

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 4 NOVEMBER 2009**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hyde (Chairman), Wells (Deputy Chairman), Allen, Barnett, Carden (Opposition Spokesperson), Cobb, Davey, Hamilton, Kennedy, Smart, Steedman and C Theobald

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

**Officers in attendance:** Jeanette Walsh (Development Control Manager); Paul Vidler (Deputy Development Control Manager); Hamish Walke (Area Planning Manager (East)); Mick Anson (Major Projects Officer); Zachary Ellwood (Interim Senior Team Planner); Aidan Thatcher (Planning Officer); Steve Reeves (Principal Transport Planning Officer); Pete Tolson (Principal Transport Planning Officer); Hilary Woodward (Senior Lawyer) and Penny Jennings (Senior Democratic Services Officer)

**PART ONE**

**133. PROCEDURAL BUSINESS**

**133A. Declaration of Substitutes**

133.1 Councillors Allen and Barnett were in attendance as substitution for Councillors McCaffery and Caulfield respectively.

**133B Declarations of Interest**

133.2 The Deputy Development Control Manager, Mr Vidler declared a personal and prejudicial interest in Application BH2009/01888, Sussex Cricket Club Ground, Eaton Road, Hove by virtue of the fact that he was a Sussex County Cricket Club Member. He had taken no part in processing the application or formulating the recommendation set out in the report. Any questions arising from the Officer's presentation would be answered by the case officer.

133.3 Councillor C Theobald declared a personal but not prejudicial interest in Application BH2009/01888, Sussex Cricket Club Ground, Eaton Road, Hove by virtue of the fact that her husband Councillor G Theobald was a Sussex County Cricket Club Member. She confirmed in answer to questions of the Solicitor to the Committee that she remained of a neutral mind, had not pre-determined the application and would remain present at the meeting during the discussion and voting thereon.

**133C Exclusion of the Press and Public**

133.4 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 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).

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

**134. MINUTES OF THE PREVIOUS MEETING**

134.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 14 October 2009 as a correct record.

**135. CHAIRMAN'S COMMUNICATIONS**

**Web casting**

135.1 The Chairman explained that afternoon's meeting of 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.

**Future Involvement and Participation on Planning Committee by Brighton and Hove Federation of Disabled People**

135.2 The Chairman referred to a question received from Mr R Pennington in the following terms:

"Given that the Federation of Disabled People no longer attend the Planning Committee, what steps have the Planning Committee taken to ensure that disabled people have a meaningful voice at every Planning Committee meeting?"

135.3 The Chairman explained that Dr John Hastie would be addressing the Committee at their next meeting to explain how it was envisaged that the Federation would participate in the planning process in future, the question would therefore be held over to that meeting.

**Protocol: Voting Against Officer Recommendations**

135.4 The Chairman informed Members that the agreed Protocol had been circulated and that it was intended that it would come into effect from that afternoon's meeting.

**Start Time for Site Visits During the Winter Months**

135.5 Following discussion it was agreed that site visits would commence from 1.30pm during the winter quarter.

135.6 **RESOLVED** – That the position be noted.

**136. PETITIONS**

136.1 The Committee considered the report detailing the petition containing 103 signatures presented by Councillor Bennett at Council on 8 October 2009 relating to Application BH2009/01464, Park House Old Shoreham Road, Hove. It was noted that the application was to be considered elsewhere on that afternoon's agenda (for copy see minute book).

136.2 **RESOLVED** – That the contents of the petition be received and noted.

**137. PUBLIC QUESTIONS**

137.1 It was noted that a Public Question had been received from Mr R Pennington but that it would be held over to the next meeting of the Committee when he would also have the opportunity to ask a supplementary question.

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

**138. DEPUTATIONS**

138.1 There were none.

**139. WRITTEN QUESTIONS FROM COUNCILLORS**

139.1 There were none.

**140. LETTERS FROM COUNCILLORS**

140.1 There were none.

**141. NOTICES OF MOTION REFERRED FROM COUNCIL**

141.1 There were none.

**142. APPEAL DECISIONS**

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

**143. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

143.1 The Committee noted the list of Planning Appeals which had been lodged as set out in the agenda.

**144. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**145. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

145.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determining the application:

Application:	Site Visit Requested by:
BH2009/01489, Ocean Heights, Roedean Road	Councillor C Theobald
BH2009/01186, Land Adjoining Badgers Walk, Ovingdean Road	Councillor Steedman
BH2009/01793, 11 Albert Mews, Hove	Councillor Cobb
BH2009/02331, Land East of West Pier, Lower Esplanade, King's Road, Brighton (Brighton 'O' Wheel)	Development Control Manager

**146. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST : 4 NOVEMBER 2009**

**(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY**

**A. Application BH2009/01477, Land Adjacent to Amex House fronting John Street, Carlton Hill, Mighell Street and Land Adjacent to 31 White Street** – Demolition of existing ancillary office accommodation and erection of 5-9 storey office building plus two basement floors. Erection of 3 storey service facilities building fronting Mighell Street. New vehicular access spaces and 132 cycle parking spaces and associated landscaping (amended plans submitted 14/09/09).

(1) It was noted that this application had formed the subject of a site visit prior to the meeting.

(2) The Major Projects Officer, Mr Anson gave a detailed presentation indicating the constituent elements of the proposed scheme. Elevational drawings were shown

detailing the varying heights across the scheme, which would vary between 5 and 9 storeys in height. Photomontages were also shown indicating the appearance of the existing and proposed developments from neighbouring streets and in longer strategic views. Floor plans were also shown including configuration of the loading bays at basement level.

- (3) A number of amendments to the proposed conditions were recommended and these were set out in the "Late Representations List".
- (4) Mrs Hayman spoke on behalf of neighbouring objectors stating that their legitimate concerns had been ignored and marginalised. It represented a David versus Goliath situation and the reality was somewhat different to the rosy picture that had been painted. At its highest points the buildings would tower over the neighbouring terraced houses blocking out their light and would be detrimental to their amenity. The scheme was deeply flawed and inappropriate. The arguments relating to the negative impact if American Express leaving the City were irrelevant. Amex would "stay" for as long as it suited them; if in future it was considered advantageous to relocate they would leave a monstrous 1960's style tower block behind.
- (5) Ms Lewis, a Member of Carlton Hill School pta stated that whilst the school had not lodged objections to the scheme, some parents had concerns regarding the impact of the works on the school and disruption which would result. They considered that a greater degree of consultation was needed to enable all concerns to be addressed and to enable the children to be prepared prior to the works taking place.
- (6) Mr Scanlon spoke on behalf of the applicant in support of their application explaining that they had conducted an extensive consultation process and that this would be on-going until completion of the works. They had sought to address as far as practicable the concerns and objections of local residents and the school and had made a number of amendments to that end. The company was committed to staying in Brighton, providing job opportunities there and to being a good neighbour.
- (7) Councillor Fryer spoke in her capacity as a Local Ward Councillor setting out her concerns in relation to the scheme. She echoed the comments made by the objectors and stated that at present she considered the scheme fell far short of what it should be. She considered it would be appropriate to defer the application pending further work by the applicant to address the remaining concerns and to enable further changes to effected.

#### **Questions/Matters on Which Clarification was Sought**

- (8) Councillor Steedman enquired regarding the contribution towards sustainability. It was explained that there were limits to the levels of sustainability which could be achieved due to the amount of energy required to run the computer/equipment 24 hours a day which was integral to the company's use. In order to compensate for this various carbon off-sets (including provision of a new energy efficient heating system at the school) were proposed. Until technology progressed sufficiently this option was likely to be used in relation to a number of schemes.

- (9) Councillor C Theobald queried whether there would be overshadowing of properties in White Street, regarding the contribution for art and whether there would be a car club. It was explained that the art wall would represent a separate discrete element of the scheme and that there would not be a commuted sum. The applicant had agreed to deal with that aspect itself. A car club was not proposed, however, the applicant was required to provide a detailed travel plan and a travel co-ordinator would be appointed for a period of five years. There would be a reduction of light to one room at basement level in White Street but this was not a main room in the property.
- (10) Councillor Davey whilst generally welcoming the scheme enquired regarding the controls that were to be placed on phasing etc to seek to ensure a minimum of disruption to the school and the neighbouring streets during the period of the works. The Development Control Manager explained that the Local Planning Authority had control in the Construction and Environmental Management Plan required as part of the Section 106 agreement and that works to be carried out at the school could be programmed to be carried out at its convenience.
- (11) In answer to questions regarding the long period of phasing for the works it was explained that this was necessary to enable the very complicated decanting and movement of staff prior to demolition of AMEX House.
- (12) Councillor Kennedy enquired regarding proposed condition 24 relating to submission of development details including the green roofs. The Development Control Manager explained additional details of the soft landscaping to be provided throughout the scheme would need to be submitted separately.
- (13) Mr Small (CAG) referred to the blank frontage to be provided which would appear as four “dummy” houses. He enquired regarding the purpose of this element of scheme and the materials to be used. The Design and Conservation Manager explained that this represented the most modest element of the scheme but had also represented the most difficult in terms of design and had been the subject of significant redesigns and modifications. Its primary function was for cycle storage although it was a highly adaptable space and it could subsequently revert to other uses (office accommodation). Mr Small stated that he considered it would desirable for an advisory group to be set up to monitor and advise on such issues as the scheme progressed. A similar body had been set up and used to good effect in relation to the Jubilee Street scheme.

### **Debate and Decision Making Process**

- (14) Councillor Carden expressed support for the proposals which would result in additional jobs for the City. He hoped that it would also be possible for those engaged in the construction works to be engaged locally.
- (15) Councillor Davey welcomed the scheme considering that the liaison proposed between the applicant and local interest group would go some way to ensuring that residents concerns were addressed.
- (16) Councillor Kennedy stated that in her view it had been useful to hear differing views in relation to the scheme. She was in agreement that the continuing liaison meetings

would ensure that residents continued to be engaged in the on-going process of development. Whilst supporting the scheme she considered that there were missed opportunities in terms of the levels of biodiversity which could have been achieved.

- (17) Councillor Wells considered that the buildings were of a good design which would have a very similar footprint to the existing. He considered that it was important to allow a suitable period for decanting. It was pleasing that Amex had decided to stay within the City.
- (18) Councillor C Theobald stated that overall she liked the design of the development, although she would have preferred it if the development had been lower in height and, had more parking been provided on site. She was pleased to note that funding was being provided for improvement works at Carlton Hill School to mitigate against any potential disbenefits.
- (19) Councillor Steedman stated that although he struggled to accept the levels of carbon emissions which the scheme would generate, on balance he did support it. He was of the view however, that greater thought needed to be given to resolution of these issues in relation to major schemes in future. It was also important to ensure that any disruption/potential noise nuisance was rigorously controlled particularly bearing in mind the length of the works.
- (20) The Development Control Manager explained that hours during which works were carried out etc would be set by the planning authority and would need to be adhered to.
- (21) A vote was taken and Members voted unanimously that minded to grant planning permission be given.

146.1 **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 that it is minded to grant planning permission subject to completion of a Section 106 Agreement to include the Heads of Terms, conditions and informatives set out in the report and the amendments set out in the circulated "Late Representations List".

**B. Application BH2009/01464, Park House, Old Shoreham Road, Hove** - Demolition of former residential language school and erection of part 4 storey and part 5 storey block of 72 flats.

- (1) The Interim Senior Team Planner, Mr Elwood, gave a presentation setting out the constituent elements of the scheme. Notwithstanding that some amendments/improvements had been made to the earlier refused scheme a number of those previous reasons for refusal remained. The development was considered excessive and inappropriate in relation to the scale and spacial layout of the existing buildings and would be unduly dominant on this prominent site.
- (2) Dr Barker spoke on behalf of neighbouring objectors. Although not protected, the existing Edwardian building was worthy of protection and was important in that it provided a green nature corridor between two neighbouring parks around 2/3 of the site were part of the green belt and it would therefore be appropriate for a wide ranging

impact assessment including nature/wildlife to be carried out. An assessment of the impact of the scheme on badger setts should also be required. There were issues relating to rights of way and landownership which remained unresolved. Overall, the scheme represented massive overdevelopment.

- (3) Mr Lister spoke on behalf of the Hove Park Residents Association setting out their concerns regarding the impact of additional vehicles on the neighbouring road network. The level of parking proposed in relation to the scheme would be inadequate and would exacerbate existing traffic problems.

#### **Questions/Matters on Which Clarification was Sought**

- (4) Councillor C Theobald queried whether the building was Edwardian or in fact Victorian as suggested by some objectors and asked whether Officers had inspected the building internally to ascertain whether there were any noteworthy architectural features. She queried the purpose to which it was intended Section 106 money would be put. She considered it would be appropriate for money to be provided towards improvements to the Tennis Club clubhouse in Hove Park.
- (5) Councillor Wells referred to the proposed Section 106 Obligation for public art and was in agreement that it would be appropriate for a contribution to be provided towards the tennis club facilities in Hove Park.
- (6) The Interim Senior Team Planner, explained that as the application was recommended for refusal unless Members were minded to grant permission it was not appropriate to negotiate further at this stage. Officers had not been inside the property which although of a traditional design was not listable. There was no objection to the principle of redevelopment of the site if a suitable scheme was submitted.
- (7) Councillor Smart sought clarification regarding the footprint of the proposed development. It was explained that it would be closer to the footway than the existing buildings.
- (8) A vote was taken and Members voted unanimously that planning permission be refused.

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

**C. Application BH2009/02089, Royal Pavilion, 4-5 Pavilion Buildings, Brighton –** Temporary ice rink on the Royal Pavilion eastern lawns. Structure to include ancillary buildings for a café, toilet facilities and skate hire. Proposed dates are 1 November to 23 January including set up and break down.

- (1) It was noted that this application had been 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 proposed scheme. Notwithstanding that English Heritage



had objected to the proposals as detrimental to the setting of the listed building, Officers' considered that as the use would be temporary and full reinstatement of the gardens and adjoining steps would take place afterwards, that the positive contribution and provision of a skating facility would outweigh any negative impact. The scheme would also generate additional income for the Pavilion.

#### **Questions/Matters on Which Clarification was Sought**

- (3) Councillor Hamilton queried whether the facility would be provided that winter. It had been widely reported in the "Argus" that even if planning permission were to be granted that it would not proceed until 2010. The Area Planning Manager (East) explained that the scheme was not now intended for 2009. However, the applicants wished to obtain the Committee's views in respect of the application.
- (4) Councillor Smart enquired whether additional income for the Royal Pavilion would result from anticipated additional visits by those using the skating rink. It was explained that it was understood that the Pavilion would receive a direct rental income for the use of part of its grounds, as well as increased visitor numbers resulting from linked trips. The cost of works of repair and reinstatement following the use would also be borne by the applicant.

#### **Debate and Decision Making Process**

- (5) Councillor Steedman sought reassurance that Environmental Health were satisfied that no nuisance would result from amplified music being played in association with the use. Whilst supporting the application he was nonetheless of the view that the applicants should monitor and reduce the levels of energy used by the refrigeration units in so as far as it was possible to do so.
- (6) The Deputy Development Control Manager confirmed that it would be appropriate to add an informative relating to the refrigeration units if Members were minded to grant planning permission. Background music would be provided in the café area and the Environmental Health Department had indicated that they were satisfied with the measures proposed to be put into place.
- (7) Councillor Davey stated that he considered the rink would provide a valuable sporting facility and was also pleased to note that additional cycle parking facilities were proposed. The facility would provide a positive contribution to the City particularly as the reinstatement works would take place once the use had ceased. The Area Planning Manager (East) explained that the benefits arising from the financial contribution were not the only reasons permission was recommended. They did go some way to addressing the concerns raised by English Heritage.
- (8) Councillor C Theobald considered that the rink would provide an added attraction for the City. She was concerned however, regarding the delay that had occurred and was disappointed that the scheme would not now proceed until the following year.
- (9) The Area Planning Manager (East) explained that although pre-application discussions had taken place in July the application had not been lodged until September. Once received the application had been progressed rapidly (6 weeks).

- (10) Councillor Kennedy stated that in her opinion the application had been processed rapidly. She welcomed the scheme and hoped that it would be possible for the scheme to proceed that winter rather than the next. She had used the ice rink at Somerset House (also a listed building).
- (11) A vote was taken and Members voted unanimously that planning permission be granted.

146.3 **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. Condition 11 to be amended to read:

“The development hereby permitted shall not be brought into use until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by staff and visitors to the development and shall thereafter be retained for use by staff and visitors to the development and shall be removed from the site following the ice rink use ceasing no later than 23 January 2010.”

**D. Application BH2009/01811, 112-113 Lewes Road, Brighton** - Erection of 4 storey building providing retail on ground and first floors and 12 self-contained flats on ground and upper floors.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Planning Officer, Mr Thatcher, gave a presentation detailing the proposed scheme by reference to elevational drawings and photographs. Although Reasons 2 and 6 of the recommended reasons for refusal had been overcome due to the very late submission of additional information, referred to in the “Late Representations List”, a number of other issues remained to be satisfactorily addressed and refusal was therefore recommended.
- (3) Mr Bareham spoke on behalf of the applicant in support of the application. He referred to the decision of the planning inspector in relation to 109 Boundary Road, Hove. The inspector had indicated that there should be a presumption against refusing planning permission in instances where outstanding issues could be successfully resolved following further negotiation with the applicant. He considered that this application represented such an instance and requested that further consideration of the application be deferred to enable the remaining reasons for refusal to be overcome.
- (4) The Deputy Development Control Manager responded that a significant level of advice and guidance had been provided to the applicant following the earlier refusal. Notwithstanding those discussions the applicant had failed to satisfactorily address the previous reasons for refusal before re-submitting the application. On the basis of the information given it was unclear whether the remaining grounds for objection could be overcome relatively easily or not.

**Questions/Matters on Which Clarification was Sought**

- (5) Councillor Smart enquired whether access to the site would be from Newmarket Road and it was confirmed that it would.
- (6) Councillor Davey referred to the proposed retail unit at first floor level, as other retail units in the area were located predominantly at ground floor level. He enquired whether this was a policy requirement. The Planning Officer confirmed that the applicant had sought to provide a retail use at first floor level in order to provide the same percentage of retail on site as previously.
- (7) Councillor C Theobald sought clarification regarding the number of units which did not meet lifetime homes standards and or wheelchair accessibility requirements.

**Debate and Decision Making Process**

- (8) Councillor Kennedy proposed that further consideration of the application be deferred pending resolution of the outstanding matters referred to above. This was seconded by Councillor Smart proposed. A vote was then taken and on a vote of 10 to 2 it was agreed that the application be deferred.

146.4 **RESOLVED** - That the application be deferred in order to enable further negotiations to take place between Officers and the applicant with a view to enabling the remaining suggested reasons for refusal of the application to be overcome.

**Note:** Councillors Hyde (Chairman) and Cobb voted that consideration of the application not be deferred.

**(ii) MINOR APPLICATIONS**

**E. Application BH2009/01489, Ocean Heights, Roedean Road** – Demolition of existing dwelling and construction of 7 residential apartments (part-retrospective).

- (1) Members considered that it would be beneficial to conduct a site visit prior to determining the application.

146.5 **RESOLVED** - That consideration of the above application be deferred pending a site visit.

**F. Application BH2009/01239, 148 Elm Grove, Brighton** – First floor extension and conversion of existing shop and garage to form 1 flat and 1 maisonette. Retention and improvements to existing top floor flat.

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

146.6 **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 BH2009/01921, 41 Ladies Mile Road, Patcham – Change of use from betting shop (A2) to hot food takeaway (A5) with the erection of a rear extension, new shop front and extract duct.**
- (1) The Area Planning Manager (East) gave a presentation detailing the proposed scheme including elevational drawings showing the proposed rear extension. The application premises were located in a local parade consisting of ground floor commercial premises with flats above and had most recently been in use as a betting shop. The proposed change of use was considered to be acceptable and it was not considered that it would result in significant harm to adjacent residential accommodation by way of increased noise, disturbance and odours, nor result in a significant increase in traffic.
  - (2) Mrs Simpson spoke on behalf of neighbouring objectors stating that it was considered that this use would result in significant harm to neighbouring amenity. The premises would add to the existing number of fast food takeaways in the area, and would by its nature result in additional parking/vehicle manoeuvres in an area which was already heavily trafficked. This use would encourage children from the nearby school to leave the premises during lunchtimes to purchase pizzas rather than opting for healthier options available at the school and would also encourage youths to congregate outside in the evenings which could give rise to/encourage anti-social behaviour.
  - (3) Mr Unwin spoke on behalf of the applicant in support of their application. Whilst diet and lifestyle choices lay with the individual, the premises would be rigorously controlled and would not be open after 11.00pm and it was not therefore considered it would give rise to anti-social behaviour. A number of the issues raised were not planning considerations. In answer to questions he explained that small cars were usually used for delivery purposes.
  - (4) Councillor Pidgeon spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme. He re-iterated the concerns of local objectors regarding traffic, parking and possible anti-social behaviour and littering which could result. He was also concerned that there were a number of established local hot-food take away businesses in the vicinity, this use could be detrimental to their financial well being and their livelihoods should be protected during a recession.

#### **Questions/Matters on Which Clarification was Sought**

- (5) Councillor C Theobald enquired regarding the dimensions of the proposed rear extension and details of where vehicles making deliveries from the premises would park.
- (6) Councillor Barnett sought clarification of the type of delivery vehicles to be used and the maximum number that were likely to be parked nearby at any one time.
- (7) Councillor Cobb enquired regarding the number of similar hot take away food shops located nearby and the distance between this premises and the nearest but was informed that this was not a relevant planning consideration.

**Debate and Decision Making Process**

- (8) Councillor C Theobald stated that she considered that the proposed use to be unacceptable as it would exacerbate existing parking problems in the area and could serve to encourage anti-social behaviour resulting from youths congregating in an area where this had already given rise to problems. There were a number of similar premises in the area and this could give rise to additional nuisance and litter. One litter bin outside the premises was considered insufficient.
- (9) Councillor Smart considered that although individual dietary requirements and use of the premises by children from the neighbouring school were not relevant he did not consider the application to be acceptable.
- (10) Councillor Steedman considered that it was regrettable that there did not appear to policy grounds for refusing the application.
- (11) The Solicitor to the Committee stated that if Members were minded to refuse the application the reasons cited needed to be robust and should not refer to anecdotal "evidence".
- (12) A vote was taken and on a vote of 5 to 3 with 4 abstentions planning permission was refused.

146.7 **RESOLVED** - That planning permission be refused for the following reasons:

- 1. The proposal would result in increased pressure on parking, increased traffic flow and resulting vehicle noise, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 2. The proposal would result in the generation of anti social behaviour by reason of the congregation of youths and resulting noise, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

**Note:** Councillor Cobb proposed that planning permission be refused. This was seconded by Councillor C Theobald. A recorded vote was then taken. Councillors Barnett, Cobb, Smart, C Theobald and Wells voted that planning permission be refused. Councillors Allen, Carden and Hamilton voted that planning permission be granted. Councillors Hyde (Chairman), Davey, Kennedy and Steedman abstained. Therefore on a vote of 5 to 3 with 4 abstentions planning permission was refused.

**H. Application BH2009/01186, Land Adjoining Badgers Walk, Ovingdean Road –**  
Erection of buildings to provide 2 loose boxes, a hay store and a tack room, with enclosing fence and yard.

- (1) Members considered that it would be beneficial to conduct a site visit prior to determining the application.

146.8 **RESOLVED** - That consideration of the above application be deferred pending a site visit.

I. **Application BH2009/01793, 11 Albert Mews Hove**, - External alterations to form new door, stairs and gateway access from basement workshop to footpath.

(1) Members considered that it would be beneficial to carry out a site visit prior to determining the application.

146.9 **RESOLVED** - That consideration of the above application be deferred pending a site visit.

J. **Application BH2009/01888, Sussex Cricket Club Ground, Eaton Road, Hove** – Installation of 2 new galvanised steel flood lighting columns and 294 new metal halide floodlights to east and west side of cricket ground.

(1) Members decided that they did not require a full presentation but would wanted the opportunity to ask questions.

**Questions/Matters on Which Clarification was Sought**

(2) Councillors Kennedy and Smart referred concerns expressed regarding the level of lighting to be provided once matches had finished. It was understood that lighting levels could be dimmed considerably whilst clearing up took place, whilst still meeting necessary safety requirements.

(3) The Interim Senior Team Planner, explained that each lighting unit could be switched off individually, or alternatively whole banks of lights could be switched off to provide as little as 10% of maximum power. This would provide a low level of lighting which would still be sufficient to enable equipment to be dismantled following matches or events.

(4) Following discussion Members requested that a further condition be added to ensure that all lighting was reduced to the minimum required for safety purposes once evening events had ceased.

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

146.10 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendations 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 account and to the following additional condition:

Condition7: Notwithstanding the provisions of Condition 4 as attached to this permission, immediately following the end of any cricket matches for which they are in operation, the luminence level of the floodlights hereby permitted shall be reduced to the minimum level required to meet the identified safety requirements of the Cricket Club, in accordance with details that shall first have been submitted and agreed in writing by the local planning authority prior to the first operation of the new floodlighting.

**Reason:** To safeguard the amenities of the occupiers of nearby residential properties in accordance with policies QD26 and QD27 of the Brighton & Hove Local Plan.

**147. 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**

147.1 **RESOLVED** - That the following site visits be undertaken by The Committee prior to determining the application.

Application:	Site Visit Requested by:
BH2009/01489, Ocean Heights, Roedean Road	Councillor C Theobald
BH2009/01186, Land Adjoining Badgers Walk, Ovingdean Road	Councillor Steedman
BH2009/01793, 11 Albert Mews, Hove	Councillor Cobb
*BH2009/02331, Land East of West Pier, Lower Esplanade, King's Road, Brighton (Brighton "O" Wheel)	Development Control Manager

\*Anticipated as an application coming forward for decision at the next scheduled meeting of the Committee.

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

148.1 **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 or 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 representations are 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 2006.

The meeting concluded at 6.15pm

Signed

Chair

Dated this

day of