

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 20 MAY 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Carden (Opposition Spokesperson), Davey, Hamilton, Kennedy, McCaffery, Smart, Steedman, C Theobald, Mrs Cobb and Kemble

Co-opted Members Mr J Small (CAG Representative)

Officers in attendance: Paul Vidler, (Deputy Development Control Manager), Mike Holford (Strategic Planning and Monitoring Manager), Hamish Walke (Area Planning Manager (East)), Steve Reeves (Principal Transport Planner), Nicola Hurley (Senior Planning Officer), Mick Anson (Major Projects Officer), Alison Gatherer (Lawyer) and Penny Jennings (Senior Democratic Services Officer)

PART ONE

1. PROCEDURAL BUSINESS

1A Declaration of Substitutes

1.1 Councillor Kemble was in attendance in substitution for Councillor Caulfield.

1B Declarations of Interest

1.2 Councillor Hamilton declared a personal and prejudicial interest in application BH2008/03644, 6-8 Foredown Drive, arising from his involvement with objectors to the scheme. He stated that he would speak to the application as a Ward Councillor, would then leave the meeting and would take no part in the discussion or voting thereon.

1C Exclusion of the Press and Public

1.3 In accordance with Section 100A of the Local Government Act 1972 ("The Act"), the Planning Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during it, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act).

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

2. MINUTES OF THE PREVIOUS MEETING

- 2.1 It was explained that the minutes prepared for signature by the Chairman and posted on the Council's website and referring to comments received from English Heritage (4th paragraph (2), Page 5) had been amended to read as follows:

"English Heritage did not object to the principle of further extension to the Old Market, however it was opposed to the current design solution because of the harm that would be caused to the Grade II listed building and the wider townscape."

- 2.2 **RESOLVED** – That subject to the above amendment the Chairman be authorised to sign the minutes of the meeting held on 29 April 2009 as a correct record.

3. CHAIRMAN'S COMMUNICATIONS

Web casting

- 3.1 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 in the public gallery above.

Planning Strategy for the South East

- 3.2 The Strategic Planning and Monitoring Manager, Mr Holford was in attendance at the invitation of the Chairman in order to brief the Committee in respect of this matter.
- 3.3 Mr Holford explained that the South East Plan had been published on 6 May 2009. It replaced Regional Planning Guidance for the South East (RPG9) and the East Sussex and Brighton & Hove Structure Plan which was now part of the statutory development plan and with the Brighton & Hove Local Plan was a key document when considering planning applications. These needed to be determined in line with the South East Plan where relevant. The Council's planning policy documents (Local Development Framework) e.g. Core Strategy had to be produced in accordance with the South East Plan.

Main Implications for Brighton & Hove:

Housing Targets

- 3.4 The housing allocation for Brighton & Hove was 570 houses/flats per annum (total 2006 to 2026 is 11,400). This was lower than the Secretary of State's proposed changes (620 pa totalling 12,400) but higher than in the draft Plan (550 pa, totalling 11,000) and the figure suggested in the Council's response to consultation last year (520 pa totalling 10,400).

Shoreham Harbour

3.5 Shoreham Harbour continued to be identified as one of seven Strategic Development Areas in the South East. The proposal for 10,000 homes at Shoreham was an interim figure in addition to the target for the rest of the City and would also have to be met.

Waste

3.6 The requirement to provide for a proportion of London’s Waste remained. This had now been qualified by the need for local testing of figures through the development plan documents where there was more recent data with which to assess and plan for capacity.

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

4. PETITIONS

4.1 Councillor Fryer presented the following petition containing 69 signatures:

“Proposed 3G Mobile Phone Mast: BT Telephone Exchange, Freshfield Road:
 We the undersigned call on Brighton and Hove City Council to immediately open discussions with the applicants about proposals to install a 3G mast at the BT Telephone Exchange, at the junction of Freshfield Road and Southdown Mews. The site, which is in a residential area and within 100 metres of one primary school and two nurseries, is totally unsuitable and presents a potential health risk to children and adults alike. Furthermore, it has been chosen without any consultation with the community.

We also call on Brighton and Hove City Council to urge the Government to:

- Ensure the concerns of local communities about health and amenity issues are fully considered at each stage of the planning process;
- Commission independent research, paid for by a levy on telecommunications companies, into the health risks of masts.”

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

5. PUBLIC QUESTIONS

5.1 There were none.

6. DEPUTATIONS

6.1 There were none.

7. WRITTEN QUESTIONS FROM COUNCILLORS

7.1 There were none.

8. LETTERS FROM COUNCILLORS

8.1 There were none.

9. NOTICES OF MOTIONS REFERRED FROM COUNCIL

9.1 There were none.

10. APPEAL DECISIONS

10.1 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.

11. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

12. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

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

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

Application:	Site visit requested by:
BH2008/03475, 1 Warmdene Way	Councillor Mrs Theobald
BH2008/03523, Land R/o 6 & 8 Kelly Road	Councillor Hyde, the Chairman
BH2009/00461, 94-96 Reigate Road	Councillor McCaffery

14. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST: 20 MAY 2009

(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS ON THE PLANS LIST: 20 MAY 2009

A. Application BH2008/02303, Elmhurst, Warren Road, Woodingdean – Proposed 80 bed care home for the elderly with associated facilities, with 23 parking spaces, landscaped grounds and landscaped roof terrace.

(1) The Area Planning Manager (East), Mr Walke gave a detailed presentation in respect of the scheme. He explained that planning permission had previously been granted for a 75 bed nursing home with 19 car parking spaces. The internal layout of the individual

bed sitting units with en-suite facilities remained unaltered as the additional units and parking spaces proposed had been achieved by configuring the buildings differently within the site.

- (2) Councillor Wells enquired regarding traffic calming measures proposed and it was explained road humps and dropped kerbs would be incorporated within the scheme.
- (3) In answer to questions by Councillor Smart as to whether in view of the topography of the site, it was intended to provide dedicated motorcycle parking, it was explained that no specific provision had been made.
- (4) Councillor Kemble referred to cladding materials to be and enquired regarding the type of timber to be used and surface treatment proposed. He referred to timber cladding used in the New England Quarter of the Brighton Station development and elsewhere across the City which had weathered poorly. Councillor Kemble and Mr Small, CAG were in agreement that often it was the finish used that gave rise to problems. The Area Planning Manager (East) stated that it was understood that Cedar would be used and that this required minimal treatment.
- (5) Councillor McCaffery enquired regarding any advantages accruing from use of timber cladding and it was explained that use of this material was very popular currently.
- (6) Councillor Mrs Theobald referred to the level of on site parking proposed seeking confirmation regarding the numbers of staff likely to be on site at any given time. The Area Planning Manager, (East) explained that the staff would work on a shift pattern and that residents parking would to be provided on a ratio of one to every four bed spaces. A staff travel plan would be required as a condition of planning permission being granted.
- (7) Mr Small, CAG enquired regarding the finishes proposed particularly the timber cladding, stating that it would be beneficial if the Committee could be provided with a briefing note updating Members regarding roofing materials, finishes and surface treatments currently being put forward by applicants.
- (8) Councillor Hyde, (the Chairman) and Councillor Mrs Theobald stated that whilst considering the scheme to be acceptable, they had some concerns regarding adequacy of the level of parking proposed and overflow arrangements given the high level of parking required throughout the day at the neighbouring Nuffield Hospital site.
- (9) A vote was taken and Members voted unanimously that minded to grant planning permission be agreed.

14.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 9 of the report and agrees that it is minded to grant planning permission subject to a Section 106 Obligation in the terms recommended and to the conditions and informatives set out in the report.

B. Application BH2009/00174, Copse Car Park, University of Brighton – replacement car parking comprising 61 spaces adjacent (west) to existing copse car park.

- (1) The Major Projects Officer, Mr Anson, gave a detailed presentation explaining that that extension to the car park was required in order to reinstate 61 car parking spaces which would be lost on campus as a result of the community stadium development. The existing car parking spaces were located adjacent to a road known as Turnpike Piece, (in the University's ownership) this ran along the eastern boundary of the University adjacent to land north of Village Way (the stadium site). The University had an agreement in place with the football club that the replacement parking spaces must be constructed prior to the hand over of the University's land to the club on 28 September 2009 in order to construct the North and West stands.
- (2) In answer to questions, the Major Projects Officer explained that changes were proposed to informatives (1) and (2) to reflect amendments which had been made to the submitted plans and replacement South East Plan policies for the Structure Plan policies referred to in the report.
- (3) Councillor Smart enquired whether lamp standards/lighting were proposed. The Major Projects Officer explained that some additional lighting would be required, details of which would need to be submitted to the planning authority.
- (4) Councillor Kennedy sought clarification as to whether or not concerns expressed by the Council's Ecologist had been addressed. It was explained that they had and that a triangle of land affected by the proposals was not ancient woodland.
- (5) A vote was taken and Members voted unanimously that planning permission be granted.

14.2 **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 subject to conditions and informatives also set out in the report.

C. Application BH2008/02490, Mill House, Overhill Drive, Patcham – Erection of 3 detached two-storey dwellings and a single detached bungalow.

- (1) The Area Planning Manager (East) explained that the application had been placed before the Committee in order for Members to record what their decision would have been had an appeal against non-determination not been lodged. This information would be included with the submission forwarded to the Planning Inspectorate.
- (2) Mrs Matthews spoke on behalf of neighbouring objectors stating that in their view none of the earlier reasons for refusal had been addressed. Access/egress to the site was considered hazardous particularly given that the pedestrian right of way which ran across the site was in daily use by those attending the nearby infant school.
- (3) Mr Folkes spoke on behalf of the applicant in support of his scheme, stating that the scheme had undergone significant amendment in order to address previous concerns including re-routing the right of way across part of the site.
- (4) Councillor Pidgeon spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme and those of his ward colleague Councillor G Theobald. The merging of the public footpath into vehicular access was considered dangerous. There

were also concerns regarding overlooking and surface water drainage given the site's location in area prone to flooding.

b.

Questions/Matters on which clarification was sought

- (5) Councillor Smart sought clarification regarding the location of bin storage arrangements and in respect of whether or not there was sufficient turning space for refuse vehicles to enter the site.
- (6) Councillor Smart also sought clarification of the Principal Transport Planner, Mr Reeves regarding access/egress arrangements from the site onto the adjacent highway. Mr Reeves explained the standard arrangements used to demarcate a public footpath from the carriageway in a shared surface were proposed.
- (7) Councillor Kemble enquired why a dedicated cycle parking area was required to be provided, it was explained that this would be applied as a standard condition in view of the size of the development.
- (8) Councillors McCaffery and Mrs Theobald enquired whether a response had been received from Southern Water regarding susceptibility of the area to flooding and potential impact of the proposed development on surface water drainage and were informed that no response appeared to have been received. Councillor Mrs Theobald considered that as this part of Patcham was known to be at risk of flooding a response from Southern Water was essential.

Debate and Decision Making Process

- (9) Councillor Mrs Theobald expressed her dissatisfaction that the application had not come before the Committee at an earlier date, the matter would now be rushed as a consequence of the appeal against non-determination being made and there was no opportunity for the Committee to carry out a further visit. It was also possible that Southern Water had been given insufficient time to provide a response. She had grave concerns regarding the safety of the proposed shared access arrangements, and considered that element of the scheme to be wholly unacceptable. The entranceway was far too narrow. She was also of the view that the scheme would result in overlooking and loss of amenity to neighbouring dwellings.
- (10) Councillor Smart considered that the proposed exiting arrangements onto Overhill Drive were hazardous for pedestrians and vehicles as was the proposal that the carriageway be shared without any physical barrier being in place, the proposal would also result in traffic congestion at the nearby roundabout. The existing bridleway should be respected. Councillors Kemble and Wells concurred in that view.
- (11) Councillor Davey expressed concern that a site visit would not be possible bearing in mind the complexity of the site due to its gradient and differing ground levels. He was also concerned that matters relating to drainage did not appear to have been addressed and at the potential loss of the existing "green lung provided by the site."

(12) Councillor Hyde, (the Chairman) echoed the concerns expressed by other Members of the Committee.

(13) A vote was taken. On a recorded vote of 6 to 2 with 4 abstentions planning permission was refused.

14.3 **RESOLVED** - That the Committee resolves that it would have been minded to refuse planning permission had an appeal against non-determination been lodged on the following grounds:

1. The proposed development would result in overlooking of 17Audrey Close and 61A Overhill Drive to the detriment of the amenity of the occupiers of those properties contrary to Policy QD27 of the Brighton & Hove Local Plan.
2. The proposed development, by virtue of the width of the access and it being a shared pedestrian and vehicular access, together with the arrangement of the junction of the access with Overhill Drive and the proximity to a school, would be detrimental to highway safety, contrary to Policy TR7 of the Brighton & Hove Local Plan.
3. The proposed development would result in the loss of green space and existing trees on the site covered by Tree Preservation Order (No2) 2004, contrary to Policies QD2 and QD 16 of the Brighton & Hove Local Plan.
4. The applicant has failed to demonstrate that the proposed development would not increase the risk of flooding, contrary to Policy SU4 of the Brighton & Hove Local Plan.

Note 1: Councillor Smart proposed that the Committee would have been minded to refuse planning permission; this was seconded by Councillor Mrs Theobald.

Note 2: Councillors Hyde, the Chairman, Cobb, Davey, Kemble, Smart and Mrs Theobald voted for refusal. Councillors Carden and Hamilton voted that the Committee would have been minded to grant the application. Councillors Kennedy, McCaffery Steedman and Wells abstained.

D. Application BH2008/03475, 1 Warmdene Way, Patcham – Demolition of existing garage and construction of a bungalow.

14.4 **RESOLVED** – That consideration of the above application be deferred pending a site visit.

E. Application BH2009/00509, Windlesham School, 180 Dyke Road, Brighton - 1 new classroom with new recreation fencing.

(1) The Area Planning Manager (East), Mr Walke gave a detailed presentation explaining that permission was sought to remove two sheds from the southeast corner of the site and to replace them with a single timber-framed classroom providing 35sqm of gross floor space on one level. This was required in order to provide much needed teaching space prior to completion of the gymnasium and classroom block for which planning

permission had been given in July 2008. Reference was made to a letter of objection received from Councillor Allen after completion of the "Late Representations List".

- (2) Mrs Barry spoke on behalf of neighbouring objectors to the scheme. A tree which provided screening between the site and neighbouring residential properties had been removed. The replacement fencing proposed was considered to be more prominent than the existing, as was the proposed building which in the view of objectors would be more dominant and overbearing.
- (3) Mr Turner spoke on behalf of the applicants in support of their application. He confirmed in answer to questions that the building was to be used during completion of the other building works referred to and would cease to be used as a class room following their completion. The building would not be used outside school hours and there were no plans to increase the number of pupils attending the school.

Questions/Matters on which Clarification was Sought

- (4) Councillor Wells sought clarification regarding the time of day at which photographs displayed by the objectors had been taken. Councillor Smart sought clarification as to the location they had been taken from. Details of the height and appearance of the new fencing to be provided was also sought.
- (5) The Area Planning Manager explained that although the space between the back of the proposed temporary classroom and the retaining walls of properties in Porthall Street might be insufficient to replant a tree, alternative screening measures could be sought by the Committee.
- (6) Councillor Smart sought confirmation that the classroom would be retained as storage space following completion of the works and would not continue to be used as a classroom. It was explained that planning permission would be required for any use other than storage following completion of the works.
- (7) In answer to questions of Mr Small, CAG it was explained that a matt mid/dark grey non-reflective finish would be used for the metal roof of the structure.

Debate and Decision Making Process

- (8) Councillor Smart having sought clarification regarding the location of trees which would be affected by the proposals, stated that he considered the proposals to be acceptable. However, he considered that it would be appropriate to add a condition to ensure that suitable landscaping/screening was provided on completion of the works.
- (9) Councillor Davey considered that the new fencing proposed would appear taller and more intrusive than the existing when viewed from the rear gardens of properties in Porthall Street.
- (10) Councillor McCaffery considered that this structure would tower above the neighbouring properties and would result in loss of light and loss of amenity. Councillor McCaffery also expressed concern that this application had been submitted now as a stand alone application rather than as part of the earlier one.

- (11) Members referred to the proposed rooflights and discussed whether it would be appropriate for blinds to be fitted. However, on balance they decided that as the classroom would only be in use during the school day, that the provision of blinds would create a more intrusive feature and that it would therefore be inappropriate to condition their provision.
- (12) A vote was taken and on a vote of 8 to 2 planning permission was granted. Councillors Carden and Kennedy were not present when the vote was taken.
- 14.5 **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 to grant planning permission subject to the conditions and informatives set out in the report and to an additional condition requiring suitable landscaping being provided on completion of the works.

Note: Councillors Davey and McCaffery voted that planning permission be refused.

F. **Application BH2009/00720, 64 St James's Street, Brighton** – Change of use from A1 retail to A2 Professional Office (Retrospective).

- (1) The Area Planning Manager (East), Mr Walke gave a detailed presentation setting out the rationale for the recommendation that the application be refused on the grounds that the applicant had failed to demonstrate that the unit was no longer viable as a Class A1 (retail) unit and also, that the proposed use would result in an unacceptable break in the existing retail frontage. As such it would fail to maintain and enhance the St. George's Local Centre and would be contrary to criteria a) and e) of Policy SR6 of the Brighton & Hove Local Plan.
- (2) The Deputy Development Control Manager referred to the appeal which was currently pending in respect of unauthorised change of use at "Starbucks" coffee bar, also in St James' Street and to the need for the local planning authority to be seen to apply its policies consistently.
- (3) Ms Cattell spoke on behalf of the applicant in support of their application. She referred to the history of the application site which had been built originally for use as a Police Station. Notwithstanding the buildings designated use class, it had been used for that purpose for a short space of time (1 year) that use having ceased due to non-viability.

Questions/Matters on which Clarification was Sought

- (4) Councillor Wells sought confirmation regarding legitimacy of the current use and it was explained that it was unauthorised.
- (5) Councillor Kemble sought clarification regarding the current status of the Brighton & Hove Local Plan which was set to expire shortly. The Area Planning Manager (East) explained that policies in the Local Plan were saved until superseded by the Local Development Framework.

- (6) Councillor Smart enquired whether if permission were to be granted the applicant would use the entire building. It was explained however, that the premises to which the application related were located at ground floor level only.

Debate and Decision Making Process

- (7) Councillor Steedman stated that in his view the character of this part of St James' Street was such that this use would not be detrimental either to the general character of the area, nor to occupiers of nearby residential properties.
- (8) Councillor Kemble concurred referring to the policy of the Council to support small businesses. The current use was clearly a flourishing small business and the Council needed to have the ability to apply its policies flexibly. Furthermore, he did not consider the use was contrary to policy and that it would not have any detrimental impact. Given that the previous retail use had ceased due to non-viability, this use was preferable to the premises sitting vacant.
- (9) Councillors Wells and Smart concurred in that view as did Councillor Mrs Theobald considering that this shopping area was sufficiently distant from the shopping areas to the east and west that it would not be detrimental. The current use provided local employment opportunities and was beneficial.
- (10) A vote was taken and on a vote of 5 with 5 abstentions planning permission was granted. Councillors Carden and Kennedy were not present when the vote was taken.

14.6 **RESOLVED** – That the Committee resolves to grant unconditional planning permission on the grounds that continuation of the A2 professional office use of the property would attract pedestrian activity, would not be detrimental to the amenities of occupiers of nearby residential properties or the general character of the area and would be beneficial to the local economy and would maintain and enhance this part of the St George's Road Local Centre.

Informatives:

1. This decision is based on drawing nos. 1, 2, 20, and Biodiversity Checklist submitted on 26.03.09.
2. This decision to grant planning permission has been taken:
 - (i) Having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
Brighton & Hove Local Plan:
 TR1 Development and the demand for travel
 QD27 Protection of amenity
 SR6 Local centres
 HE6 Development within or affecting the setting of conservation areas.

Note: Councillors Cobb, Kemble, Smart, Mrs Theobald and Wells voted that planning permission be granted. Councillor Hyde, the Chairman, Davey, Hamilton, McCaffery and Steedman abstained.

G. Application BH2009/00481, Telephone Exchange, Freshfield Road, Brighton – Installation of 3 panel antennas and an equipment cabinet on roof.

- (1) The Area Planning Manager (East) Mr Walke, explained that the equipment proposed on site was not considered to harm the appearance or character of the area. The application was accompanied by a valid ICNIRP certificate confirming that the installation would fall within current exposure guidelines. Coverage information had been included with the supporting materials submitted, this installation would improve coverage across that area of the city.
- (2) Councillor Fryer spoke in her capacity as a Local Ward Councillor setting out her objections to the proposal setting out the concerns of local residents regarding potential health risks arising from the proposals, bearing in mind the close proximity of a school, nursery school and neighbouring residential dwellings. As this was the first 3G mast proposed in the area, its cumulative effect both aesthetically and in terms of emissions should be considered. Councillor Fryer also referred to the resolution passed recently at Council in respect of the placing of telecommunications masts on buildings and to the recent refusal of a 3G application by Cheshire County Council which had been upheld on appeal.

Questions/Matters on which Clarification was Sought

- (3) Councillors McCaffery and Smart enquired regarding the implications of the resolution passed at Council. Councillor Smart also enquired regarding the most up to date advice available. The Deputy Development Control Manager stated that the resolution of Council related to placement of masts on its own land. This building was in the ownership of BT. The Legal Adviser to the Committee confirmed that this was the case and went on to explain that whilst Government Guidance recommended a precautionary approach, relevant health concerns were considered to have been addressed in the event a valid ICNIRP certificate was submitted accompanying an application.
- (4) Councillor McCaffery enquired regarding radius of the beam of maximum intensity. Although this was not known, it was confirmed that both schools were located lower than the proposed equipment.
- (5) Councillor Mrs Theobald enquired regarding the outcome of a planning appeal relating to a site adjacent to Patcham bypass which had been refused by the Committee among other reasons by virtue of its close proximity to a special school and residential dwellings. The Deputy Development Control Manager explained that the appeal had been allowed.
- (6) A vote was taken and on a vote of 4 to 3 with 4 abstentions planning permission was granted. Councillor Carden was not present when the vote was taken.
- 14.7 **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.

Note: Councillors Davey, McCaffery and Wells voted that the application be refused. Councillors Hyde, (Chairman), Kemble, Kennedy and Steedman abstained from voting.

H. Application BH2008/03331, St Catherine's Lodge Hotel, Kingsway, Hove –
Temporary change of use to hostel for families for 2 years.

- (1) A vote was taken and the 10 Members present voted unanimously that planning permission be refused. Councillors Carden and Kennedy were not present when the vote was taken.

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

I. Application BH2008/03644, 6 to 8 Foredown Drive, Portslade – Installation of new window to front elevation and new fire escape door to rear elevation.

- (1) The Senior Planning Officer, Mrs Hurley gave a presentation detailing the proposals and indicating the location of the proposed fire door. No objections had been received in respect of the proposed replacement front window.
- (2) Mrs England spoke on behalf of neighbouring objectors referring to current abuses in their view by the applicant and their concerns that the fire door would be used for access / egress rather than for emergency use. The wall to be broken through and essential for the works to be carried out was not in the applicant's ownership. Research indicated that it appeared to be owned as crown estate.
- (3) Mr Daughtrey, the applicant, spoke in support of his application explaining that the existing site evacuation arrangements had been required to cease as current legislation did not permit any business to exit across a neighbouring site as part of its emergency escape arrangements, as had previously been the case. It was intended that the fire exit would be used only in the event of an emergency or for annual fire drills.
- (4) Councillor Hamilton spoke in his capacity as a Local Ward Councillor (this item only) echoing the concerns of objectors to the scheme. Should permission be granted he was anxious that appropriate enforcement action be taken in the event that any infringement occurred. Having spoken, Councillor Hamilton then withdrew from the meeting and took no part in the discussion or voting thereon.

Questions/Matters on Which Clarification was Sought

- (5) Councillor Kemble enquired why the applicant was averse to a sprinkler system being fitted and he responded that for a small company, albeit one providing fire safety equipment, the cost would be prohibitive.
- (6) Councillors Smart and Steedman enquired regarding the relevance (if any) of ownership of the land by the Crown or any other party. The Senior Planning Officer explained that ownership was not a relevant planning consideration provided an

applicant had met statutory requirements by placing advertisements seeking to establish ownership.

- (7) Councillor Smart also sought clarification regarding the distance from the tree located at the rear of the building and the proposed fire door.
- (8) Councillors Kemble and Steedman sought clarification that matters relating to use of the fire exit in the event of an emergency/drill only, could be enforced and it was confirmed that they could.
- (9) Councillor Hyde, (the Chairman) stated that the Committees' concerns focused around appropriate use by enforcement if necessary to ensure the fire door was not in everyday use for access/egress. The applicant agreed that an alarm could be fitted to the door which would go off when it was opened. It was confirmed that the door would be fitted with signage indicating that it was a designated fire door.
- (10) A vote was taken and on a vote of 6 to 4 with 1 abstention planning permission was granted. Councillor Hamilton was not present when the vote was taken.

14.9 **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.

Note 1: Having declared a personal and prejudicial interest in the above application once he had spoken in his capacity as a Local Ward Councillor, Councillor Hamilton left the meeting and took no part in the discussion or voting thereon.

Note 2: Councillors Cobb, Kennedy, McCaffery and Smart voted that permission be refused. Councillor Kemble abstained.

J. Application BH2008/03523, Land R/o 6 & 8 Kelly Road - Erection of two-storey dwelling on land rear of 6 and 8 Kelly Road.

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

K. Application BH2009/00461, 94–96 Reigate Road, Brighton – construction of new 3 bedroom semi-detached house.

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

15. 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

15.1 **RESOLVED** - That the following site visits be undertaken by the Committee prior to determination.

Application:	Site visit requested by:
BH2008/03475, 1 Warmdene Way	Councillor Mrs Theobald
BH2008/03523, Land R/o 6 & 8 Kelly Road	Councillor Hyde, the Chairman
BH2009/00461, 94-96 Reigate Road	Councillor McCaffery

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

DECISIONS ON APPLICATIONS DELEGATED TO THE DIRECTOR OF ENVIRONMENT

16.1 **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 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 on 23 February 2005.

The meeting concluded at 6.2-0pm

Signed

Chair

Dated this

day of