

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 17 FEBRUARY 2016****THE RONUK HALL, PORTSLADE TOWN HALL****MINUTES**

Present: Councillors Cattell (Chair), C Theobald (Group Spokesperson), Barradell, Bennett, Hamilton, Inkpin-Leissner, Miller, Morris, O'Quinn, Wares and West

Co-opted Members: Jim Gowans (Conservation Advisory Group)

Officers in attendance: Jeanette Walsh (Planning & Building Control Applications Manager); Mick Anson (Principal Planning Officer); Sue Dubberley (Principal Planning Officer); Kate Brocklebank (Principal Planning Officer); Steve Shaw (Principal Transport Officer); Alun Cance (Technical Officer); Alison Gatherer (Lawyer) and Ross Keatley (Democratic Services Manager).

PART ONE**137 PROCEDURAL BUSINESS****(A) Declarations of substitutes**

137.1 Councillor O'Quinn was present in substitution for Councillor Gilbey, and Councillor West was present in substitution for Councillor Littman.

(B) Declarations of interests and lobbying

137.2 Councillor West declared a personal interest in respect of Application B) BH2015/03285 – Land Adjacent to the American Express Community Stadium, Village Way, Brighton as he was a Member of the South Downs National Park Authority.

137.3 Councillor Wares declared a personal interest in respect of Application B) BH2015/03285 – Land Adjacent to the American Express Community Stadium, Village Way, Brighton as he was a season ticket holder for Brighton & Hove Albion; however, he was of an open mind and would remain present for the consideration and vote on this application.

137.4 Councillor Wares also noted, in respect of Application C) BH2015/02509 – Pavilion & Avenue Law Tennis Club, 19 The Drove, Hove, that he had attended the site in the

evening by himself; he had also viewed the site from two of the surrounding residential properties.

- 137.5 Councillor Barradell declared a personal interest in respect of Application C) BH2015/02509 – Pavilion & Avenue Law Tennis Club, 19 The Droveaway, Hove as she lived very close to the site; however, she was of an open mind and remain present for the consideration and vote on this application.
- 137.6 The Chair noted in respect of Application B) BH2015/03285 – Land Adjacent to the American Express Community Stadium, Village Way, Brighton that all Members of the Committee had been lobbied in the form of a letter in the post from the applicant.

(C) Exclusion of the press and public

- 137.7 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.
- 137.8 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

(D) Use of mobile phones and tablets

137. The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to ‘airplane mode’.

138 MINUTES OF THE PREVIOUS MEETING

- 138.1 As the minutes had been circulated with the Addendum, it was agreed they would be deferred to the next meeting for agreement to ensure the Committee had time to read them in full.

139 CHAIR'S COMMUNICATIONS

- 139.1 It was noted that Application D) – 70 Barnett Road, Brighton had been removed from the agenda to allow Officers to undertake further investigation.

140 PUBLIC QUESTIONS

- 140.1 There were none.

141 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

- 141.1 There were no further requests for site visits in relation to matters listed on the agenda.

142 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

- A BH2015/03148 - St Mary's Hall, Eastern Road, Brighton - Full Planning** - Erection of 3 storey modular building on existing tennis court and car parking area for use as construction site offices for the 3Ts hospital development for a temporary period of up to eight years.

Officer Presentation

- 1) The Principal Planning Officer introduced the report and gave a presentation by reference to plans, photographs and elevational drawings. The application sought permission for the erection of a three-storey modular building for temporary use for up to 8 years; an additional letter of objection in the Late List was also highlighted. The current car park was used as B1 offices and doctors residential accommodation; parking was restricted to hospital staff only. The two top tiers of the building would be visible above the listed flint wall; all of the south facing windows would have obscure glazing, and there would be no windows on the ground floor or east elevation. It was highlighted that condition 7 was to be deleted, and the report was recommended for refusal for the reasons set out in the report.

Public Speaker(s) and Questions

- 2) Ross Sully spoke in objection to the application in his capacity as a local resident. He was of the view that the temporary permission could lead the establishment of permanent building on that location. The area was already very congested and dangerous, and the majority of pedestrians used the road rather than the footpath. Little consideration had been given to how the proposed 400 workers on site would park and how they would access the site as there was already insufficient parking. Neighbours were already affected by inappropriate parking around the site, and this proposal would make the situation worse. Insufficient consideration have been given to alternative locations around the site; with no examples given or why they had been rejected.
- 3) Mr Steve Chudley spoke in support of the application in his capacity as the applicant. He responded to the points raised in objection and stated that no vehicles would be parked on the site; the location of the park and ride was currently being finalised. The windows on the southern elevation would be obscurely glazed and have no impact on privacy. In relation to the loss of the tennis court arrangements had been made to re-provide the facility elsewhere. The structure was temporary and the full intention was for use only associated with the hospital redevelopment; after three years it was intended to scale down the building from three-storeys to two.
- 4) In response to Councillor Barradell the Speaker explained that staff would arrive at the between 0630 and 0700 hours and leave at around 1800 hours; this would be outside of school drop off and pick up times.
- 5) In response to Councillor West the Speaker explained that there would be 375 employees on site by late 2018; with around 250 of these coming into the city daily; the applicant was currently in negotiations to allow staff to park at the former gasworks site on Eastern Road and walk down to the site.

- 6) In response to Councillor C. Theobald it was clarified that the trust would prefer not to have parking on the site.
- 7) In response to Councillor Hamilton the Speaker explained that the only other site that could be appropriate was the restaurant roof; however, this was logistically difficult, it was highlighted that the whole southern footprint of the site was being excavated.
- 8) It was confirmed to Councillor Miller that the former gasworks site had not been seen as a possibility as it was too far from the main construction site.

Questions for Officers

- 9) In response to Councillor West it was explained by Officers that there was a Construction, Environmental Management Plan as part of the whole 3Ts redevelopment which sought to regulate and manage all traffic movement, and this was the correct mechanism to monitor and manage any additional movements.
- 10) In response to Councillor Inkipin-Leissner it was confirmed that the Heritage Team had commented the building would cause substantial harm if it was permanent, and was very unlikely this type of building would be granted permanent consent.
- 11) It was confirmed that works to the flint wall and extending the pavement were due to take place once the weather improved.
- 12) In response to Councillor Barradell it was clarified that smoking off the site was not a material planning consideration, but this matter could be taken up by the hospital and residents liaison group.
- 13) In response to Councillor Wares it was clarified that the date between the removal of the temporary buildings and the reinstatement of the site was to give a long stop date to clean up the site.
- 14) In response to Councillor O'Quinn it was explained that the access shown in the photo by the Objector was too narrow for a footpath; instead pedestrians could be encouraged to use other access points.
- 15) In response to Councillor Barradell it was confirmed that the tennis court would be open to the public. It was also explained that it was proposed to remove Condition 7 as this could be better managed through the s106 agreement.

Debate and Decision Making Process

- 16) Councillor C. Theobald noted that the scheme was temporary in nature and part of the wider 3Ts development. Whilst she didn't welcome the loss of parking she would support the Officer recommendation.
- 17) Councillor Wares proposed amending Condition 4 to reflect the restoration of site to be completed within 6 months; this was seconded by the Chair.

- 18) Councillor Hamilton noted that the current hospital buildings were no longer fit for purpose, and this building was a necessary element of enabling that development. For these reasons he would support the Officer recommendation.
- 19) Councillor Barradell noted she had some reservations, but would support the Officer recommendation. She highlighted her concerns in relation to additional vehicle movements; additional noise and pollution and problems during school drop off and pick up times. The Chair commented that there were other regulatory regimes that would help to monitor the situation.
- 20) Councillor Inkpin-Leissner noted the position of the objectors, but he recognised the necessity of the new hospital and the temporary nature of the consent.
- 21) A vote was taken of the eleven Members present, together with the amended Condition 4, and deleted Condition 7 and the Officer recommendation that permission be minded to grant was **carried** unanimously.
- 142.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the conditions and informatives set out in section 11, and the amended Condition set out below:

Condition 4: Wording to be amended to require the existing land and facilities to be restored to the satisfaction of the LPA prior to 01 October 2024.

Note: Councillor Mac Cafferty was not present at the meeting.

B BH2015/03285 - Land Adjacent to the American Express Community Stadium, Village Way, Brighton - Full Planning - Construction of a 3no storey plus basement building comprising of a hotel at ground and upper floors (C1) providing total of 150no bedrooms, restaurant, bar, reception, gymnasium, meeting room, lounge and plant facilities and provision of Stereotactic Radiotherapy Unit (D1) at basement level, incorporating hard and soft landscaping, creation of new access, provision of 62no car parking spaces and other associated works.

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

Officer Presentation

- 2) The Principal Planning Officer gave a presentation by reference to plans, photographs and elevational drawings; attention was also drawn to matters on the late list as well as a letter of support from two local MPs and additional information that had been sent to Committee Members from the applicant. The application sought permission for a three-storey, plus basement hotel; consisting of 150 bedrooms, 62 parking spaces and a radiotherapy unit. The site was adjacent to the north-east of the American Express Stadium and the site was located within the boundaries of both the city and the Lewes District Council; the District Council would also be required to determine the same application.

- 3) In relation to design to the stadium was the prominent feature of the area, and it was considered that proposed design of the hotel would lead to the loss of the 'nestling' effect; furthermore the loss of the green bund and the addition of the massing and linear form of the hotel would detract from the stadium. The proposed building would appear block-like from the front as the curved elements of the building were at the rear. The design issues had been highlighted to the applicant at both the pre-application stage with Members, and during the consideration of the application when the Case Officer had invited the applicant to present to an independent design panel, which they had declined to do. Concern had also been raised at the pre-application stage in relation to the lack of a green features. The South Downs National Park had also responded to suggest the building be more sculpted to better fit into its context.
- 4) The applicant had also not been willing to agree to the proposed s106 contributions which had been identified for sustainable transport and sustainable employment, notwithstanding these being reduced. The applicant had made an offer around sustainable transport the day before the Committee meeting, but with a caveat that was not considered acceptable to the Local Planning Authority. Where applicants disputed s106 contributions the usual practice was to involve the District Valuer to seek justification on the grounds of viability; however, in this instance this had not been done. The application was recommended for refusal for the reasons set out in the report.

Public Speaker(s) and Questions

- 5) Councillor Marsh spoke in her capacity as a Local Ward Councillor; she highlighted that she represented the views of the other two Councillors in her ward. She advocated strong support for the scheme as the stadium had been an important success, both within her ward and the city. The stadium had regionally important economic benefits, including the delivery of local jobs, and had international standing with events such as the Rugby World Cup. The proposed hotel would continue to build on this positive trend. The proposed design would complement the stadium, and would be modest in comparison to the stadium. The application had support from a range of stakeholders, as well local MPs. The Committee were invited to approve the application for the economic benefits to the local area.
- 6) Councillor Marsh confirmed in response to the Chair that she had not attended the pre-application briefing for Members.
- 7) Martin Perry spoke in support of the application in his capacity as the applicant. He stated that the site was very constrained and triangular in shape; the applicant did not own the adjacent car park and therefore could not use or build on that site. The comments at the pre-application stage and had been considered; however, lowering the scale of the building would require an increase in the footprint. The proposals were designed by the same architect as the stadium and the ethos had been to enhance the stadium. Green walls and roofs were not considered appropriate, and would look out of place against the stadium. The applicant had also had advice that the views were not considered harmful to Stanmer Park. The application had overwhelming support, and the Committee were invited to consider if the harm would outweigh all the benefits of the scheme to the local area when balancing the decision before them.

- 8) In response to the Chair the applicant explained when they were aware of the design concerns a report was produced to explain how the architects had reached the design that was being proposed. The option to go to an independent design panel was not considered worth pursuing due to the constrained nature of the site, and the applicant was of the view that their architects had fully explored all other design options.
- 9) In response to Councillor Miller the applicant explained that a softer design had not been pursued as the design was considered to compliment the stadium and the addition of green features was not considered appropriate. In response to further queries from Councillor O'Quinn the applicant reiterated that the proposed design was considered appropriate given the setting, and would not lose the curved features of the stadium.
- 10) Councillor Miller asked a further question in relation to the loss of the green bund around the site, and the applicant explained that they were of the view the green bund had never been a natural addition to the site. The site already had landscaping to soften the impact, and the advice of their architects was that green features would look inappropriate against the backdrop of the stadium.
- 11) In response to Councillor Barradell it was explained that the cancer treatment centre linked to other treatment facilities in the stadium; the funding was likely to be private, but the NHS would be able to buy into the service. In response to further queries from Councillor Bennett it was explained that the applicant was currently in talks with the NHS about the use of the facility.
- 12) In response to Councillor C. Theobald it was explained that the level of parking was considered sufficient for the size of the hotel and the provision of additional parking by excavating the basement was not considered necessary.
- 13) In response to Councillor Wares the applicant explained that they had not been asked to enter into a dialogue with, or provide the Local Planning Authority information in relation to viability.

Questions for Officers

- 14) In response to same matter raised by Councillor Wares in relation to viability Officers provided information in relation to the initial proposed level of s106, and the reduced level that the Local Planning Authority had put to the applicant. The Case Officer also confirmed that she had written to the applicant setting out there was an expectation to involve the District Valuer if the proposed s106 contributions were going to be disputed on the grounds of viability.
- 15) In response to Councillor Miller the method used to clarify s106 contributions in relation to transport was clarified; in particular how this related to mitigation of impact. It was also clarified that the reduction in car parking spaces on the site for the stadium would be 156, but this loss had not been factored into the total s106 contributions.
- 16) In response to a further question from Councillor Miller the Case Officer clarified that there was a light-well for the basement, but it was appropriate for the treatment rooms

to be enclosed given their use. The distance from the hotel to the stadium was also clarified.

- 17) In response to Councillor Barradell it was confirmed that the neighbouring car park was not owned by the applicant; the actual site that formed the application currently had consent for use as a car park. In relation to the cancer treatment centre; the Local Planning Authority had confirmation from the NHS that they would use the facility.
- 18) In response to Councillor West it was clarified that the bund had not been built to the specification in the original consent; there had been a subsequent planning application to reduce the height and remove the planting; this application would completely remove the bund, replacing it with the hotel.
- 19) The Case Officer confirmed to Councillor Wares that the initial request from the applicant to meet with the Local Planning Authority had been declined as no consultations responses had been received at that point and meeting would not otherwise be conducive; however, a meeting was offered by the Local Planning Authority later in the lifetime of the application, but no response was received.
- 20) It was confirmed for Councillor Morris that management of the parking at the hotel site on match days would form part of the travel management plan were the application approved.
- 21) It was confirmed for Councillor Barradell that the line of building closest to the stadium largely followed the line of stadium, though the curve reduced in places.
- 22) It was confirmed for Councillor O'Quinn that the hotel would not be used for conferences.
- 23) Officer explained, in response to the Chair, that the offer of s106 contributions from the applicant in relation to sustainable transport was not in line with standard procedure; which asked for the payment ahead of the scheme and the agreement was then for the authority to undertake the works.

Debate and Decision Making Process

- 24) Councillor C. Theobald stated that, although she felt the design could be better, the scheme would blend well with the existing stadium and the form of building worked well the curves of the stadium. Whilst the loss of parking was regrettable, there were only two objections to the scheme and the benefits would outweigh the harm; the cancer treatment centre would also be a welcome addition.
- 25) Councillor Miller noted the difficulty of the decision and recognised the economic and community benefits that the stadium and football club brought to the city. He went on to note that despite this the applicant had to be treated the same as for any other application, and he agreed with the position of Officers in relation to design which had been raised with the applicant at the pre-application stage. Given the level of proposed development in this area of the city it was important that the standard of design be good. He expressed concern in relation to the loss of parking and the potential impact this would have on match days. He added that the design did not complement the

existing stadium and there was no mitigation for the loss of the green bund. For these reasons he would support the Officer recommendation.

- 26) Councillor West noted that the National Park had been created since the stadium had been built; the stadium itself was of significant architectural merit and any scheme needed to work with it. The visual impact on the national park was important as it surrounded the site and Stanmer Park had views onto it; the South Downs National Park had also expressed a view as a Planning Authority. The replacement of the green bund with the hotel was not considered acceptable, and, whilst, the economic and community benefits of the football club were recognised this not considered to outweigh issues around the design and the impact on the National Park. For these reasons he would support the Officer recommendation.
- 27) Councillor Bennett stated that she did not feel the impact of the proposal would be significant given the setting against the stadium; whilst she felt the design could be better, she stated she would vote against the Officer recommendation.
- 28) Councillor Barradell stated that she welcomed the principle of the development, but she felt the proposed design was not appropriate for the area. She expressed concern in relation to the position of the applicant around s106 contributions, and noted that the relationship between the applicant and the Local Planning Authority could have been better. She stated it was unlikely she would vote against the Officer recommendation.
- 29) Councillor O'Quinn stated that she agreed with the comments made by Councillors Miller and West during the debate. She found the building to be stark, and didn't believe it would fit in with the stadium. She felt more could have been done to soften the design; whilst she agreed with the principle of the development the design needed to be high quality due to the prominent position.
- 30) Councillor Morris stated that the proposal was different from the stadium and the 'starkness' would not compliment it.
- 31) Councillor Hamilton stated that he had sat on the Planning Committee that granted consent to the stadium; he did not accept that the proposal would harm views onto the National Park, and he felt the issues around s106 contributions could be overcome. For these reasons he would not support the Officer recommendation.
- 32) Councillor Inkpin-Leissner stated that the relationship between the applicant and the Local Planning Authority was regrettable; however, he was of the view that the design was appropriate; it would match the stadium and be of the same standard. For this reason he would not support the Officer recommendation.
- 33) Councillor Wares stated that he was indifferent to the proposed design, but did not feel it would be significantly harmful enough to refuse the scheme given the wider context of the area; he stated he could not support the Officer recommendation for the first reason in relation to design. He went on to add that were the Committee minded to grant the application then the full level of s106 contributions should be provided by the applicant unless they could prove a viability case to justify reduced contributions. Overall he stated that he would not support the Officer recommendation.

- 34) In response to Councillor Barradell it was confirmed by Officers that were the Committee minded to grant the application the settlement of the s106 could be delegated to Officers.
- 35) At this point Councillors: West, Wares, Barradell, Morris and Inkpin-Leissner spoke again in the debate and reiterated their earlier points.
- 36) The Chair stated that she agreed with the Officer recommendation. It was important that the Committee consider the merits of the scheme before them regardless of who the applicant was; with this in mind it was important that anything built on the site be of appropriately high standard of design. She also agreed with the points raised by Councillor West in relation to the impact on the National Park. For these reasons she would support the Officer recommendation.
- 37) A vote was taken of the eleven Members present; the vote was tied with 5 in support, 5 against and 1 abstention; the Officer recommendation to refuse was then **carried** on the Chair's casting vote.

142.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reasons set out below:

Reasons for Refusal:

1. The proposed development, by reason of its design, detailing and form would fail to provide a suitable standard of design and appearance for new development, would relate poorly to the adjoining stadium development and would create a poor contrast with the stadium building and in addition would be architecturally inappropriate to the Downland setting and would adversely affect the setting of the listed Stanmer Park. As such the proposal is contrary to policies QD1, QD2, NC8 and HE11 of the Brighton & Hove Local Plan 2005 and policy SA5 of the emerging City Plan Part One.
2. The application, in the absence of detailed measures to promote and encourage sustainable transport and provide a legal obligation for highway improvements, fails to provide for the travel demand it creates. As such, the proposal is contrary to policies TR1 and QD28 of the Brighton & Hove Local Plan and policy CP7 of the emerging City Plan Part One.
3. The application, in the absence of detailed measures to promote and encourage sustainable economic development and provide a legal obligation for improved job opportunities for local residents, fails to provide for a sustainable economic development. As such, the proposal is contrary to policy QD28 of the Brighton & Hove Local Plan and policies CP2 and CP7 of the emerging City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to

making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

Note: Councillor Mac Cafferty was not present at the meeting.

C BH2015/02509 - Pavilion & Avenue Lawn Tennis Club, 19 The Drove, Hove - Full Planning - Installation of 8no eight metre high floodlights to courts 6, 7 and 8.

Officer Presentation

- 1) The Principal Planning Officer introduced the application and gave a presentation by reference to plans and drawings, an aerial view was also provided to give a better understanding of the vegetation surrounding the site. The impact on neighbouring amenity was deemed to be acceptable, and the conditions in the report proposed restricting the level of light and the hours of use. The application was recommended for approval for the reasons set out in the report.

Questions for Officers

- 2) In response to Councillor Barradell it was confirmed that the baffles under the lights would reduce the light to a level the ecologist considered acceptable in relation to bat foraging and commuting.
- 3) In response to Councillor Bennett the height of the existing lights was confirmed. It was also confirmed there had no complaints in relation to the existing light levels, and no statutory nuisance established.
- 4) In response to Councillor West it was confirmed that the proposed lights would be the same height as the existing ones of the floodlit courts. In relation to sustainable transport there were several bus routes and intermittent cycle routes which was considered as good as the general provision across the city.
- 5) In response to Councillor Wares it was confirmed that use of the courts was restricted to members of the tennis club and proportionate weight should be given to the increase in provision; however, this wasn't to say that it outweighed the potential harm.
- 6) It was confirmed for Councillor Bennett that no harmful impact in terms of transport had been identified in relation to the application.
- 7) In response to Councillor Hamilton it was confirmed that the hours of use would be restricted to those of the existing floodlights.
- 8) In response to Councillor Morris it was confirmed that the current operation of the lights was by token; which stopped them being used in excess of the court usage.

Debate and Decision Making Process

- 9) Councillor Bennett noted the huge impact this type of light pollution could have on resident's lives; she stated that the club already had floodlights and that she would not support the Officer recommendation.
- 10) Councillor Wares stated that he had observed high levels of illumination when he visited the site; he had concerns for the overall cumulative impact on amenity for the residents in the area and for these reasons he would not support the Officer recommendation.
- 11) Councillor West noted he had concerns in relation to traffic on the Droveway and the impact on ecology – for these reasons he would not support the Officer recommendation.
- 12) Councillor Miller stated he would not support the Officer recommendation and was of the view that the impact on the Droveway had not been fully considered.
- 13) Councillor O'Quinn stated that this level of light could be intrusive into resident's homes; for this reason she would not support the Officer recommendation.
- 14) Councillor Inkpin-Leissner stated he would not support the Officer recommendation.
- 15) Councillor Morris also stated that he had visited the site at night time and was alarmed by the levels of the light; for this, and the others reasons highlighted in the debate, he would not support the Officer recommendation.
- 16) Councillor Barradell stated that she was not convinced that this would add to traffic issues in the area, but she still had concerns in relation to ecology.
- 17) Councillor C. Theobald stated that the additional impact on residents was unfair and she would not support the Officer recommendation.
- 18) The Chair noted the additional lights would add to the cumulative impact and she would not support the Officer recommendation.
- 19) A vote was taken by the eleven Members present on the Officer recommendation that permission be granted and this was **not carried** on a vote of 2 in support with 9 against. Councillor Bennett proposed reasons for refusal and these were seconded by Councillor Inkpin-Leissner, a short adjournment was then held to allow the Chair, Councillor Bennett, Councillor Inkpin-Leissner; the Planning & Building Control Applications Manager; the Solicitor; the Principal Planning Officer and the Technical Officer to draft the reasons in full. These were then read to the Committee and it was agreed that they reflected those that had been put forward. A recorded vote was then held and Councillors: Cattell, O'Quinn, C. Theobald, Bennett, Inkpin-Leissner, West, Miller, Morris and Wares voted that permission be refused; Councillors: Barradell and Hamilton voted that permission not be refused.

142.3 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **REFUSE** planning permission for the reasons set out below:

Reason 1

The proposed lighting will result in a development having an adverse cumulative impact on the amenities of nearby residents by reason of the resulting total overall visible light levels. The proposed development is therefore contrary to policies QD26 and QD27 of the saved Brighton & Hove Local Plan 2005.

Reason 2

The development will result in an increased and detrimental noise and disturbance impact on nearby residents. This development is therefore contrary to Policies SU10 and QD27 of the saved Brighton & Hove Local Plan 2005.

Note: Councillor Mac Cafferty was not present at the meeting.

D BH2015/01562 - 70 Barnett Road, Brighton - Full Planning

142.4 This application was withdrawn from the agenda to allow Officers to undertake further considerations.

E BH2015/03913 - 40 Tongdean Avenue, Hove - Householder Planning Consent - Remodelling of house incorporating erection of two storey extension to front, two storey extension to side and rear, alterations to roof, revised fenestration and other associated works.

- 1) The Principal Transport Officer updated the Committee that Councillor Brown had written in support of the application, but her letter had mistakenly not been included with the Officer report. The application was recommended for approval for the reasons set out in the report.
- 2) It was confirmed for Councillor C. Theobald that this scheme did not propose a garage.
- 3) It was confirmed for Councillor Morris that the 2012 consent established that an extension of the existing property was acceptable in principle.
- 4) It was confirmed for Councillor Barradell that the flat roof element of the extension would be at the rear of the property.
- 5) A vote was taken by the eleven Members present, and the Officer recommendation that permission be granted was **carried** unanimously.

142.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to a s106 agreement and the conditions and informatives set out in section 11.

Note: Councillor Mac Cafferty was not present at the meeting.

143 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

143.1 There were no further requests for site visits in matters listed on the agenda.

144 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

144.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

145 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)

145.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. 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. 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 they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

146 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

146.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

147 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

147.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

148 APPEAL DECISIONS

148.1 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.

The meeting concluded at 6.30pm

Signed

Chair

Dated this

day of

