

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 22 JULY 2009

GREAT HALL, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Carden (Opposition Spokesperson), Davey, Hamilton, Kennedy, Older, Smart, Simson, Steedman and C Theobald

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

Officers in attendance: Jeanette Walsh (Development Control Manager), Hamish Walke (Area Planning Manager(East)), Kathryn Boggiano (Senior Planning Officer), Nicola Hurley (Senior Planning Officer), Kate Brocklebank (Senior Planning Officer), Pete Tolson (Principal Transport Planning Manager), Hilary Woodward (Senior Lawyer) and Penny Jennings (Senior Democratic Services Officer)

PART ONE

49. PROCEDURAL BUSINESS

49A Declaration of Substitutes

49.1 Councillors Simson and Older were in attendance for Councillors Caulfield and Cobb respectively.

49B Declarations of Interest

49.2 Councillor Hyde, the Chairman declared a personal and prejudicial interest in Application BH2009/00847, Land to r/o 67–81 Princes Road. The applicant had carried out building work for a Member of her family. She would leave the meeting during consideration of the application and would take no part in the discussion or voting thereon. The Deputy Chairman, Councillor Wells would take the Chair during her absence.

49.3 Councillor Davey referred to Application BH2009/00761, Sackville Trading Estate. Although he had neither a personal nor prejudicial interest in the application, he had however, expressed a view regarding the scheme and would therefore leave the

meeting during consideration of the application and take no part in the discussion or voting thereon.

- 49.4 Councillor Wells stated that he had visited the owner of one of the neighbouring properties to Application BH2009/00797, Land adjacent to Woodside, Falmer Road. The purpose of his visit had been to assist her in researching the landfill site adjacent to the properties which was now Happy Valley Park. He had not expressed any opinion in respect of the application and remained of a neutral mind. It was therefore his intention to remain present during consideration of the item and to take part in the discussion and voting thereon.
- 49.5 Councillor C Theobald declared a personal interest in Application BH2009/00737, Longhill Secondary School, Falmer Road stating that she had recently attended a prize giving event at the school, but had not discussed the application and remained of a neutral mind. She would therefore remain present during consideration of the item and would take part in the discussion and voting thereon.
- 49.6 Councillors Simson and Wells declared personal but not prejudicial interests in Application BH2009/00737, Longhill Secondary School, Falmer Road, stating that they had both attended a presentation at the school regarding the proposed scheme. Neither had expressed an opinion in respect of the application and both remained of a neutral mind. It was their intention therefore to remain present during discussion of the item and to take no part in the discussion and voting thereon.

49C Exclusion of Press and Public

- 49.7 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).
- 49.8 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item on the agenda.

50. MINUTES OF THE PREVIOUS MEETING

- 50.1 Councillor Kennedy referred to paragraphs 7 and 8 of Item B stating that in respect of paragraph 7, she had referred to the lack of amenity space and had stated that more family size dwellings would have been welcomed. Overall, she did not consider the proposed development to be acceptable.
- 50.2 In respect of paragraph 8 she had referred to the density of the development being too great rather than to its height.
- 50.3 **RESOLVED** – That subject to the amendments referred to above the Chairman be authorised to sign the minutes of the meeting held on 1 July as a correct record.

51. CHAIRMAN'S COMMUNICATIONS**Web casting**

51.1 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.

South Downs National Park

51.2 The Local Development Team Manager briefed Members on the current position in respect of the establishment of the South Downs National Park (SDNP) and detailed the implications for the local planning authority, future planning arrangements, the intended boundary, and key changes to the intended boundaries (for copy of briefing note see minute book).

51.3 The Local Development Team Manager also explained that the intended boundary, running from east to west, followed the City boundary with Adur to the A27 and then generally followed a route north of the A27 (apart from being north of the water works at Mile Oak). It dipped south to the built up area boundary at a number of places:

- Foredown Ridge
- Hollingbury Hill
- Coldean Wood
- Land between Woodingdean and the coast
- Woodingdean, Ovingdean and Rottingdean would not be in the SDNP.

51.4 The Local Development Team Manager explained that the following key boundary changes were proposed:

Inside the National Park

- Patcham Recreation Ground – had been included in the SDNP as part of the Coney Hill area, as sought by the Council. The boundary would now run in a more logical manner alongside the A23.
- Land at Roedean – Land rear of Roedean Crescent.
- Embankments – Alongside Mill Road and the A27 between the Dyke Road intersection and the A23/27 junction.

Outside the National Park

- Toads' Hole Valley - had now been excluded from the SDNP.
- Green Ridge – The land west of the access to the windmill originally proposed for inclusion in the SDNP had been excluded. No clear planning reason had been given for this and the City Council had formally objected to the exclusion of this part of Green Ridge.

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

52. PETITIONS

52.1 There were none.

53. PUBLIC QUESTIONS

53.1 There were none.

54. DEPUTATIONS

54.1 There were none.

55. WRITTEN QUESTIONS FROM COUNCILLORS

55.1 There were none.

56. LETTERS FROM COUNCILLORS

56.1 There were none.

57. NOTICES OF MOTION REFERRED FROM COUNCIL

57.1 There were none.

58. APPEAL DECISIONS

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

59. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

60. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

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

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

Application	Site visit requested by:
BH2009/00834, Saunders Glass, Sussex Place	Development Control Manager
*Royal Alexandra Children’s Hospital, Dyke Road *Opportunity for Members to view buildings internally at invitation of applicants (no application lodged currently).	The site owner and proposed by Councillor Hyde, Chairman

Note: Councillor Kennedy requested a site visit in respect of Application BH2009/00847, Land r/o 67–81 Princes Road but this was defeated by a vote of 5 to 4 with 1 abstention. Having declared a personal and prejudicial interest Councillor Hyde, (the Chairman) took no part in the voting regarding the proposed site visit.

62. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST : 22 JULY 2009

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

A. Application BH2009/00761, Sackville Road Trading Estate, Sackville Road, Hove – Demolition of existing buildings with construction of new comprehensive development providing a mix of uses focusing around a new public square, including: an A1 food store, A1 non-food retailing, associated A2-A5 retailing, residential apartments, offices, underground car parking, associated infrastructure works including improved access, servicing and public realm improvements.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Mrs Hurley gave a detailed presentation setting out the constituent elements of the proposed scheme. Mrs Hurley also referred to an error in the Committee report. Section 5 incorrectly stated that the revised scheme proposed 180 residential apartments, in fact the scheme proposed the provision of 92 residential apartments. Since preparation of the report comments had been received from the Council’s ecologist and from Environmental Health stating that they had no objections. Additional conditions and an informative were also proposed and these were set out in the “Additional Representations List”.

- (3) Elevational drawings were shown setting out the constituent elements of the scheme including access/egress arrangements and views into and across the site. The key differences between the previously refused scheme and that before the Committee that day were highlighted. It was considered that the previous reasons for refusal had been overcome and that the scale and design of the development was acceptable and suitable in the context of the surrounding development.
- (4) Mr Holmes spoke on behalf of the applicant in support of their application stating that they had worked hard to submit a balanced scheme and had sought to address the reasons for refusal of the earlier scheme.
- (5) Councillor Bennett spoke in her capacity as a Local Ward Councillor setting out her objections to the scheme. Notwithstanding the improvements effected, she remained of the view that the scheme represented overdevelopment with too much crammed onto the site. The single access arrangement proposed could result in huge tail backs to the junction with Old Shoreham Road which was already well over capacity. The level of parking proposed was inadequate and this would impact on neighbouring streets.

Questions/Matters on Which Clarification was Sought

- (6) Councillor Smart expressed concerns regarding the proposed access /egress arrangements, and sought further details in respect of the remedial measures proposed and how these were intended to work in practice. He also sought details regarding the proposed highway re-alignments and details of how cyclists could be accommodated within the available highway.
- (7) The Senior Planning Officer explained in answer to further questions that whilst it was acknowledged that the size of the proposed development, together with its close proximity to a busy junction presented some difficulties in terms of transport and traffic, through negotiation, the applicant had agreed to carry out or fund appropriate remedial measures. The Sustainable Transport Team had advised that subject to securing delivery of the commitments described in the report, they had no objections to the scheme on transport grounds. The Principal Transport Planning Officer, Mr Tolson answered further questions in respect of the traffic management proposals.

Debate and Decision Making Process

- (8) Councillor Smart whilst supportive of the scheme and recognising the improvements effected, had some reservations. These were in respect of the potential impact on the 3 supermarkets which were equidistant from the site and on the existing public house. He considered that it remained to be seen whether the traffic arrangements proposed would be effective.
- (9) Councillor Hamilton stated that he was also concerned regarding the knock-on effect the retail element of the scheme could have on the viability of Blatchington Road and George Street. He was sceptical about the adequacy of the proposed highway improvements.

- (10) Councillor Wells welcomed the scheme, considering that the previous reasons for refusal had been overcome. Whilst he had some concern regarding short term loss of existing jobs on the site, he felt there would be longer term benefits as a result of this scheme.
- (11) Councillor C Theobald welcomed the scheme, particularly the provision of underground car parking, but had some unease about loss of the current employment uses on the site e.g., "Vokins". She wondered whether any of the existing businesses would have the opportunity to relocate into the new development once completed. It was explained that this was unlikely given that the applicant was seeking the opportunity to redevelop the site, in part, because the leases of the existing premises were due to expire in the near future. The retail element within the new development would be configured differently.
- (12) Councillor Kennedy observed that the current scheme represented a significant improvement but considered, however, that the applicant should be required to demonstrate a greater commitment to biodiversity. She enquired whether if, the scheme were to be approved, a condition could be added to seek to ensure this, and it was confirmed that it could.
- (13) A vote was taken and on a vote of 8 with 2 abstentions planning permission was granted. Having declared an interest Councillor Davey was not present during discussion or when the vote was taken.

62.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 of the report and resolves that it is minded to grant planning permission subject to completion of a Section 106 Obligation in the terms set out in the report and to the additional conditions and informative set out in the "Additional Representations List" and to the following further additional condition:

No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.

Note1: Having declared an interest in the above application Councillor Davey left the meeting and took no part in the discussion or voting thereon.

Note2: Councillors Carden and Hamilton abstained from voting in respect of the above application.

B. Application BH2009/00737, Longhill Secondary School, Falmer Road, Brighton – Various amendments to existing school site including erection of 5 storey link extension, infilling existing courtyard to provide new teaching accommodation, replacement of existing office accommodation with new external canopy, new windows

and door to lower ground floor front elevation, amendment to parking layout to provide 24 additional parking spaces and provision of solar panels on roof.

- (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 proposed changes to the existing school site. He explained that following further consultation with the sustainable transport and legal teams it had been agreed that it would be appropriate to remove the requirement for the applicant to enter into a legal agreement and for this to be replaced by conditions as appropriate. In consequence two additional conditions were therefore recommended as set out in the "Additional Representations List". The application was now recommended for "grant" rather than "minded to grant."

Questions/Matters on Which Clarification was Sought

- (3) Councillor C Theobald requested to see photomontages indicating the appearance of the new front extension. In answer to questions it was explained that the windows would have aluminium frames in common with those to the existing buildings. Details were also requested regarding the location of the additional on-site parking.
- (4) Councillor Older sought clarification that the four letters of objection received came from properties located to the rear of the existing school buildings and it was confirmed that they did.
- (5) Councillor Simson sought confirmation that it was proposed to widen, the footpath to the north, noting that the footpath to the south had already been widened. It was confirmed that this would be the case.

Debate and Decision Making Process

- (6) Councillor Steedman stated that although he supported the proposals he was disappointed that the opportunity had not been taken to upgrade the existing school buildings.
- (7) Councillors Carden and Smart welcomed the scheme and were pleased to be able to support it.
- (8) Councillor Simson noted that it had been possible to increase on-site parking without impacting on existing traffic flows. She supported the scheme.
- (9) Councillor Wells considered that the ability to increase the intake of pupils resulting from these works would relieve the current pressure for secondary school places locally and would also effect improvements to facilities provided at the school.
- (10) A vote was taken and Members voted unanimously that planning permission be granted.

- 62.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 9 of the report and resolves to grant planning permission in the terms set out in the report and subject to the additional conditions set out in the “Additional Representations List”.
- C. Application BH2009/00230, Russell House, Building A, Arts Road, University of Sussex, Brighton** - The retention of the existing 2 storey temporary academic building for a period of 10 months (retrospective).
- (1) A vote was taken and Members voted unanimously that planning permission be granted.
- 62.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 9 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.
- D. Application BH2009/00916, University of Sussex, Falmer, Brighton** - Erection of a 2 storey temporary teaching building for a period of 3 years.
- (1) A vote was taken and Members voted unanimously that planning permission be granted.
- 62.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 9 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.
- (ii) MINOR APPLICATIONS**
- E. Application BH2009/00847, Land to rear of 67–81 Princes Road, Brighton** – Construction of 4 two storey, two bedroom terraced houses with pitched roofs, solar panels and rooflights. Provision of private and communal gardens, waste and refuse facilities, and erection of a street level lift gate-house with cycle store.
- (1) Councillor Kennedy had requested a site visit in respect of this application (paragraph 61 above refers) but this had been lost on a vote of 5 to 4 with 1 abstention. Having declared a personal and prejudicial interest the Chairman had taken no part in that vote and having left the meeting room took no part in the debate and decision making process.
- (2) Councillor Wells (Deputy Chairman) was in the Chair during consideration of this item.
- (3) The Senior Planning Officer, Ms Brocklebank gave a detailed presentation detailing the constituent elements of the scheme by reference to photographs and plans and sought to indicate the location of the proposed dwellings which had been designed to take account of the changing ground levels across the site and its steep configuration.
- (4) The Senior Planning Officer explained that additional letters of objection had been received, the contents of which were set out in the “Additional Representations List”.

Appendix A to the report had also been updated and re-circulated. A total of 216 letters of objection had been received and 6 letters of support. Since the closure of the "Additional Representations List" 3 further letters of objection had been received.

- (5) It was explained that an Open Spaces study had been prepared and would be considered at the Environment Cabinet Member Meeting scheduled to take place on 30 July 2009. However, the policy advice as set out in the report before the Committee that day was that given the very particular circumstances and planning history of this site, the adoption of the study would not be a significant new material consideration with respect to this application.
- (6) Overall, the proposal which would provide four family sized dwellings each with private amenity space which also included ecological and landscape enhancements was considered to be of an acceptable design which would preserve the character of the conservation area.
- (7) Mrs Nuttall spoke on behalf of neighbouring objectors to the scheme. In their view the site was not suitable for housing development, given the steep gradient across it. The location of the dwellings sited overlooking the railway cutting and in close proximity to the Hollingdean Waste Transfer Station would have a very poor aspect. Since the Waste Transfer Station had commenced operation some two months previously, residents of existing dwellings which were located at a considerably greater distance from it than the new houses would be, had suffered as a result of unacceptable noise nuisance and odour emanating from the facility. The back gardens of these houses were unusable during the daytime and to date no remedial measures were in place. Conditions for anyone living in properties on this site would be intolerable. There were also concerns for the survival of the protected horse chestnut tree adjacent to the existing gatehouse and in relation to the impact of additional vehicles parking on-street in the absence of any parking on site. Parking within immediate vicinity of the site was already at saturation point.
- (8) Mr Coomber spoke on behalf of the applicant in support of their scheme. He explained that the site had already been established as "brownfield" and that this had been borne out by subsequent decisions of the Planning Inspectorate. The site was in private ownership and was not usable as amenity space by virtue of the steep incline required to access it. The proposals would provide much needed housing without detriment to neighbouring residential amenity.
- (9) Councillor Taylor spoke in his capacity as a Local Ward Councillor setting out his objections to the proposed scheme. In his view the site was completely unsuitable for residential accommodation of any kind and should be preserved as a "green lung" which would provide a buffer between the existing housing, the railway line and the waste transfer station. The waste transfer station was now fully operational and it was unthinkable to place housing on the site when noise disturbance and odour penetration were being suffered by existing residents living further away and this had yet to be addressed. Such residents would be second class citizens and would be living in an appalling location. The number of local objections received was overwhelming.

Questions/Matters on Which Clarification was Sought

- (10) Councillor Davey sought clarification whether any research had been carried out regarding noise levels, bearing in mind the site location with railway tracks below the development and the close proximity of the waste transfer facility. The Development Control Manager referred to the comments received from Environmental Health. However, in view of the comments made regarding operation of the waste facility during the day and at weekends, he considered that in this instance noise levels could be very high during the day in addition to noise caused by passing trains both during the day and at night.

Debate and Decision Making Process

- (11) Councillor Older stated that the scale of development proposed on the site had been scaled down considerably, the dwellings proposed were modest. Market forces would hold sway, if the completed development was not a desirable place to live the houses would remain vacant.
- (12) Councillor Smart stated that he considered the scheme to be acceptable.
- (13) Councillor C Theobald stated that she considered the scale of development proposed was acceptable, noting that the Environmental Health Officer had raised no objections.
- (14) Councillor Kennedy stated that she was unable to support the provision of housing on the site. She could not agree to the loss of the existing open space irrespective of whether it was public open space, this piece of land had an intrinsic value in its own right. She cited PPG17 and considered that the Open Space Study would be a significant material consideration after its adoption on 30 July. She also had grave concerns that the horse chestnut tree would not survive the impact of the proposed building works. In view of what had been heard regarding the nuisance caused by the waste transfer facility she considered it was unacceptable to expect anyone to live on the site.
- (15) Councillor Davey stated that the scheme was unacceptable to him on the grounds of noise nuisance alone.
- (16) Councillor Steedman stated that it seemed unlikely the development would reach the sustainability levels required and that he did not support the application.
- (17) The Development Control Manager confirmed that The Open Spaces Study would be reported to the Environment CMM on 30 July 2009 but clarified that given the particular circumstances and planning history of the site, adoption of the study would not represent a significant material consideration in relation to this application.
- (18) A vote was taken and on a vote of 7 to 3 planning permission was granted.
- 62.5 **RESOLVED** – That the Committee has taken into consideration and agrees with 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.

Note1: Having declared a personal and prejudicial interest in respect of the above application Councillor Hyde, (the Chairman) left the meeting and took no part in the discussion or voting thereon.

Note2: Councillors Davey, Kennedy and Steedman voted that the application be refused.

F. Application BH2008/03566, The Willows Surgery, 50 Heath Hill Avenue, Brighton
– Demolition of existing surgery and provision of residential accommodation. Erection of new surgery with 7 self contained flats.

- (1) The Senior Planning Officer, Ms Boggiano gave a presentation detailing (at Councillor Steedman's request) the differences between the application before the Committee that day and that for which approval had previously been granted. Although the Section 106 Obligation had yet to be completed, the principle of development had been established by that earlier decision. 6 dormers were proposed which would enable the two additional flats to be located in the roof space. They were considered to be acceptable in terms of design and in relation to the character of the surrounding area. The highway impact was considered to be acceptable as the impact on the amenity of surrounding residents. Minded to grant approval was therefore recommended.
- (2) Mr Bareham spoke on behalf of the applicant in support of their application. He explained that in order for the doctor's surgery to be provided at no cost to the Primary Care Trust and therefore to be viable, the aggregate number of units would need to increase. This scheme had sought to achieve this without significantly increasing its impact with the neighbouring street scene.
- (3) Councillor Meadows spoke in her capacity as a Local Ward Councillor setting out her objections to the scheme. She referred to the planning history of the site and the concerns of neighbouring residents that the scheme would represent overdevelopment of the site. Insufficient parking was proposed which would increase the level of on-street parking in the neighbouring residential streets. The current proposals were far worse than those presented by the previous scheme which she had also considered to be inappropriate.

Questions/Matters on Which Clarification was Sought

- (4) Councillor C Theobald enquired whether any additional parking was proposed in conjunction with the additional units and whether it would be possible for the willow tree to be saved. The Senior Planning Officer explained that no parking was proposed in conjunction with the residential element of the scheme. Detailed discussions had taken place when the previous application had been considered. Notwithstanding its outward appearance the tree had a very limited remaining lifespan. The applicant had agreed to replace the existing tree with two trees of species more suited to being located in close proximity to buildings.
- (5) The Chairman sought clarification and it was agreed that an informative could be added, should Members so wish requesting that one of the replacement trees was a willow to be planted either at the site or, if appropriate, at a suitable alternative location nearby.

- (6) Councillor Smart enquired whether if the application were to be refused; the existing surgery would remain in situ in its stead. It was explained that the current surgery building was considered to be inappropriate to current patient needs, that it was likely that it would move from its present location in any event and that there were no other suitable sites available nearby.
- (7) Councillor Smart also sought confirmation regarding provision of obscure glazing to windows to the eastern elevation of the building. The Senior Planning Officer explained that the windows would be obscurely glazed to half height but fitted with clear glass above.
- (8) Mr. Small (CAG) enquired regarding configuration of the dormer windows. The Senior Planning Officer explained that the dormers would be recessed within the roofscape.
- (9) Ms Boggiano also responded to the points raised by Councillor Meadows relating to the planning history of the site. She explained that the application which had been refused in 2006 had been for a bulkier form of development than that proposed by the current application. In dismissing the appeal in 2006, the Inspector had concerns regarding the traffic impact; however officers now considered that these had been satisfactorily addressed by the current scheme.

Debate and Decision Making Process

- (10) Councillor Smart stated that he was mindful that if the application was refused, a doctor's surgery at this location could be lost; he considered the proposal was acceptable.
- (11) Councillor Kennedy supported the application but sought clarification as to whether it would be appropriate to seek provision of an on-street disabled parking bay in close proximity to the surgery. The Principal Transport Planning Officer, Mr Tolson confirmed that this could be sought.
- (12) A vote was taken and on a vote of 7 to 2 with 2 abstentions planning permission was granted.

62.6 **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 it is minded to grant planning permission subject to the completion of a Section 106 Obligation in the terms set out in the report and to Item (c) of the Heads of Terms being amended to include for the provision of a disabled parking bay in the vicinity of the site.

Note: Councillors Hamilton and C Theobald voted that planning permission be refused. Councillors Carden and Kennedy abstained.

- G. Application BH2008/02235, Ground Floor Flat, 153 & 151 Eastern Road, Brighton**
– Change of use of ground floor flat to class D1 for use as children's all day care nursery and increase in number of children from 43 to 58 and erection of a new retaining wall within rear garden area of 151.

- (1) A vote was taken and Members and on a vote of 9 with 1 abstention Members voted that planning permission be granted. Councillor C Theobald was not present when the vote was taken.
- 62.7 **RESOLVED** - That the Committee has taken into consideration and agrees with 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.
- H. Application BH2008/03890, Brighton College Prep School, 2 Walpole Road, Brighton** – Installation of external flood lighting to north playground of the pre-school.
- (1) A vote was taken and Members voted unanimously that planning permission be granted.
- 62.8 **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.
- I. Application BH2009/01182, Land Adjacent to 20 Old London Road, Brighton** – Erection of a two storey four bedroom detached house with external works and landscaping to create one vehicular access road.
- (1) The Senior Planning Officer, Ms Boggiano gave a presentation detailing the scheme explaining that the principle of the development had been considered as had its impact on the wider area, amenity issues, impact on trees and wildlife, traffic impacts, flooding and sustainability.
- (2) It was considered that the proposed development would cause no significant loss of light or privacy to adjacent occupiers and was an acceptable development in terms of its bulk, scale, height, massing and design. The impact on trees and wildlife was considered acceptable subject to mitigation measures which were required by condition.
- (3) Mr Morgan spoke on behalf of neighbouring objectors. He stated that the scheme would have a detrimental impact on its immediate neighbours and would result in loss of amenity and privacy. The new dwelling would face directly towards his principal habitable rooms. The configuration of the driveway was such that it would result in intrusion and light spillage from vehicles using it at night. There would be an additional risk of flooding.
- (4) Mr Southern the applicant spoke in support of his application. He explained that the dwelling had been designed in order to respect neighbouring amenity and to address the concerns raised by objectors. Existing screening would also be retained. Water permeable surfaces would be provided to help mitigate against any risk of flooding and soakaways would also be provided if required.
- (5) Councillor Pidgeon spoke in his capacity as a Local Ward Councillor setting out his objections to the proposed scheme and reiterated the concerns of local residents. The property would be located on higher ground than its neighbours and would overlook

them. Loss of trees would affect neighbouring amenity and the character of the wider area and would increase the risk of flooding to which this area was already prone.

Questions/Matters on Which Clarification was Sought

- (6) Councillor C Theobald enquired regarding the width of the access road to the site and was informed it was 3.2m.
- (7) Councillor Smart sought clarification as to whether the potential spread of the beam from vehicle headlights at night had been assessed.
- (8) Councillor Steedman asked regarding the distance from the proposed development to the nearest dwelling and was informed that this was the side extension of 17 Audrey Close which was located 10m away.
- (9) Councillor Older sought confirmation that whether the proposed development would lie on land which formed part of the existing back garden and was informed that it would. In answer to further questions it was confirmed that the application site was not located within a conservation area.

Debate and Decision Making Process

- (10) Councillor C Theobald stated that she considered the proposed development to be unacceptable and contrary to a number of the Council's policies. Located as it would be on higher ground than its neighbours it would have a detrimental impact on them and would result in loss of privacy. There would be a loss of existing wildlife habitat, loss of some of the existing trees and increased likelihood of flooding; it constituted overdevelopment.
- (11) A vote was taken and on the Chairman's casting vote planning permission was refused on the grounds set out below.

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

- (1) The proposed development is overdevelopment. Its elevated position would have a detrimental impact on neighbouring properties by reason of its height and loss of privacy;
- (2) The proposed development is unacceptable by virtue of surface water run off from the site and the impact this could have on susceptibility of the area to flooding, contrary to Policy SU15 of the Brighton & Hove Local Plan;
- (3) The proposed development would result in loss of wildlife and natural habitat provided by the existing garden and trees, some of which would be removed; and
- (4) Proposed access to the site is considered to be too steep and at an inappropriate angle and of too narrow width.

Note1: Councillor C Theobald proposed that planning permission be refused on the grounds set out above, this was seconded by Councillor Smart.

Note2: Councillors Carden, Davey, Hamilton, Kennedy and Steedman voted that planning permission be granted. Councillors Hyde (Chairman), Older, Smart, C Theobald and Wells voted that planning permission be refused. Councillor Simson abstained. Therefore planning permission was refused on the Chairman's casting vote.

J. Application BH2009/00948, 1 Meadow Close, Rottingdean – Demolition of existing bungalow and construction of 2 semi-detached three bedroom chalet bungalows with rooflights, bin and cycle stores.

(1) The Area Planning Manager (East) gave a presentation detailing the configuration of the proposed new buildings in the context of the neighbouring street scene, also setting out the rationale for the recommendation that planning permission be refused.

Questions/Matters on Which Clarification was Sought

(2) Councillor Wells sought further clarification regarding the footprint of the new buildings and the Area Planning Manager confirmed that they would be forward of the existing building line. In answer to further questions he explained that the level of amenity space indicated on the submitted plans was considered to be inadequate.

(3) Councillor Smart enquired regarding the level of sustainability that the development might be likely to achieve. Mr Walke explained that insufficient details had been provided to indicate that the scheme would comply with Lifetime Homes standards.

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(4) Councillor Older stated that she was familiar with the area in which the application site lay and was in agreement that the proposal would be incongruous and would represent an overdevelopment of the site.

(5) Councillor Wells expressed support for the scheme stating that in his view it represented good use of the site and did not constitute overdevelopment.

(6) A vote was taken and planning permission was refused on a vote of 6 to 1 with 3 abstentions. Councillor C Theobald was not present when the vote was taken.

62.10 **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 by virtue of the reasons and informatives set out in the report.

Note: Councillor Wells voted that planning permission be granted in respect of the above application. Councillors Simson, Smart and Steedman abstained.

K. Application BH2009/01163, Rear of 100 North Road, Brighton – Change of use of former vehicle depot (sui generis) to retail A1.

- (1) The Senior Planning Officer, Ms Boggiano gave clarification on elements of the scheme as requested by members. She made reference to floor plans delineating how the space would be used. The proposed sales area would take up most of the ground floor; a mezzanine floor was proposed which would be used for staff accommodation and storage.

Questions/Matters on Which Clarification was Sought

- (2) In answer to questions by Councillor Older, Ms Boggiano explained that the entrance to the premises would be located in Vine Street. In answer to queries regarding apparent anomalies between the hours of operation of the premises and the hours during which deliveries could take place, Ms Boggiano explained that the applicant was seeking hours of opening/use of 08.00 to 20.00 Mondays to Saturdays and 10.00 to 16.00 on Sundays and Bank and Public Holidays, and not 08.00 to 18.00 Mondays to Saturdays as had been set out in the report in error.

Debate and Decision Making Process

- (3) Councillor Davey stated that as these premises would represent a new use within a wholly residential area of the North Laines, his preference would be for the hours of opening/use to cease at 18.00 Monday to Saturday, as this would seek to address the amenity concerns of neighbouring residents. Other Members of the Committee concurred in that view.
- (4) A vote was taken and Members voted unanimously that planning permission be granted subject to hours of operation being 08.00 to 18.00 Monday to Saturday and 10.00 to 16.00 on Sundays and Bank and Public Holidays.

62.11 **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 and to the hours during which the premises could operate set out in (4) above and in the published report.

L. Application BH2009/00797, Land Adjacent to Woodside, Falmer Road, Woodingdean – Construction of new two storey, five bedroom house with pitched roof, incorporating 3 No. front and 3 No. rear dormers and 1 No. rear rooflight. To include provision of waste/recycling facilities and ancillary bicycle and wood store.

- (1) The Area Planning Manager (East, Mr Walke gave a presentation detailing the proposed development. He referred to the agreed boundaries of SDNP (the site fell within these) and the policies which were germane to consideration of this application, namely NC6, NC7 and NC8.
- (2) The Area Planning Manager explained that the house would represent unjustified countryside development beyond the urban fringe which would have an adverse visual impact upon the character and openness of the area of the proposed national park. As

such the scheme was contrary to local development plan policies and national policy, refusal was therefore recommended.

- (3) Councillor Wells had requested (under item 61 above) that a site visit be held prior to the application being determined, he agreed however, to defer that request pending the Officer's presentation. Having heard that presentation Councillor Wells formally requested a site visit in order to enable Members to appreciate that notwithstanding close proximity of the site to the SDNP, it did nonetheless form part of the existing back garden. The Development Control Manager clarified that the site was brownfield and a part of the applicant's garden. The application was recommended for refusal because it was considered to be development which was not justified within the intended national park. A vote was taken and the request for a site visit was lost on a vote of 2 to 8.
- (4) Ms Cattell spoke on behalf of the applicant in support of their application. She explained that the development would be well screened by trees and would not encroach on the ecology of the area or the setting of the national park. Similar principles could be applied to this development to those applied when permission had been granted to erect dwelling houses in Braypool Lane at Patcham which also fell outside the urban fringe. The location of the site was unique and permission could therefore be granted without creating a precedent.

Questions/Matters on Which Clarification was Sought

- (5) Councillor Smart requested to see photographs showing the application site in relation to the neighbouring recreation site and the SDNP.

Debate and Decision Making Process

- (6) The Area Planning Manager explained in responding to the points made by the public speaker that the location of the application site was significantly different to those referred to in Braypool Lane, which did not fall within the boundaries of either the AONB or the national park.
- (7) Councillor Smart stated that, whilst acknowledging the rationale for refusal being recommended, as the application site abutted a recreation ground and would be screened from view he did not consider that it was likely to be detrimental.
- (8) Councillor Simson stated that she was familiar with the application site which was located in her ward. Whilst fully supporting the concept of the SDNP, she was also aware that the application site was a narrow strip of land and any development would therefore be constrained. The site was unique and it was unlikely that there were other sites across the city which could give rise to similar applications.
- (9) Councillor Wells expressed support for the scheme which he considered acceptable. He did not agree that there would be any adverse impact on the surrounding area or the national park.
- (10) Councillor Steedman stated that he was amazed by the statements made in support of the application. Any decision to approve the application would run completely counter to the core strategy being established and could only serve to undermine it.

- (11) Councillor Older concurred stating that it would be ineffectual if having supported the establishment of the SDNP the Council immediately made exceptions to the policies underpinning it.
- (12) Prior to the vote being taken the Development Control Manager clarified that there was a strong policy basis for the recommendation to refuse. An approval of this scheme would, in her view set a precedent which would be referred to by applicants seeking approval for development elsewhere in the intended national park boundaries.
- (13) A vote was taken and on a vote of 7 to 1 with 2 abstentions planning permission was refused.

62.12 **RESOLVED** - That the Committee has taken into consideration and agrees with 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 informative set out in the report.

Note: Councillor Wells voted that planning permission be granted in respect of the above application. Councillors Simson and Smart abstained.

63. 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

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

Application	Site visit requested by:
BH2009/00847, Saunders Glass, Sussex Place	Development Control Manager
*Royal Alexandra Children’s Hospital, Dyke Road *Opportunity for Members to view the building internally.	The site owner and proposed by Councillor Hyde, Chairman

64. 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

64.1 **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 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.

The meeting concluded at 6.45pm

Signed

Chairman

Dated this

day of