PLANNING COMMITTEE	Agenda Item 183 Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 16 DECEMBER 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Allen, Carden (Opposition Spokesperson), Cobb, Davey, Kemble, McCaffery, Smart, Steedman, Taylor 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)), Zachary Ellwood (Interim Senior Team Planner), Rob Fraser (Head of Planning Strategy), Steve Reeves (Principal Transport Planning Officer), Hilary Woodward (Senior Lawyer), Penny Jennings Senior Democratic Services Officer)

PART ONE

166. PROCEDURAL BUSINESS

166A. Declaration of Substitutes

166.1 Councillors Allen, Kemble and Taylor were in attendance as substitute Members for Councillors Hamilton, Caulfield and Kennedy respectively.

166B. Declarations of Interest

166.2 The Chairman declared a personal and prejudicial interest in relation to application BH2009/01845, Land Adjacent to 9 Challoners Close. On the previous occasion when an application for that site had been considered she had recently sold her previous home to one of the main objectors and had declared an interest. In order to be consistent she was declaring an interest in the same terms and would vacate the Chair and leave the meeting during its consideration and would take no part in the discussion or voting thereon. Councillor Wells, the Deputy Chairman would take the Chair during her absence.

166C. Exclusion of the Press and Public

166.3 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).

167. MINUTES OF THE PREVIOUS MEETING

167.1 **RESOLVED -** That the Chairman be authorised to sign the minutes of the meeting held on 25 November as a correct record.

168. CHAIRMAN'S COMMUNICATIONS

Web casting

168.1 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 of when they had finished speak in order to ensure that they could be heard clearly.

169. PETITIONS

169A Petition: Application BH2009/01845, 9 Challoners Close, Rottingdean

169.1 The Chairman agreed to accept the following petition received in relation to the above application which was due to be considered on that day's agenda

"We the undersigned, being residents of Rottingdean and occupiers of properties in the vicinity of the application suite, wish to register our strongest possible objection to the above planning application for the following reasons:

- The gross overdevelopment of a small compressed back garden site.
- The overbearing impact of the proposed house on the setting of "Challoners", a listed building of great historic importance to the village, adjoining the application site.
- The detrimental impact on the Rottingdean Conservation Area which adjoins the application site – particularly in terms of views into and out of the Conservation Area.
- The fact that the proposed house will be entirely out of keeping and scale with its neighbours in Challoners Close in terms of design, street frontage and size to the detriment of the streetscene of the Close.
- The unacceptable overlooking and loss of privacy the proposed house would cause to three immediate neighbouring properties - namely "Challoners", 14 Challoners Close and 8 Northgate Close." (160 signatures).

169.2 **RESOLVED -** That the contents of the petition be received and noted.

16
9B Petition from Friends of London Road Station Old Railway Allotments (FLORA)

169.3 The Chairman referred to the above petition containing 213 signatures which had formed the subject of a report circulated with the main agenda (for copy see minute book).

169.4 **RESOLVED -** That the contents of the petition be received and noted.

170. PUBLIC QUESTIONS

170.1 There were none.

171. DEPUTATIONS

171.1 Mrs Griffin presented a deputation on behalf of the Friends of London Road Station Old Railway Allotments (FLORA) (for copy see minute book).

171.2 The Chairman responded the submitted deputation in the following terms:

"The Development Control Team has a responsibility to ensure that conditions attached to all permissions are discharged and where appropriate enforcement action is taken. There has already been a considerable amount of shared information and correspondence with residents in relation to this site and others in the immediate vicinity. This contact has mainly been with FLORA. The Local Development Framework Team continues to work on the development policies which guide and inform decision making on individual planning applications. FLORA has already been making submissions to inform that emerging work."

171.3 Mrs Griffin amplified on the wording contained in her submitted Deputation and raised additional points which the Development Control Manager agreed would be addressed in the response sent to her following the meeting.

171.4 **RESOLVED -** That the contents of the Deputation and of the response given be received and noted.

172. WRITTEN QUESTIONS FROM COUNCILLORS

172.1 There were none.

173. LETTERS FROM COUNCILLORS

173.1 There were none.

174. NOTICES OF MOTION REFERRED FROM COUNCIL

174.1 There were none.

175. APPEAL DECISIONS

175.1 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.

176. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

177. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

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

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

Application:	Site Visit requested by:
BH2009/02331, Land East of West Pier, Esplanade, King's Road (Brighton O Wheel)	Development Control Manager

179. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST:16 DECEMBER 2009

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

A. Application BH2009/02276, Sussex County Cricket Club, Eaton Road, Hove – Redevelopment of the County Ground consisting of demolition of Gilligan Stand and replacement with new South Stand and demolition Wilbury and Southwest Stands and replacement with new Southwest Stand. Provision of new hospitality buildings, extension to indoor cricket school and refurbishment of Members' Pavilion.

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

(2) The Interim Senior Team Planner, Mr Ellwood gave a detailed presentation setting out the constituent elements of the proposals. He informed the Committee that the applicants had requested that Condition 18 be amended to require details of the lighting/landscaping proposed to be submitted prior to commencement of the piazza, this was considered to be reasonable. It was also recommended that Condition 19 be amended in the terms set out in the circulated Late Representations List.

Questions/Matters on Which Clarification was Sought

(3) Councillor Steedman enquired regarding the roofing materials proposed for the tension fabric peaked roof, some materials could weather very poorly. It was explained that a thick canvas material which had received a special surface treatment would be used.

(4) Mr Small, CAG enquired regarding the statement that some of the materials used would be "semi-permanent" It was explained that the buildings would be of durable but not permanent materials e.g. brick/concrete.

(5) Councillor C Theobald enquired whether there would be an increase in the level of seating/parking overall and it was confirmed that there would not, although the amount of permanent seating would be increased. Councillor Theobald also asked whether there would be any increase in the number of toilets available for the disabled. It was confirmed that the Cricket Club would need to meet Disability Discrimination Requirements.

Debate and Decision Making Process

(6) Councillor C Theobald stated that she supported the scheme which she considered represented an improvement of that previously submitted.

(7) Councillor Carden also expressed his support for the scheme.

(8) Councillor Steedman expressed support for the scheme but requested that a condition be added requiring samples/details of proposed materials to be submitted and approved by the Council. Members of the Committee agreed that this would be appropriate.

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

179.1 **RESOLVED –** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report to the suggested amendments to Conditions 18 and 19 and to a condition requiring details of materials to be submitted as set out in paragraph (8) above and below.

Amended Conditions

18. Prior to the commencement of the construction of the south-west stand, full details of the surfacing, lighting and landscaping of the Piazza shall be submitted at a scale of 1:20 and agreed in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

19. Prior to their installation, full details of the solar panels and rainwater storage facilities to be incorporated in the Southwest stand shall be submitted at a scale of 1:20 and agreed in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

Additional Informative
7. In accordance with the requirements of condition2 as attached to the permission, in the interests of the visual amenities of the area the Local Planning Authority would expect the roofing material to be used on the Hospitality, Players Club and Executive Suite buildings to be suitably hard-wearing and designed such that it will not easily deteriorate.

B. Application BH 2009/01811, 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) The Planning Officer, Mr Thatcher, gave a presentation detailing the changes between the submitted scheme and that refused in May 2009. It was considered that the previous grounds for refusal had been overcome and a minded to grant approval was recommended.

Questions/Matters on Which Clarification was Sought

(2) Councillor Davey sought confirmation regarding the size of the proposed retail floor space and whether access to that located at first floor level would be accessed via a spiral staircase and it was confirmed that it would.

(3) Councillor Taylor referred to that fact that the prevailing trend tended to be towards local supermarkets opened by large high street names enquiring whether that represented a material consideration when considering the application before Committee. It was confirmed that it did not.

(4) Councillor Taylor also asked if the end retail user was known and where deliveries would take place from. In his view the type and frequency of deliveries and where they would take place from were relevant.

(5) Councillor Taylor also enquired regarding potential increased levels of emissions associated with the development and whether account had been taken of the close proximity of the new dwellings to an air quality maintenance area. Whilst no specialist officer was present to address this matter the Chairman pointed out that the Environmental Health Officer had raised no objections to the proposed development on air quality grounds and that overall officers considered that the previous grounds for refusal had been overcome.

(6) Councillor C Theobald asked to see elevational drawings indicating the differences in external appearance between the two schemes and regarding disabled access. The Principal Transport Planning Officer confirmed that there were no concerns relating to disabled access to the site.

(7) Councillor Taylor enquired regarding any proposed noise mitigation measures to be imposed. He considered that in view of the inclusion of a retail element within the building and its location adjacent to a major road this could be a very noisy location for residential dwellings. The Planning Officer responded that conditions were proposed relating to sound insulation and other mitigation measures.

Debate and Decision Making Process

(8) Councillor Taylor stated that he felt unable to support the application as he considered that the arrangements for deliveries were uncertain, he also considered that the lack of on site shared amenity provision was unacceptable.

(9) Councillor Cobb also considered that the scheme was unacceptable considering that the density of the proposed development was too great and, although improvements were to be funded at Saunders Park as this had to be accessed by crossing a busy main road she did not consider it acceptable.

(10) A vote was taken and on a vote of 10 to 2 minded to grant planning permission was approved.

179.2 **RESOLVED -** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that it is minded to grant planning permission subject to the applicant entering into a Section 106 Obligation and the conditions and informatives set out in the report.

Note: Councillors Cobb and Taylor voted that planning permission be refused.

(ii) MINOR APPLICATIONS

C. Application BH2009/01845, Land adjacent to 9 Challoners Close, Rottingdean – Erection of 2 storey detached dwelling house and partial demolition of garage at 9 Challoners Close.

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

(2) Councillor Wells the Deputy Chairman took the Chair during consideration of this application.

(3) The Area Planning Manager (East), Mr Walke, gave a presentation setting out details of the proposed scheme by reference to photographs, elevational drawings and photomontages. He referred to additional letters of representation received and referred to the fact that the site had been viewed from several neighbouring properties during the course of the site visit the previous afternoon.

(4) Photographs were shown taken from Challoners (which was a Listed Building), from other neighbouring locations and showing existing boundary treatments and the relationship between the application site and neighbouring properties.

(5) Mr Wojelewski spoke on behalf of residents of the 3 immediately neighbouring properties. By reference to photographs he explained that besides compromising the neighbouring Listed Building the proposals were overbearing would have a negative impact and were unsuitable on such a constrained site and were at variance with the neighbouring street scene.

(6) Mr Jackson, the applicant spoke in support of his application stating that he had worked hard to overcome the previous reasons for refusal and had sought to design a modest scheme which respected neighbouring amenity and would not result in overlooking.

Questions/Matters on Which Clarification was Sought

(7) Councillors Cobb and C Theobald enquired regarding the distance from the respective neighbouring boundaries, also details of trees protected by TPO's and proposed boundary treatments.

(8) Councillor C Theobald also sought assurances that none of the trees which were the subject of TPO's would be removed and it was confirmed that was the case.

(9) Councillor Davey sought clarification of the differences between the previously refused scheme (26/03/09) and the current scheme. It was confirmed that Officers considered that all of the previous reasons for refusal had been addressed.

(10) Mr Small, CAG referred to the objections made by the CAG set out in the report and noting that the proposed scheme would now be set further down into the site he enquired of the applicant whether he had concerns given the propensity of the area to flooding. The applicant stated that he was not.

(11) Councillor Cobb sought to confirm the location of any windows looking towards neighbouring sites.

(12) Councillor Steedman enquired regarding the materials to be used and it was confirmed that this would be flint with a brick dressing with powder coated aluminium window frames. Traditional clay roof tiles would be used.

Debate and Decision Making Process

(13) Councillor Cobb stated that she considered the development could have a detrimental impact when viewed from some neighbouring locations and therefore felt unable to support it.

(14) Councillor C Theobald referred to the significant number of letters of objection and was in agreement with Councillor Cobb that this development which would have a large footprint would be highly visible from some neighbouring properties.

(15) Mr Small, CAG referred to the view of the CAG a development in such close proximity to a Listed Building was unacceptable.

(16) Councillor Smart stated that he considered the application site was of similar dimensions to No 8 and could take the scale of development proposed. The developer had worked hard to overcome the previous reasons for refusal and he considered that the scheme was now acceptable.

(17) Councillor Carden stated that given that taking account of the configuration of the site, the scheme was acceptable.

(18) A vote was taken, 11 Members were present when the vote was taken. Therefore on a vote of 8 to 2 with 1 abstention minded to grant planning permission was given.

179.3 **RESOLVED -** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in this report and resolves that it is minded to grant planning permission subject to the applicant entering into a Section 106 Obligation and to the conditions and informatives set out in the report.

Note 1: Having declared a personal and prejudicial interest in the above application the Chairman vacated the Chair during its consideration left the meeting room and took no part in the discussion or voting thereon. Councillor Wells the Deputy Chairman was in the Chair.

Note 2: Councillors C Theobald and Cobb voted that planning permission be refused. Councillor Kemble abstained.

D. Application BH2008/02170, 2 Ashdown Road, Brighton – Demolition of 11 garages and conversion of main dwelling to three flats (1x2 bedroom and 2x1 bedroom) and erection of 2x2 bedroom new build dwellings to the rear of the site.

(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 setting out the constituent elements of the scheme by reference to site plans, photographs showing the rear of the existing building, elevational drawings and proposed floor plans of the flat conversions within the existing dwelling and the two new houses. The location of the proposed on site parking, cycle parking and refuse storage were also shown.

(3) Mr Morley spoke in is capacity as Chairman of the Roundhill Society and on behalf neighbouring objectors. The scheme was considered to be an overdevelopment by virtue of its close proximity to the existing houses which would result in overlooking and loss of amenity. The design of the proposed new houses was out of keeping with the character of the conservation area. Conversion of the existing house into flats ran contrary to the need for family homes.

(4) Mr Turner spoke on behalf of the applicant in support of their application. He explained that the proposed properties would not overlook the neighbouring dwellings by virtue of the configuration and differences in levels across the site. In view of these changes in

level the new dwellings would be located at some distance from the existing residential properties. The proposals would improve the appearance of the site and would provide greening and landscaping to a site which was currently neglected and semi derelict.

Questions/Matters on Which Clarification was Sought

(5) Councillor C Theobald sought clarification regarding how recently the garages had been in use. Mr Turner responded that the garages had been in the ownership of the same family for a number of years, but had been in (unauthorised) use more recently for the sale of used cars. Enforcement action had been taken to ensure that use ceased.

(6) Mr Small, CAG sought clarification of the rationale for the location and positioning of the rear dormer and its juxtaposition to the adjacent properties.

(7) Councillor Taylor referred to the increase in the number of households on the site and enquired whether any noise mitigation measures were proposed. It was explained that such conditions were not imposed in relation to residential developments.

(8) Councillor Steedman referred to the proposed dormer asking whether it could set a precedent for similar developments in the area. He was informed that the dormer was considered to be small and well designed and that similar applications were likely to be considered acceptable.

(9) Councillor Wells also sought confirmation regarding the position of the dormer in relation to neighbouring properties.

(10) Councillor Smart sought confirmation regarding whether the dormer led onto a staircase and its configuration. It was explained that it had been designed to provide increased head height within the room and to give a better outlook.

(11) Councillor Davey enquired regarding the proposed landscaping and it was explained that indicative details of planting had been received.

Debate and Decision Making Process

(12) Councillor Cobb stated that she had concerns that noise emanating from such dense development in close proximity to existing housing could be problematic for existing residents. She also considered that the development would set a precedent for further backland development in the area and that the proposed scheme would be cramped and lacking in amenity space which would be detrimental for existing residents and those moving into the new development.

(13) Councillor Taylor had concerns that the proposal would result in over development of the site. A single dwelling would be preferable.

(14) Councillor C Theobald stated that as well as overdevelopment she had concerns regarding the level of parking to be provided on site bearing in mind that there was already great pressure on available on–street parking in the vicinity of the site.

(15) Councillor Steedman expressed support for the scheme stating that he considered it made good use of a difficult site.

(16) Councillor Carden supported the proposal but requested that a condition be added requesting that in view of the stated difficulties emergency vehicles would have in accessing the site, the applicant be required to provide a sprinkler system. The Development Control Manager stated that this could not be required as a condition as it was captured by Building Control Regulations, an informative could however be added and Members agreed that was their wish.

(17) A vote was taken and on a vote of 8 to 2 with 2 abstentions minded to grant planning permission was given.

179.4 **RESOLVED –** That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of the report and resolves that it is minded to grant planning permission subject to the completion of a Section 106 Obligation to secure contributions as set out in the report and subject to the conditions and informatives set out in the report. A further informative to be added requesting that the applicant give consideration to whether a sprinkler system would be appropriate for this development.

Note: Councillors Cobb and C Theobald voted that planning permission be refused. Councillors McCaffery and Taylor abstained.

E. Application BH2008/02172, 2 Ashdown Road, Brighton - Demolition of 11 garages.

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

(2) A vote was taken and on a vote of 8 to 2 with 2 abstentions planning permission was granted.

179.5 **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 conservation area consent subject to the conditions and informatives set out in the report.

Note: Councillors Cobb and C Theobald voted that planning permission be refused. Councillors McCaffery and Taylor abstained.

F. Application BH2009/01790, 24 Walpole Terrace, Brighton – Replacement UPVC windows to front elevation (retrospective)

(1) The Area Planning Manager (East), Mr Walke, gave a presentation detailing the windows as installed by reference to photographs showing the application address in relation to neighbouring properties in the terrace. He also set out the rationale as to why the application was recommended for refusal. He also referred to a late letter of support received from Councillor Duncan in his capacity as a Local Ward Councillor stating that he did not regard potential removal of the windows as proportionate action.

(2) Mr Wojelewski spoke on behalf of the applicant in support of their application stating that his client had been unaware of the need to obtain planning permission. The windows had been installed in order to address problems of damp penetration, condensation and drafts experienced by his tenants, this had shown a marked improvement since installation of the new windows. There had been no local letters of objection only of support. The windows were similar to others in the immediate vicinity and had been chosen by the applicant and fitted at considerable expense on that basis.

Questions/Matters on Which Clarification was Sought

(3) Councillor Kemble enquired when the windows had been installed and it was confirmed that this had been in April 2009.

(4) Councillor Wells enquired when Walpole Terrace had been included in the Conservation Area had been made and the Area Planning Manager responded that this had been some time previously during the 1980's/90's.

(5) Councillor C Theobald enquired when the windows referred to at other properties in the area had been installed. The Area Planning Manager stated that was not a relevant planning consideration as any properties in the conservation area seeking to have such works carried out now would require planning permission.

(6) Councillor Carden enquired whether planning permission would still be required if the property was a single dwelling rather than having been converted into flats. The Area Planning Manager explained that although reference had been made in the applicant's submission to the absence of an Article 4 Direction, as the majority of properties in the area were in use as flats, maisonettes or were in multiple occupation they would not have any permitted development rights. It would appear that those UPVC windows which had been installed were generally unauthorised. These windows had been installed contrary to policy and there were no mitigating factors which led to an exception to policy being recommended.

(7) Councillors Davey and Smart enquired as to why the applicant had not sought advice as to whether or not planning permission was needed. Mr Wojelewski explained that the applicant had been unaware of the need to apply for planning permission until he had received letters relating to enforcement action.

(8) Councillor Kemble enquired why it had taken so long to process the application and Mr Wojelewski explained that this had been due to his client seeking to provide additional information in support of his application.

(9) Councillor Taylor asked, what advice would have been given to the applicant as to the style and materials which would be considered acceptable. The Area Planning Manager explained that timber sliding sash windows (which could be double glazed) would not break the line of the terrace by opening outwards would be considered acceptable. It was also considered that they would have addressed the problems of condensation and damp which had been referred to.

Debate and Decision Making Process

(10) Councillor Davey stated that although sympathetic towards the applicant he was well aware that buildings, particularly those within conservation areas could be ruined as a result of being fitted with mis-matched windows. It was important to uphold policy.

(11) Councillor Allen referred to the support of the local Green Ward Councillor for the window treatment used. He considered it would be appropriate to relax conditions in this instance. The arguments for use of timber framed windows were in his view exaggerated as much depended upon how they were maintained. In his view timber was more expensive to maintain He did not consider that top opening windows which opened outwards were ugly or compromised the unbroken line of the terrace.

(12) Councillor Wells considered that the proposal was acceptable, 6 other properties in the terrace appeared to have similar windows whether planning permission had been granted for them or not. Toxins were produced when manufacturing UPVC windows, however, in his view this was off set by the fact that on-going maintenance was not required.

(13) Councillor McCaffery considered that the assertion that timber framed windows has a longer life span than UPVC was flawed, especially as regular maintenance of timber framed to the upper the floors of buildings such as those in Walpole Terrace would require the use of scaffolding.

(14) Councillors Cobb and C Theobald whilst considering UPVC windows were appropriate in some instances, they did not consider top opening UPVC windows were appropriate in this location. Whilst she had some sympathy for the applicant, Councillor Cobb was of the view that he should have checked whether planning permission as needed prior to the windows being installed.

(16) Councillor Steedman considered that it was important to be consistent when determining applications in conservation areas, this was a separate matter from whether and what enforcement action might be taken. The Development Control Manager confirmed that if planning permission was refused consideration would be given to taking enforcement action. The potential cost to the applicant of any remedial works was not a relevant planning consideration.

(17) A vote was taken and on a vote of 7 to 3 with 2 abstentions planning permission was refused.

179.6 **RESOLVED -** 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 refuse planning permission for the reasons and subject to the informative set out in the report.

Note: Councillors Allen, Kemble and Wells voted that planning permission be granted. Councillors Carden and McCaffery abstained.

G. Application BH2009/02543, Sussex House, 130 Western Road, Hove - Replacement of existing 6 metre high roof top flagpole to accommodate 3 tri band antennas and installation of additional roof top equipment cabinet.

(1) The Interim Senior Team Planner, Mr Ellwood, gave a presentation and explained that the scheme related to an existing telecommunications site located on the roof on the east side of the building. He further explained that the proposal which would result in mast sharing (which was encouraged) would improve coverage in response to an identified need in that area of the city had been accompanied by a valid ICNIRP certificate indicating that the level of emissions and fell well within recognised safety guidelines and satisfied the precautionary approach recommended in Government guidelines issued following publication of the "Stewart Report".

(2) Mrs Coppard spoke on behalf of neighbouring objectors stating that they had been horrified to find that a mast already existed on the building. They had grave concerns regarding the potential health risk as both a children's nursery and residential accommodation were located in the building. They did not consider that the health implications had been proven either way.

(3) Councillor Watkins spoke in his capacity as a Local Ward Councillor. He considered that the proposal would (by virtue of the addition of a further box cabinet) lead to a proliferation of obtrusive "clutter" which was unacceptable and would be visually intrusive in a conservation area. He considered that the applicants should be advised to seek an alternative location. The potential health "risks" should be considered carefully in relation to a building which housed a nursery and residential accommodation.

Questions/Matters on Which Clarification was Sought

(4) In answer to questions it was confirmed that the nursery was located at ground and first floor levels within the building and that the flats, primarily student accommodation were

located on the upper floors. The Interim Senior Team Planner also sought to indicate the difference in height/width of the proposed flagpole when compared with the existing mast.

(5) Councillor McCaffery sought confirmation regarding whether emissions would be higher than currently. The Interim Senior Team Planner stated that this did not constitute a relevant planning consideration as the applicant had submitted a valid ICNIRP certificate which meant that the combined levels of emissions would remain within the levels recommended by government guidelines. Councillor McCaffery considered that if the level of emissions would be increased this was a factor which she would wish to take account of.

Debate and Decision Making Process

(6) Councillor Taylor stated that he was very concerned regarding the proposal particularly as he believed that the Council as a local authority was not permitting aerials/masts on its own buildings. He felt it was important to apply a consistent approach to privately owned buildings too.

(7) The Development Control Manager referred to the matter raised by Councillor Taylor stating that this constituted a decision taken by the Council in its capacity as a land owner/landlord and was not a material planning consideration and therefore not relevant to consideration of the application before the Committee.

(8) Councillor Davey echoed Councillor Taylor's concerns. Whilst the Council's hands appeared to be tied in planning terms, as a valid ICNIRP certificate had been submitted, he was very concerned that permission had been given permitting a mast to be erected on a building which housed a nursery in the first place.

(9) The Solicitor to the Committee stated that she could only advise the Committee based on current government guidance, case law and appeal decisions. If an application was refused there had to be robust grounds for doing so. If the application were to be refused on health grounds bearing in mind that there was an existing mast on the building and that it had been accompanied by a valid ICNIRP certificate, permission was likely to be granted by the Planning Inspectorate.

(10) A vote was taken and on a vote of 3 to 2 with 7 abstentions planning permission was granted on the simple majority of votes cast in favour of the application.

179.7 **RESOLVED -** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves that it is minded to grant planning permission subject to receipt of no new representations which raise material planning considerations before publicity expires on 24 December 2009 and to the conditions and informatives set out in the report.

Note: Councillors Taylor and Davey voted that the application be refused. Councillors Allen, Carden, Hyde (Chairman), Kemble, Smart, Steedman and Wells abstained.

H. Application BH2009/02105, Garages Opposite 6–10 St John's Road, Hove – Construction of two–storey B1 office following demolition of existing garage.

(1) The Interim Senior Team Planner, Mr Ellwood gave a presentation detailing the scheme by reference to plans showing the existing and proposed schemes. He explained in answer to questions that the application was recommended "minded to grant" because of the need to amend the existing legal agreement.

(2) A vote was taken and Members voted unanimously to grant minded to grant planning permission.

179.8 **RESOLVED -** That the Committee has taken in to consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and are minded to grant planning permission subject to the applicant entering into a satisfactory agreement under Section 106 of the Town & Country Planning Act 1990, as amended, and subject to the conditions and informatives set out in the report.

180. 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

180.1 **RESOLVED -** That the following site visit be undertaken by the Committee prior to determining the application:

Application:	Site Visit Requested by:
BH2009/02331, Land East of West Pier, Esplanade, King's Road, Brighton (Brighton O Wheel)	Development Control Manager

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

181.1 **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 by 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 5.55pm

Signed Chair

Dated this day of