councillor Steedman sought clarification of the term “overtrading”. In his view if the same amount of retailing took place within a smaller floor area that was to be welcomed and was preferable to its dispersal across a larger area.
- (4) Councillor Smart enquired regarding the percentage of overtrading and the percentage of food and non food goods. The Senior Planning Officer explained that the store was currently overtrading by some 31.5 %, the majority of which related to the sale of non food goods.
- (5) Councillor Pidgeon referred to the number of disabled parking spaces provided asking whether this represented a reduction to the number currently available. The Senior Planning Officer explained that a reduction from 34 to 28 was proposed but that this was still above the recommended minimum standard.
- (6) Councillor Hawkes also enquired regarding the number and location of car parking spaces proposed and sought confirmation that these were considered sufficient in relation to the increased trading area.

Debate and Decision Making Process

- (7) Councillor Steedman stated that he was not convinced of the need for additional retail trading space and also had concerns regarding the appearance of the proposed extension which he considered was ugly and of a poor quality design. Notwithstanding that the site was located on an industrial estate a better design solution was needed than that which had been submitted. Mr Small (CAG) concurred in that view.
- (8) Councillor Hawkes stated in her view that the extension's design was appropriate to its industrial setting.
- (9) A vote was taken and on a vote of 8 to 4 planning permission was granted.

46.2 **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 to grant planning permission subject to the conditions and informatives set out in the report and to the additional conditions and informative set out below:

Additional Conditions:

Additional condition requiring replacement landscaping and tree planting to compensate for the trees being lost through the construction of the extension of the store;

Plus, complimentary conditions in relation to maintenance and implementation.
BH11.02.

Additional Informative:

Members of the Planning Committee expressed concern in relation to the quality and scale of the signage shown illustratively on the plans submitted with the application. Any application for signage in relation to the store should address these concerns.

Note: Councillors Davey, Kennedy, Smart and Steedman voted that the application be refused.

B. Application BH2009/00655, Covers Yard, Melbourne Street, Brighton – Demolition of existing yard buildings and erection of 3 storey terrace along eastern boundary of the site, and 4 and 7 storey apartment building along northern boundary of the site, providing a total of 39 residential units, cycle and car parking to rear.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (East), Mr Walke gave a presentation detailing the constituent elements of the scheme by reference to floor plans and photomontages. Notwithstanding that the overall design of this scheme was considered to be an improvement on the previous one, it was considered that the scale and design of the development remained unacceptable and was too much for the site. The applicant had made reference to the neighbouring Sainsbury's and Enterprise Point in justification of

the development. However, the height of both of those buildings was considered an anomaly which was out of keeping with the prevailing street scene.

- (3) The level of on-site amenity provision was also considered inadequate as was the close proximity of the ground floor dwellings to the rear of the footway. The proposal that this be addressed by use of obscure glazing was considered unacceptable as these units would have a poor outlook. It was also noted that the site had been split and was smaller than that put forward in respect of the earlier refused mixed development.
- (4) Mr Ings spoke on behalf of the applicant in support of their application. The scheme would provide much needed affordable accommodation via a registered social landlord. The scheme would be within a designated tall buildings corridor and a provision was proposed in order to off-set the lack of on-site amenity/play provision although additional amenity space would be provided by the roof top gardens.

Questions/Matters on Which Clarification was Sought

- (5) Councillor Smart and Mr Small (CAG) enquired regarding the location of the stairways to the top floor maisonettes and the materials from which these would be constructed, it was explained that they would be of timber with a powder coated steel framework and supports.

Debate and Decision Making Process

- (6) Councillor Wells stated that he concurred with the Officer agreeing that the scale of the proposed development would be ugly and out of scale with the prevailing street scene, the resulting dwellings particularly those with obscure glazing would provide an unacceptable standard of accommodation.
- (7) Councillor Caulfield concurred stating that she was concerned that insufficient amenity/play space had been provided bearing in mind that some family units were to be provided. Overall she considered that the number of family units were too few. A number of one bedroom units were available across the city. One of the highest areas of identified need was for affordable family dwellings.
- (8) Councillor Kennedy concurred with Councillor Caulfield, also stating that the density of the proposed development was too high.
- (9) Councillor Hawkes stated that in her view the development was acceptable and would provide much needed affordable accommodation. She also considered that off-site provision towards children's play space was acceptable.
- (10) A vote was taken and on a vote 9 to 3 planning permission was refused.

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

Note: Councillors Carden, Hamilton and Hawkes voted that planning permission be granted.

C. Application BH2007/02413, 44-46 Harrington Road, Brighton - Removal of condition 6 of planning permission 92/0099/fp to allow the residential unit to be used for storage and staff facilities (retrospective).

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

46.4 **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.

D. Application BH2008/03122, 25-26 St James' Street, Brighton – Installation of new shop front to front and side elevations and alterations to Dorset Street façade.

(1) The Senior Planning Officer, (Ms Boggiano) gave a presentation detailing appearance of the proposed shop front and indicating the arrangements for deliveries to be made. It was noted that minded to grant planning permission had been granted in March 2009 for a residential development of 24 flats including 13 affordable flats over 4 floors above the existing retail. Approval to erect an ATM had been granted under Officers' delegated powers.

Questions/Matters on Which Clarification was Sought

(2) Councillor Davey enquired whether conditions could be included to control either/both the hours during which trading took place within the store itself or, the period during which deliveries were permitted to take place. The Development Control Manager explained that the application before the Committee related to the shop front, as the A1 use was established and no conditions had been imposed on any earlier permissions, it was not possible to do so.

(3) Councillor Steedman requested to see visuals of the doors to the new delivery area and sought details regarding access/egress arrangements via Dorset Gardens in order to ascertain the impact on the amenity of neighbouring residents. Councillors Smart and Wells sought further details in this respect expressing concern regarding the potential detrimental impact this could have.

Debate and Decision Making Process

(4) Councillor Wells expressed concern that the delivery arrangements proposed could result in Dorset Gardens becoming blocked when deliveries took place. The Senior Planning Officer explained that deliveries to these premises had been made via Dorset Gardens for a number of years, it was an established use.

(5) The Principal Transport Planner, Mr Reeves explained that it was proposed that the existing delivery doors would be moved a distance of 12.5 metres and that it was not envisaged that this would give rise to congestion or impede the flow of traffic.

A vote was taken and on a vote of 8 with 4 abstentions planning permission was granted.

- 46.5 **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.

Note: Councillors Hawkes, Smart, Steedman and Wells abstained from voting in respect of the above application.

47. 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

- 47.1 **RESOLVED** - That the following site visits be undertaken prior to determination of the application:

Application	Site visit requested by:
BH2009/00761, Sackville Road, Trading Estate	Development Control Manager
BH2009/00737, Longhill School, Falmer Road	Development Control Manager

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

Decisions on Applications Delegated to the Director of Environment

- 48.1 **RESOLVED** - That those details of applications determined by the Director of Environment under delegated powers be noted.

Note 1: All decisions recorded in this list 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 had been submitted for printing, was circulated to Members on the Friday preceding the meeting (for copy see minute book). Where the 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 the Resolution 147.2 of the then Sub Committee on 23 February 2005.

The meeting concluded at 4.00pm

Signed

Chairman

Dated this

day of