

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm, 25 FEBRUARY 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Allen, Carden (Opposition Spokesperson), Mrs Cobb, Davey, Hamilton, Kennedy, K Norman, Smart, Steedman, and C Theobald.

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

PART ONE

190. PROCEDURAL BUSINESS

190A Declarations of Substitutes

190.1 Councillors Allen and Cobb attended as substitute Members for Councillors McCaffery and Barnett respectively.

190B Declarations of Interest

190.2 Councillors Carden and Hamilton declared a personal and prejudicial interest in application BH2008/03117, 323-325 Mile Oak Road. The applicant was a sponsor of Mile Oak Football Club of which Councillor Hamilton was Chairman and with which Councillor Carden also had connections. It was their intention to leave the meeting during consideration of the application and to take no part in the discussion or voting thereon.

190.3 Councillor Hamilton also declared a personal but not prejudicial interest in Application BH 2008/03045, 19 Bennett Drive, Hove. He had taught the applicant's wife a number of years previously. However he was of a neutral mind and had not predetermined the application and therefore intended to remain present during the discussion and voting thereon.

190C Exclusion of the Press and Public

190.4 The Committee considered whether the press and public should be excluded from the meeting during consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the

likelihood as to whether, if members of the press and public were present there would be disclosure to them of confidential or exempt information as defined in Section 100A (3) or 100(1) of the Local Government Act 1972.

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

191. MINUTES OF THE PREVIOUS MEETING

191.1 **RESOLVED**-That the Chairman be authorised to sign the minutes of the meeting held on 4 February 2009 as a correct record.

192. PETITIONS

192.1 It was noted that petitions had been received from Councillors Bennett (28 signatures), Mrs Brown (150 signatures) and Davis (20 signatures) setting out residents objections to the proposed development at Park House, Old Shoreham Road ,Application BH2008/03640, to be considered as an application on that afternoon's Plans List (for copy of report see minute book).

193.2 **RESOLVED** -That the petitions be received and noted.

193. CHAIRMAN'S COMMUNICATIONS

Web-casting of Planning Committee Meetings

193.1 The Chairman explained that afternoon's meeting of the Planning Committee was being web-cast as part of the on-going pilot study which would run until June 2009. Members were reminded to speak directly into the microphones and to switch them off when they had finished speaking in order to ensure that they could be heard clearly both within the Council Chamber and the public gallery above.

193.2 Correspondence sent to those wishing to make representations to speak at meetings included information to ensure that they were aware that meetings were being web-cast and guidance was given on use of equipment available in the meeting room including operating instructions for the microphones.

Design Tour

193.3 The Chairman confirmed that the next scheduled "Design Tour" was due to take place on 5 June 2009. Further details would be submitted nearer to the date of the visit.

Visit by Members and Officers of Winchester City Council

193.4 The Chairman explained that a group of Members and Officers of Winchester City Council would be visiting the city's New England Quarter and Jubilee Library on 5

March 2009. Following their visit a light lunch would be provided at Hove Town Hall from 11.30am. Members of the Committee were invited to meet and greet these visitors on their return. to Hove Town Hall

Visit to Hove Fire Station

193.5 Arrangements for the visit on 17 March 2009 had been finalised and details forwarded to all Members of the Committee.

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

194. PUBLIC QUESTIONS

194.1 There were none.

195. DEPUTATIONS

195.1 It was noted that a deputation had been forwarded from the meeting of Council held on 29 January 2009 in connection with Park House, Old Shoreham Road, Application BH2008/03640, which was put forward for consideration on that afternoon’s Plans List (for copy of report see minute book).

195.2 **RESOLVED**-That the deputation be received and noted.

196. WRITTEN QUESTIONS FROM COUNCILLORS

196.1 There were none.

197. LETTERS FROM COUNCILLORS

197.1 There were none.

198. NOTICES OF MOTION REFERRED FROM COUNCIL

198.1 There were none.

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

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

*BH2008/03963, Medina House, King’s Esplanade
Development Control Manager

*BH2008/03121, 25–28 St. James’ Street
Development Control Manager

*BH2009/00048, 3-5 Vernon Gardens, Denmark Terrace
Development Control Manager

*BH2008/02816, Land Adjacent, Eastern Breakwater, Brighton Marina
Development Control Manager

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

200. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST DATED 25 FEBRUARY 2009

(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY: 25 FEBRUARY 2009

A. Application BH2008/03640, Park House, Old Shoreham Road, Hove – Demolition of former residential language school and erection of 5 storey block of 72 flats.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer gave a presentation detailing the constituent elements of the scheme including plans, elevational drawings and photomontages and the rationale for the recommendation that the application be refused. Reference was also made to additional representations received which were set out in the late representations list and to further representations received from the Badger Trust, Sussex .
- (3) Ms Paynter spoke on behalf of neighbouring objectors stating that in addition to the grounds for refusal set out in the report there were issues relating to ownership, access and rights of way across and adjacent to the site which were complex. The applicant had submitted no material to indicate how the development would meet the requirements of relevant wildlife and animal protection acts. Information provided by local residents indicated that an extensive clan of badgers was living in the area and that adequate protection measures needed to be put into place. As a consequence of the lack of human activity an unofficial wildlife corridor existed.
- (4) Mr Parsons spoke on behalf of the applicants in support of their application .They had sought to make the development highly sustainable and would ensure that measures were in place to ensure that parking provision would not give rise to problems and that any badgers and other wildlife in the vicinity would be protected. It was considered that the development would provide a modern iconic building.
- (5) Councillors Bennett and Mrs Brown spoke in their capacity as Ward Councillors, Councillor Davis spoke as a neighbouring Ward Councillor. They concurred with the concerns expressed by objectors that overall the scheme was detrimental and would result in overdevelopment of the site.
- (6) Mr Small (CAG) sought confirmation regarding the materials and finishes to be used. Councillor Kennedy enquired whether pre-application discussions had taken place and the rationale for the on site parking and the children's play area being shared space.

The applicant's representative explained that this had been included in order to meet the requirements of the Council's own policies. The Planning Officer responded that the requirement referred to related to applications in a "Home Zone" and were not relevant to this application.

- (7) Councillor Norman sought details of the numbers of bathrooms which were internal. The plans displayed appeared to indicate that this would be so in most of the units. It was explained that bathrooms of 6-8 of the units would have a window; the others would have internal lighting.
- (8) Councillor Smart enquired regarding accessibility of the site to sustainable modes of transport such as buses. Councillor Steedman sought confirmation as to the level of sustainability anticipated for the scheme.
- (9) Councillors Mrs Theobald and Wells considered the building to be ugly and box like and to represent an overdevelopment of the site. Councillor Kennedy concurred in that view also considering that access arrangements and sustainability of the scheme had not been addressed adequately. The level of amenity space proposed was insufficient.
- (10) Councillor Davey stated that he considered that transportation issues needed to be addressed. The site was not well served by public transport as bus routes operating in the vicinity were infrequent. In his view the scheme needed to be of a more modest scale. Councillor Carden agreed, the need for affordable housing was recognised and he was hopeful that the applicant would submit a more suitable scheme.
- (11) Councillor Allen welcomed the level of affordable housing proposed, 43%, which would provide much needed housing. Whilst considering the appearance of the scheme to be generally acceptable, he considered that it would benefit from some amendment, particularly to the top floor.
- (12) A vote was taken and on vote of 11 with 1 abstention planning permission was refused.

200.1 **RESOLVED** -That having taken into consideration and agreeing with the reasons for the recommendation, planning permission be refused for the reasons set out below:

1. The scale and amount of development is considered excessive on this site. The long facades, height, bulk and scale of the building would appear incongruous and not sit comfortably with adjoining buildings and would dominate views of the site, especially from a distance and when approaching the site from the west. As such the development would be detrimental to visual amenity and would detract from the character of the area. The proposal does not meet the objectives of policies QD1, QD2, QD3 and QD4 of the Brighton & Hove Local Plan, which require development to take into account the scale, height and bulk of existing buildings; the prevailing townscape; and the impact on distance views respectively.
2. The design, detailing and external appearance of the buildings, in particular the structures on the top floors, would present incongruous features in the street scene and the relationship between the lower floors and the top floor

accommodation is discordant in visual terms. Notwithstanding a small degree of tree screening, the development would detract from the established character of the area to the detriment of visual amenity and is contrary to the objectives of policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

3. By reason of their height, bulk massing and position in relation to the streets of Goldstone Crescent and Old Shoreham Road the development would have an overbearing and unduly dominant impact, being harmful to the setting of Hove Park and detracting from the sense of space and enclosure in this well established urban area. As such the proposal conflicts with policies QD2 and QD3 of the Brighton & Hove Local Plan which require development to take into account local characteristics including the layout of streets and spaces and the design and quality of spaces between buildings.
4. The occasional play space proposed would also be used as a vehicle parking and manoeuvring area and raises highway safety concerns. In addition the amount of play space within the site does not meet the standard reasonably expected by the Council. As such the application is contrary to the aims of policy TR7 of the Brighton & Hove Local Plan and does not meet the requirements of policy HO6 of the Brighton & Hove Local Plan.
5. The application comprises a major development in a prominent park -side location but does not include adequate provision for renewable energy production on site in order to maximise the energy efficiency of the development and realise the full potential for reductions in harmful emission, and as such does not fully comply with policy SU2 of the Brighton & Hove Local Plan.

Informative:

1. This decision is based on the Lighting Scheme and Lighting Pollution Assessment; Sun Path Diagrams; Desk-based Archaeological Assessment; Phase 1 Habitat Survey, Protected Species Surveys; Bats: Emergence/Activity Survey; Arboricultural Implications Assessment; Site Photographs and Photo Montages; Code for Sustainable Homes Pre-Assessment Report; Transport Statement; Waste Minimisation Statement and Site Waste Management Data Sheet; Heritage Statement; Biodiversity checklist; Lifetime Homes Standards checklist; PPG24 Assessment Concerning Road Traffic Noise; Statement of Community Engagement; Daylight Analysis; Sustainability checklist; and Building Survey submitted on 20 November, 15 December and 16 December 2008; and drawing nos. PL(00)001; PL(00)002 Rev A; PL(00)004; PL(00)005; PL(00)006; PL(00)007 Rev A; PL(00)009; PL(00)010 Rev C; PL(00)011 Rev C; PL(00)012 Rev B; PL(00)0123 Rev B; PL(00)014 REV B; PL(00)015 Rev B; PL(00)016 Rev B; PL(00)017; PL(00)018 Rev A; PL(00)019 Rev A; PL(00)020; PL(00)021; PL(00)022; PL(00)023; PL(00)024; PL(00)101; PL(00)102; PL(00)103; PL(00)104; PL(00)105; PL(00)106; PL(00)107; PL(00)108; and PL(00)109 submitted on 20 November 2008.

Note: Councillor Allen abstained from voting in respect of the above application.

- B. Application BH2008/03440, 7-17 Old Shoreham Road** - Change of use of car showroom and workshops to garden centre with ancillary parking and new crossover. Extension to petrol filling station forecourt shop and extension to link "display area" building with the proposed coffee shop. Associated internal and external alterations.
- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
 - (2) The Planning Officer gave a detailed presentation detailing the scheme and the rationale for the recommendation that the application be refused.
 - (3) Mr Tate, the applicant spoke in support of his application explaining that this family run business had been trading since 1919 and had diversified over that time in order to cater for changing market needs. The car dealership and petrol filling station operating from the site had closed due to lack of business and consultation with local residents had indicated both a local need and a preference for a garden centre. It seemed unlikely that an alternative use could be found for the site which would then become derelict. The applicant had sought to address any concerns of local residents and was prepared to undertake any mitigation measures required in order to address potential contamination of the site caused by its previous use.
 - (4) Councillor Hamilton stated that he was aware that the applicant had worked closely with local residents to address their concerns and that in consequence, significant amendments had been to the scheme including provision of an acoustic fence to the rear of the site and landscaping. Councillor Hamilton sought confirmation that officers were in possession of the latest amendments. The Planning Officer responded that further plans and documents had been received but that they did not address all of their concerns.
 - (5) In answer to questions by Councillors Smart and Wells it was explained that officers had been unable to establish whether the previous use had resulted in contamination of the site or, if so, to ascertain to what level the applicant had failed to provide sufficient information.
 - (6) Councillor Smart stated that he was in agreement with the applicant that the comprehensive service provided by a garden centre was different from that associated with chains such as B&Q, Homebase etc. Councillor Allen concurred considering that the scheme and ancillary café restaurant use was acceptable. Councillor Smart also enquired regarding potential impact on Southwick Nursery. The applicant responded that in his view the services provided by the nursery would be significantly different to their own and that both business uses could therefore be sustained.
 - (7) Councillors Norman, Smart and Mrs Theobald also sought confirmation regarding means of access and egress from the site and Councillor Davey sought clarification regarding the level of employment provided by the previous use and that which would be provided by the proposed use if granted.
 - (8) Councillor Cobb queried whether confirmation had, been received from the Environment Agency regarding any impact the sites previous use could have had on the water table. The Planning Officer explained that the Environment Agency had

responded that they had been provided with insufficient information to enable them to comment.

- (9) Councillor Kennedy stated that she would have grave concerns if planning permission were to be granted in advance of detailed information being received regarding the level of contamination, if any, which had arisen from the previous use and receiving assurance regarding measures to be undertaken in order to address any problems that had been identified. Councillors Davey and Steedman concurred in that view.
- (10) Councillors Steedman and Davey proposed that consideration of the application be deferred pending resolution of the matters referred to in (9) above. However, this proposal was lost.
- (11) A vote was taken and on a vote of 7 to 4 with 1 abstention minded to grant planning permission was agreed in the terms set out below.

200.2 **RESOLVED** -That minded to grant planning permission be approved subject to conditions, informatives and a Section 106 Agreement (if appropriate). These to be agreed by the Development Control Manager in consultation with the Chairman, Deputy Chairman and Opposition Spokesperson. Conditions to include measures to mitigate any potential contamination of the site. This is in order to ensure that the site is returned to an acceptable use which will provide employment opportunities.

Note: A recorded vote was taken. It was proposed by Councillor Wells and seconded by Councillor Cobb that minded to grant planning permission be given in the terms set out above. Councillors Allen, Cobb, Hamilton, Norman, Smart, Mrs Theobald and Wells voted that minded to grant planning permission be given. Councillors Carden, Davey, Kennedy and Steedman voted that planning permission be refused. Councillor Hyde the Chairman abstained.

C. Application BH2008/02854, Varndean College, Surrenden Road – Demolition of existing college with erection of replacement college and nursery (D1) with associated car parking and landscaping.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer gave a detailed presentation setting out the constituent elements of the scheme to replace the existing college buildings and 9 portacabins, which although intended as temporary structures had now been in situ for a number of years. Reference was made to plans, visuals and photomontages, including elevational drawings. The site was also shown from various perspectives and from a number of neighbouring vantage points.
- (3) In answer to questions the Planning Officer explained that English Heritage had not considered the main building worthy of listing. Its design based around interconnecting quadrangles was common for educational establishments of the period when it had been built. The appearance of its frontage had been compromised by the insertion of unsympathetic replacement windows. The footprint of the buildings was shown; this

would be very similar to the existing, although a small element of the main building would be of three storeys in height.

- (4) Mr Small (CAG) sought clarification of the materials to be used. It was explained that mesh covered banding over vertical translucent glass panels would be used on the main frontage. A green roof would also be provided. Councillor Allen stated that untreated Cedar panelling had been used at various locations across the City but had not weathered well. The Planning Officer explained that untreated Larch Panels were proposed which would weather in gradually over time and would be relatively maintenance free.
- (5) In answer to questions of Councillors Cobb, Norman and Mrs Theobald the Planning Officer explained that although it was understood that the option of altering and refurbishing the existing builds had been explored this had not been pursued as they were no longer considered fit for purpose, nor able to accommodate the additional numbers of students attending the college. The applicants had sought to provide buildings which were sustainable and of a contemporary design which would be set down into the contours of the site and would not be discordant with the surrounding green open space. A waste minimisation statement had been submitted with the application and strict control of demolition waste would be required by condition. The Committee were required to determine the application as submitted.
- (6) Councillors Allen and Davey enquired regarding linkage between the facilities to be provided e.g. the hydro-therapy pool and the neighbouring Downs Link special needs college. It was explained that arrangements would be in place for these facilities to be used by the Downs College. Councillor Steedman enquired regarding the impact of the proposed scheme when seen in longer views. The Planning Officer explained as a result of the screening provided by the trees on site and the configuration of the buildings themselves there would be little impact on longer views.
- (7) Councillor Smart enquired whether the travel plan referred to, related to all of the educational establishments ranged around the green open space. It was explained that they related to the scheme for Varndean College only. In answer to further questions it was confirmed that car share arrangements would be encouraged as appropriate and that the applicants considered that the number of car parking and pick up/drop off points were adequate. The scheme would be self-enforcing and permits for use would be issued by the college. The Traffic Engineer confirmed that he had no objections to the proposed arrangements.
- (8) Councillor Mrs Theobald sought clarification as to the elements of the scheme which would be of three storeys in height, and whether the number of children attending the on-site nursery had been included in the figure for the overall increase in the number of attendees at the college and also in respect of the dropping off/picking up and access/egress arrangements for those using the nursery or visiting the college. She stated that in her view retention of the existing buildings would have been preferable and arrangements for bringing children to or collecting them from the nursery by car were inadequate.
- (9) In answer to questions by Councillor Kennedy it was confirmed that the earlier concerns of the Urban Design Panel had been addressed. It was proposed to provide

good quality modern buildings which were fit for purpose, with good linkage between the buildings themselves and the neighbouring special needs college. Councillor Kennedy stated that on balance she supported the scheme.

- (10) Councillor Norman enquired whether the facilities proposed would be able to be accessed by those with a range of physical as well as learning disabilities. It was confirmed that they would. He considered it regrettable that it was not proposed to retain the existing buildings. Councillors Wells and Norman also expressed concern that it appeared the replacement buildings would have a relatively short lifespan (60 years).
- (11) Councillor Allen considered that strong views had been expressed both in support of the scheme and against, seeking retention of the existing buildings. Ultimately he was in agreement that the façade of the existing building had been compromised by the later addition of replacement windows and was not therefore worthy of being listed. He also concurred that the existing buildings were inadequate and could not be refurbished to provide the necessary facilities. Councillor Steedman concurred noting that no one had registered to speak as an objector to the application. Councillor Davey whilst supporting the scheme was of the view that it was very important to ensure that an effective sustainable travel plan system was put into place.
- (12) A vote was taken and on a vote of 8 to 3 with 1 abstention minded to grant planning permission was approved.

200.3 **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.

Note: Councillors Norman, Mrs Theobald and Wells voted that the application be refused. Councillor Hyde the Chairman abstained.

(ii) **DECISIONS ON MINOR APPLICATIONS WHICH VARY FROM THE RECOMMENDATIONS SET OUT IN THE PLANS LIST (MINOR APPLICATIONS) DATED 25 FEBRUARY 2009**

D. Application BH2008/03453, 10 Western Road, Hove - Variation of Condition 1 of BH2005/05358 to read: the premises shall not be open or in use except between the hours of 09.00 and 01.30 on Sunday to Thursday, and 9.00 and 02.30 on Friday and Saturday.

- (1) Councillor Mrs Theobald referred to the fact that a number of objections had been received relating to noise nuisance occurring during the existing hours of operation. Under such circumstances she did not consider it appropriate to grant any extension to the existing hours at the present time. It was noted that the necessary licensing approvals would also be required.
- (2) Councillor Norman sought clarification regarding the earliest date at which the applicant would be able to apply for a further variation should any extension to the current hours of operation be granted. The Development Control Manager explained

that an applicant could apply to vary the terms of any permission granted as frequently as they wished.

- (3) A vote was taken and on a vote of 6 to 3 with 3 abstentions planning permission was refused on the grounds set out below.

200.4 **RESOLVED** - That planning permission be refused on the grounds that it would result in loss of amenity and give rise to an additional potential noise nuisance and would therefore be contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

Note: A recorded vote was taken. It was proposed by Councillor Steedman and seconded by Councillor Norman that planning permission be refused on the grounds set out above. Councillors Cobb, Hyde, (Chairman), Norman, Smart, Steedman and Mrs Theobald voted that planning permission be refused. Councillors Allen, Carden and Hamilton voted that planning permission be granted. Councillors Davey, Kennedy and Wells abstained

I. **Application BH2008/03502, Unit 1, 132-135 Lewes Road, Brighton** -Change of use from retail (A1) to hot food takeaway (A5) including installation of cash machine (ATM) to shop front and erection of extract flue to rear elevation.

- (1) The Area Planning Manager (West) gave a presentation setting out the planning history of the site and the rationale for the recommendation that planning permission be refused. It was not considered that any increased footfall resulting from the ATM would be sufficient to mitigate against the break in the existing shopping frontage which would result from the A5 use.
- (2) Mr Bareham spoke on behalf of the applicant in support of their application. He referred to the previous use of the site as a monumental stonemasons and confirmed in answer to questions that the applicant anticipated that the ATM would produce an additional footfall of up to 150 people per day. The premises had been marketed since May 2006 and no interest had been shown in an A1 use.
- (3) In answer to questions by Councillor Mrs Theobald it was explained that the adjacent unit was in use as a pizza delivery shop. Councillor Hamilton enquired whether as the premises appeared to be a new unit it had ever had any other use. It was explained that two units including the application site had been created from the previous stonemason shop.
- (4) Members made reference to the proximity of other ATMs in the vicinity and in answer to questions the applicant's agent reiterated that it was anticipated that use would generate the level of additional footfall indicated.
- (5) A vote was taken and on a vote of 6 to 4 with 2 abstentions planning permission was granted in the terms set out below.

200.5 **RESOLVED** - That planning permission be granted for change of use from retail (A1) to (A5) hot food takeaway including installation of cash machine (ATM) to shop front and erection of extract flue to the rear elevation. Notwithstanding that this would create a gap of more than 15 metres in the shopping frontage it was considered that

increased footfall resulting from the ATM would mitigate against any loss. The hot food take away use would return an otherwise empty unit to a viable use.

The following conditions to be imposed:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The restaurant shall not be open or in use except between the hours of 8am until 10.30pm on Sunday (including bank holidays).
Reason: To safeguard the amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan
3. No development shall commence until a scheme for the fitting of odour control equipment to the unit has been submitted and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenity of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
5. No development shall commence until a scheme for a suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
6. The hereby approved A5 use shall not be commenced until the ATM has been installed and is fully operational. The ATM shall be maintained throughout the period of use of the unit as an A5 take-away.
Reason; To ensure that the vitality and viability of the District Shopping Centre is maintained in accordance with policy SR5 of the Brighton & Hove Local Plan.

Note: A recorded vote was taken. It was proposed by Councillor Smart and seconded by Councillor Cobb that planning permission be granted in the terms set out above. Councillors Cobb, Hyde (Chairman), Norman, Smart, Mrs Theobald and Wells voted

that planning permission be granted. Councillors Carden, Davey, Kennedy and Steedman voted that planning permission be refused. Councillors Allen and Hamilton abstained.

(iii) **OTHER APPLICATIONS**

E. Application BH2008/03117, 323-325 Mile Oak Road, Portslade – Construction of 3 storey block to create nine flats following demolition of existing building

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

(2) The Planning Officer gave a presentation showing photographs of the existing development in relation to its neighbours. Reference was made to the previous application also for 9 flats; this had been approved by the Committee but had been unable to be implemented. Reference was also made to representations in support of the scheme received from Councillor Alford. Notwithstanding that the footprint of the building had been reduced slightly, the development was considered excessive and refusal was therefore recommended for the reasons set out in the report.

(3) A vote was taken and on a vote of 9 with 1 abstention the application was refused.

200.6 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for refusal set out in the report.

Note: Having declared personal and prejudicial interests in respect of the above application Councillors Carden and Hamilton left the meeting during its consideration and took no part in the discussion or voting thereon. Councillor Smart abstained from voting.

F. Application BH2008/03045, 19 Bennett Drive, Hove - Demolition of existing property and construction of a new two storey four bedroom detached house.

(1) Councillor Mrs Theobald requested to see plans and photographs of the proposed development once completed.

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

200.7 **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 to grant planning permission subject to the conditions and informatives set out in the report.

G. Application BH2008/03942, 21 Bennett Drive, Hove – Demolition of existing two-storey detached house and construction of new two-storey detached house and construction of new two and half storey 5 bedroom house, with basement level parking and waste storage facilities.

(1) Councillor Mrs Theobald requested to see elevational drawings of the proposed development. Councillor Smart sought confirmation that the development would be

located on a corner plot. Councillor Steedman referred to the fact that Level 5 sustainability was being sought. This was welcomed and he requested that a condition be added to any permission granted to ensure that this was achieved. The Development Control Manager confirmed that this could be done.

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

200.8 **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 including that referred to in Paragraph 1 above.

H. Application BH2008/03826, Alliance Pharmacy, 105 St George's Road, Brighton - Display of externally illuminated fascia sign and projecting sign.

- (1) The Area Planning Manager (East) gave a presentation detailing the proposals and showing photographs indicating the current and proposed appearance of the premises.
- (2) A vote was taken and on a vote of 9 with 3 abstentions advertisement consent was granted.

200.9 **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 advertisement consent subject to the conditions and informatives set out in the report.

Note: Councillors Davey, Kennedy and Steedman abstained from voting in respect of the above application.

J. Application BH2008/02772, William IV Gateway, Royal Pavilion, Church Street, Brighton – Installation of new wrought and cast iron secondary vehicular gates and gate piers with automated electronic control gear and removal of existing central roadway bollard; re-surfacing of existing tarmac with second-hand granite setts and Yorkshire pavings.

- (1) The Area Planning Manager (East) gave a presentation indicating the location of the proposed structure behind the existing gateway. In answer to questions it was explained that the gates would be open during the day and would replace the existing rising bollards which were not considered to be working effectively.
- (2) Councillor Davey asked questions regarding the current bollard arrangements. Councillor Steedman queried whether an application for planning permission would also be required and whether pedestrian access could be considered in concert with it. The Area Planning Manager explained that it would. It was understood that a planning application had been submitted recently. Councillor Mrs Theobald that she had concerns in respect of the current shared pedestrian/vehicular access and considered that it would be appropriate to consider the planning and listed building applications together. Councillor Cobb concurred stating that she was confused regarding the precise arrangements proposed and how they would operate in practice. In her view it

would be beneficial for Members to carry out a site visit prior to determining the application.

- (3) A vote was taken and Members voted unanimously to consider the planning and listed building applications together and to carry out a site visit prior to the meeting at which the applications were to be considered.

200.10 **RESOLVED-** That consideration of the above application be deferred pending a site visit. The site visit to take place at such time as the planning application may be considered in concert with the listed building application.

K. Application BH2008/03389, Land Rear of 95 The Ridgway, Woodingdean – Proposed erection of new two storey dwelling.

- (1) The Planning Officer gave a presentation detailing the scheme and setting out the rationale for the recommendation that planning permission be granted.
- (2) Councillor Simson spoke in her capacity as a Local Ward Councillor on behalf of neighbouring objectors. Although not a planning consideration the applicant had failed to carry out works previously agreed. The proposal was considered an over development of the site by reason of its siting, backland location, development form and visual relationship to the dwellings in Kipling Avenue. Overall it was considered that the proposal would compromise the visual amenity of the street scene in which it would be read (Kipling Avenue) and would be harmful to the character and appearance of the locality.
- (3) Councillor Cobb considered that statements regarding sustainability of the scheme appeared to be conflicting and sought confirmation of the sustainability rating anticipated. Mr Small (CAG) enquired regarding the materials proposed. It was explained that the building would be of brick and tile construction to match neighbouring properties. Condition 6 as proposed would require samples to be submitted and approved.
- (4) Councillors Cobb and Mrs Theobald sought confirmation regarding the location of the application site in juxtaposition to the front/back gardens of neighbouring dwellings. They also enquired regarding access arrangements for emergency vehicles and in respect of refuse collection arrangements.
- (5) Councillor Wells requested that a condition be added to any permission granted to seek to prevent disruption and disturbance of neighbouring amenity which could result if access was to be permitted via Kipling Avenue during the construction process. The Solicitor to the Committee sought confirmation of the extent of public highway adjacent to the site. It was established that as the land referred to by Councillor Wells was not public highway, a condition could be added to ensure that access was via the “parent” property during the construction process.
- (6) Councillor Mrs Theobald stated that she regarded the proposal as ugly and of inappropriate height. It would set a precedent for other backland developments. It was noted that that planning permission had already been granted for several similar

developments in the vicinity. Councillor Steedman welcomed the provision of a family home.

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

200.11 **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 additional condition set out in (5) above.

Note: Councillors Cobb, Norman and Mrs Theobald voted that planning permission be refused. Councillors Hyde (Chairman) and Wells abstained.

(iv) **DECISIONS ON APPLICATIONS DELEGATED TO THE DIRECTOR OF ENVIRONMENT**

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

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

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

201. 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

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

*BH2008/03963, Medina House, King’s Esplanade
Development Control Manager

* BH2008/03121, 25-28 St James’ Street
Development Control Manager

*BH2009/00048, 3-5 Vernon Gardens
Development Control Manager

*BH2008/02816, Land Adjacent Eastern Breakwater, Brighton Marina
Development Control Manager

BH2008/02772, William IV Gateway, Royal Pavilion, Church Street
Councillors Cobb and Steedman

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

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

202.1 The Committee noted those applications determined by Officers during the period covered by the report.

203. APPEAL DECISIONS

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

204. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

205. INFORMATION ON INFORMAL HEARINGS/ PUBLIC INQUIRIES

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

The meeting concluded at 6.45pm.

Signed

Chairman

Dated this

day of

