

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 8 APRIL 2009**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hyde (Chairman), Wells (Deputy Chairman), Barnett, Carden (Opposition Spokesperson), Davey, Hamilton, Kennedy, McCaffery, K Norman, Smart, Steedman and C Theobald

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

**Officers Present :** Jeanette Walsh, Development Control Manager, Bob Bruce, Principal Solicitor, Steve Walker, Area Planning Manager (East), Hamish Walke, Area Planning Manager (West), Jason Hawkes, Planning Officer, Adam Batchelor, Project Officer, City Services(Cityclean), Jan Jonker, Head of Strategy, City Services (Cityclean), Lyndsey Beveridge, Senior Planning Officer(Strategic Planning), Steve Reeves, Principal Planning Transport Manager, Penny Jennings, Senior Democratic Services officer

**PART ONE**

**222. PROCEDURAL BUSINESS**

**(A) Declarations of Substitutes**

222.1 There were none.

**(B) Declarations of Interest**

222.2 Councillor Davey declared a personal and prejudicial interest in application BH2008/03950, "Seasons" café, 36 Gloucester Road, Brighton. He had been involved in discussions with neighbouring objectors and also intended to speak on their behalf in his capacity as a Local Ward Councillor after doing so he would withdraw from the meeting and would take no part in the discussion or voting thereon.

222.3 Councillor Mrs Theobald declared a personal and prejudicial interest in Application BH2008/03950, "Seasons" café, 36 Gloucester Road, Brighton. She had chaired the Licensing Panel meeting at which the premises alcohol licence had been granted and did not therefore consider it appropriate to be involved in determining this application. She would leave the meeting during its consideration and would take no part in the discussion or voting thereon.

222.4 Councillor Hyde, the Chairman declared a personal but not prejudicial interest in Application BH200802307, 57 Falmer Road, Rottingdean. She lived some 20 houses

from the application site. However, she had no direct interest in the application, had not predetermined it and remained of a neutral mind. It was therefore her intention to remain in the Chair during consideration of the application and to take part in the discussion and voting thereon.

**(C) Exclusion of Press and Public**

222.5 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.

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

**223. MINUTES OF THE PREVIOUS MEETING**

223.1 Councillor Wells referred to the comments attributed to him in respect of Application BH2008/02376, City College, Pelham Street, Brighton, Paragraph (21), on page 7 of minutes. He stated that his concerns related to the potential impact of the scheme on those dwelling in flats above the shops in Trafalgar Street, rather than specifically to the properties in Whitecross Street or to Mr Bromberg.

223.2 **RESOLVED** – That subject to the foregoing amendment the Chairman be authorised to sign the minutes of the meeting held on 18 March 2009 as a correct record.

**224. CHAIRMAN'S COMMUNICATIONS**

**Web-casting of Planning Committee Meetings**

224.1 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.

224.2 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.

224.3 **RESOLVED** - That the position be noted.

**225. PETITIONS**

225.1 It was noted that a petition had been received from Councillor Mrs Brown (57 signatures) at the meeting of Full Council held on 19 March 2009 setting out residents'

objections to proposed changes to the working hours and other restrictions currently in place at the Waste Management Facility, Leighton Road/ Old Shoreham Road, Application BH2009/03960 (for copy of report see minute book).

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

**226. PUBLIC QUESTIONS**

226.1 There were none.

**227. WRITTEN QUESTIONS FROM COUNCILLORS**

228.1 There were none.

**228. LETTERS FROM COUNCILLORS**

229.1 There were none.

**229. DEPUTATIONS**

227.1 There were none.

**230. NOTICES OF MOTION REFERRED FROM COUNCIL**

230.1 There were none.

**231. APPEAL DECISIONS**

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

**232. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**233. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**234. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

234.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination.

Applications:	Site Visit Requested by:
*BH2008/02303,	Development Control Manager

Elmhurst, Warren Road, Woodingdean	
*BH2008/03893, Land Adjacent Brighton Health & Racket Club	Development Control Manager
*BH2008/00658, 112–113 Lewes Road, Brighton	Development Control Manager
* BH2009/00414 & 00415, The Old Market, 11A Upper Market Street, Hove	Mr Small, CAG; Development Control Manager

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

**Note 1:** It was noted that Councillors Elgood and Watkins, Ward Councillors, had requested that a site visit be carried out in respect of applications: BH2008/02077, BH2008/01985 and BH2008/01986, 79-80 Western Road, Hove. This proposal was voted on and lost. However, having subsequently heard speakers including Councillor Watkins speaking in his capacity as a Local Ward Councillor, the Committee decided to defer further consideration of these applications pending a site visit.

**235. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST: 8 APRIL 2009**

**(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY: 8 APRIL 2009**

**A. Application BH2009/00087, GB Liners, Blackman Street, Brighton** – Demolition of existing warehousing / storage and distribution (B8) building at rear of site facing Blackman Street. Redevelopment of site for offices (B1) on ground and three upper floors together with underground car parking.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer (Ms Brocklebank) gave a detailed presentation setting out the constituent elements of the scheme including elevational drawings and photomontages.

**Questions / Matters on which clarification was sought**

- (3) Councillor Mrs Theobald sought confirmation regarding the distance between the front of the development and the reception area of Britannia House which was adjacent to the site. She also sought clarification regarding the monies proposed to meet the percentage for art, suggesting that it might be appropriate for this money to be

allocated towards the cost of works in Victoria Gardens which were located nearby. The Development Control Manager explained that Local Ward Councillors would be consulted regarding the use to which funding would be put. Councillor Davey stated that as a Local Ward Councillor his preference would be for the money to be spent in the immediate vicinity of the site.

- (4) Councillor Wells enquired regarding the number and location of the proposed cycle parking bays.
- (5) Councillor Davey sought clarification as to why the applicants had not been required to submit a Travel Plan. The Principal Transport Planning Manager explained that it had been considered appropriate for the applicant to join the New England Quarter Travel Forum. Details of the proposed highway improvement works remained to be finalised.
- (6) In answer to questions by Councillor Hamilton it was explained that the office areas would be laid out as large open-plan floors which could be customised as required by future occupants. This was in line with identified current office space requirements.
- (7) Mr James spoke on behalf of the CSMA Club, occupiers of the neighbouring Britannia House. Whilst not objecting to the scheme in principle, they considered that the visual impact of the scheme as currently conceived would be overbearing and incongruous, would block light from the main reception area and other office accommodation located in Britannia House and would have a poor relationship with it.
- (8) Mr Glenister spoke on behalf of the applicants in support of their application. He explained that the scheme had developed over time in consultation with the Planning Department. He had sought to improve the current appearance and usage of the site and to meet an identified need whilst respecting neighbouring buildings and the character of the prevailing street scene.

### **Debate and Decision Making Process**

- (9) Mr Small (CAG), referred to the fenestration arrangements on the east elevation. The Group considered that these were an incongruous feature which did not sit well with the fenestration elsewhere within that frontage. If the stall risers were to be raised, in their view, this would improve the proportions of the windows. The Development Control Manager responded that, if Members were minded to do so, an informative to that effect could be added to any permission granted.
- (10) In response to further questions, the Planning Officer displayed drawings indicating the positioning of windows, the circulation route through the building and the location of stairways and stairwells within the development.
- (11) Councillors Mrs Theobald and Wells welcomed the scheme and were of the view that it represented an improvement on the existing building on site. Councillor Mrs Theobald was of the view however, that it would have been preferable for the front of the building to be set back further from Britannia House than was proposed. She also considered that the grey cladding proposed for the top storey of the building should match the colour scheme proposed for the remainder of the building.

- (12) Councillor Hamilton stated that the office accommodation proposed appeared to meet a need and should be welcomed. Councillors Carden, McCaffery and Smart were in agreement that the proposal represented an improvement on the existing use and should be supported.
- (13) A vote was taken and Members voted unanimously that the Committee were minded to grant planning permission on be approved in the terms set out below.
- 235.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 10 of the report and resolves that it is minded to grant planning permission subject to completion of a legal agreement and to the Conditions and Informatives and Section 106 Obligation as set out in the report.

**B. Application BH2008/03960, Waste Management Facility, Leighton Road, Old Shoreham Road, Hove** – Application for the variation of the following conditions attached to planning permission BH1997/00778/ FP:

1. Condition 3 amended to allow the use of the waste transfer building for general household waste and the receipt of dry recyclables.
  2. Condition 5 amended to allow extended hours of operation, from 0800 - 1700 hrs Monday to Friday and 0800 - 1300hrs on Saturdays.
  3. Condition 6 amended to permit the use of HGV's for operational purposes (other than street cleansing) from 0730 -- 1800 hrs Monday to Friday and 0800 – 1300 hrs on Saturdays.
  4. Condition 7 amended to enable use of mechanical shovels and loaders between 0730 – 1800 hrs Monday to Friday and 0800 – 1300 hrs on Saturdays and Sundays.
  5. Condition 10 amended to allow the site to accept 25,000 tonnes per annum.
  6. Condition 11 amended to allow HGV parking along the eastern side of the waste transfer hall.
  7. Condition 17 amended to permit the fitting of a low level reversing safety alarm to transfer station loading plant.
  8. Condition 27 amends the wording of this condition, which restricts sale of recycled materials to a designated area, by the addition of the phrase “except where agreed in writing by the Waste Planning Authority.”
  9. Condition 29 amended to allow the placement on the ground of metal items delivered by the public, prior to loading into waste containers on a permanent basis.
  10. Condition 30 amended to permit the positioning of waste containers in the approved designated areas (drawing LEIGH/04/001/C) except where otherwise agreed in writing with the Local Planning Authority.
  11. Condition 35 amended to permit the development to be carried out in accordance with the approved plans, or where otherwise agreed in writing by the Local Planning Authority.
- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.

- (2) The Planning Officer (Mr Hawkes) gave a detailed presentation referring to those conditions to which variation was being sought.
- (3) Mr Fry spoke on behalf of neighbouring objectors. He referred to the nuisance arising from current use of the site in particular from use of heavy lifting equipment and HGV and other movements from within the site from an early hour at weekends. The acoustic wall at one end of the site caused sound to reverberate to other nearby properties. There had been instances when the existing conditions had been exceeded and residents were anxious that a proliferation of current use did not take place.
- (4) Mr Odam spoke on behalf of the applicants Veolia, in support of their application. He explained that Veolia operated a number of sites on behalf of the City Council. Variations were sought to the existing conditions in order to reflect the increase in domestic recycling and changes in the way refuse was processed and stored. Whilst some areas of activity on site would increase, there would be a diminution of others. A number of the proposed variations related to operations being carried out under extant temporary permissions.
- (5) Councillor Mrs Brown spoke in her capacity as a Local Ward Councillor setting out her objections to the proposals and in support of the concerns highlighted by local residents. She also referred to the content of the petition she had handed in at Council in respect of this application (Item 225 above refers). The contents of a letter of objection received from Councillor Bennett also in her capacity as a Local Ward Councillor were noted.

### **Debate and Decision Making Process**

- (6) Councillors Carden and Kennedy supported the application but considered that in the interests of neighbouring amenity, the hours during which the site was in operation should be amended in order to ensure that operations did not commence until 09.00am on Saturday or Sunday. It was noted that the facility was not open on bank holidays.
- (7) Councillors Smart and Wells also expressed general support for the proposed variations, including the hours of operation proposed during weekdays. However, they were unable to support the use of heavy (noisy) lifting equipment from an early hour at weekends and would support closure of the site on Sundays if that was practicable.
- (8) Councillor Hamilton sought clarification that irrespective of any further amendment to the variations requested, the existing arrangements for use of the site by members of the public at weekends would continue. It was confirmed that this would be the case.
- (9) Councillor Barnett referred to the problems caused by noise reverberation across the site. In order to address such problems she was of the view that it would be appropriate to erect a further barrier at the northern end of the western boundary of the site.
- (10) The Chairman stated that as there appeared to be a measure of agreement regarding the variations for which approval was being sought and in respect of further amendments they would require, it would be appropriate to agree each of the

variations as set out including those requiring amendment in their view in order to protect the amenity of neighbouring residents. Following discussion, Members agreed to the hours of operation set out in Paragraph 235.2 below.

- (11) A vote was taken and on a vote of 11 with 1 abstention, planning permission was granted in the terms set out below.

235.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 10 of the report subject to the conditions and informatives also set out in the report and subject to the further amendments set out below :

**Condition 6** of original permission - hours of operation:

0800 – 1800 – weekdays

0900 – 1300 – weekends - Saturdays and Sundays

**Condition 7** of original permission - hours of operation:

0800 – 1800 weekdays

0900 – 1300 weekends - Saturdays and Sundays

**Additional Condition**

Details of an acoustic fence to be positioned on the south western corner of the site to be submitted and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented within three months of the date of this permission.

Reason: In order to protect adjoining residential properties from the noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.

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

(ii) **MINOR APPLICATIONS**

**C. Application BH2008/02077, 79 – 80 Western Road, Hove** - Change of use to mixed A3 / A4 use (restaurant / bar) on ground, first and second floors and variation of Condition 2 of planning permission BH2006/02429 to allow use of premises between hours of 0830 and 0145 (part retrospective).

- (1) The Planning Officer gave a presentation detailing the proposed change of use and other works for which retrospective permission was sought.
- (2) Mr Keighley spoke on behalf of neighbouring objectors. In their view, photographs displayed showing the rear of the premises were misleading as they did not accurately reflect the close proximity of neighbouring dwellings (20 flats and 6 dwelling houses), which would suffer severe loss of privacy, general amenity and increased noise nuisance from use of the first floor of the premises. The roof lights would shine directly into neighbouring flats.
- (3) Mr Shawki, the applicant spoke in support of his application stating that he had spent £1million in refurbishing the premises. He wished to operate a well run and successful business which would cause no detriment to his neighbours.



- (4) Councillor Watkins spoke in his capacity as a Local Ward Councillor setting out his objections to the proposal. He was concerned that the majority of the works had been carried out without the benefit of planning permission for which retrospective approval was now being sought. He lived in this part of the City and knew that it was very densely populated; this explained the rationale for planning permission previously having been granted for use of the lower floors only for this use. In his view this should remain the case. He suggested that in order for Members to appreciate the complexity, limitations of the site and its configuration it would be beneficial for Members to carry out a site visit before determining the application.

#### **Questions / Matters on which Clarification was Sought**

- (5) Councillor Smart referred to the concerns highlighted by the objector and to the remedial measures proposed by the Environmental Health Officer. Mr Keighley explained that following a six month delay the insulation works to the refrigeration unit identified had yet to be completed.
- (6) In answer to questions of Councillors Davey, Smart and Wells, Mr Shawki the applicant, explained that the original windows at first floor level had been larger than the recent replacements which were of obscurely double glazed UPVC. He explained that the roof lights had been installed to provide illumination to the roof top storage area. Customers using the premises did not have access to that area.
- (7) Councillor Mrs Theobald asked questions regarding potential noise nuisance emanating from the premises and the number of patrons it was intended to accommodate. Mr Shawki explained that the premises were designed to appeal to a mature clientele. Chairs tables and sofas were to be provided rather than a large area for stand up drinking to take place. Background music would be provided to add to the ambience of the setting.
- (8) Councillor Kennedy sought clarification regarding which parts of the premises were licensed and the hours of operation in place. Mr Shawki explained that an application would be submitted to the licensing authority in respect of the use at first floor level, following successful grant of planning permission.
- (9) Councillors Barnett and Norman queried why the applicant was seeking permission for the premises to be open after midnight bearing in mind the older client group at which the premises were aimed. Mr Shawki explained that longer opening hours were being sought in order to provide greater flexibility when functions were taking place. It was not anticipated that the premises would be open after midnight every evening.
- (10) Having heard the various points made, the Chairman suggested that Members might wish to reconsider their earlier decision not to carry out a site visit. Members were of the view that given the population density of the area in which the application site was located and the need to respect and preserve neighbouring amenity, that it would be appropriate to conduct a site visit prior to determining the application.
- (11) A vote was taken and Members voted that the determination of this application and the two following it relating to the same address be deferred pending a site visit.

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

**Note1:** The Chairman reminded those members of the public who had spoken that as the decision to carry out a site visit had been taken following their submissions to Committee, although welcome to attend the next meeting of the Committee at which this and the two following applications would be considered, no further public speaking would be permitted in respect of these applications.

**D. Application BH2008/01985, 79 – 80 Western Road, Hove** - 6 air conditioning units to the rear of the property

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

**E. Application BH2008/01986, 79 – 80 Western Road, Hove** - Proposed three new roof lights to front and rear (part retrospective).

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

**F. Application BH2008/03792, The Royal Pavilion, Church Street, Brighton** – display of non-illuminated flags.

(1) The Area Planning Manager (West) (Mr Walke) gave a presentation indicating the location and appearance of the proposed flags. He explained that this use was requested for a temporary period of two years to coincide with the restoration work currently taking place to the external fabric of the building. The purpose of this signage was to ensure that the location of the entrance to the Royal Pavilion was indicated clearly for visitors. These temporary signs would be removed on completion of the works.

(2) Councillor Smart enquired whether the signage would require replacement during that period. The Area Planning Manager (West) explained that it was anticipated that the signage would remain intact for the duration of the works.

(3) Mr Small CAG, referred to the objections received from the Group explaining that they had considered the application further at their meeting the previous day. The Group had remained unchanged in their view and had reiterated their earlier objections. However, they had been unaware that any permission would be temporary pending completion of the works outlined by the Area Planning Manager.

(4) A vote was taken and on a vote of 11 with 1 abstention advertisement consent was granted in the terms set out below.

235.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant advertisement consent subject to the conditions and informatives set out in the report.

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

**G. Application BH2008/03670, 2 Forest Road** – Erection of a single detached two storey dwelling house.

- (1) The Planning Officer gave a detailed presentation setting out the rationale for the recommendation that the application be refused.
- (2) Mr Bareham spoke on behalf of the applicant in support of their application. He stated that the applicant was seeking to provide a well designed family dwelling which would not be at variance with the neighbouring street scene. The proposed dwelling was anticipated to reach Level 3 sustainability, would meet the requirements of the Local SPD and would be constructed of materials sympathetic with the neighbouring street scene.
- (3) Councillors Kennedy, Norman and Mrs Theobald concurred with the Officer's recommendation agreeing that planning permission should be refused.
- (4) Councillors McCaffery and Wells considered that the proposed scheme was acceptable and that planning permission should be granted.
- (5) A vote was taken and on a vote of 10 to 2 to planning permission was refused in the terms set out below.

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

**Note:** Councillors McCaffery and Wells voted that planning permission be granted.

**H. Application BH2008/03950, "Seasons" Café, 36 Gloucester Road, Brighton** – Application for variation of Condition 2 of application BH2999/00436/FP in order to allow opening hours between 8.00am to 8.00pm Monday to Saturday, and removal of Condition 5 in order to allow the preparation and sale of hot food on the premises.

- (1) The Area Planning Manager (West), (Mr Walke) gave a presentation detailing the proposal and setting out the rationale for the recommendation that permission be refused.
- (2) Mr Braithewaite spoke on behalf of neighbouring objectors. He referred to the planning history of the site and to the constraints placed upon it due to its location on a tight corner plot. The rear of the premises was located in very close proximity to neighbouring dwellings. Successive planning permissions granted since 2005 had not permitted food to be cooked on the premises in order to protect the amenity of neighbouring residents. Nothing had changed to make such use acceptable now. A license to sell alcohol had recently been granted by the licensing authority and it was feared that this, combined with later hours and the ability to provide cooked food on the premises, could give rise to significant loss of amenity and noise nuisance for residents.

- (3) Mr Handley, the applicant, spoke in support of his application. He explained that the odour extraction system provided fell just outside the distance criteria set by the Environmental Health Department. In this instance he did not consider these criteria to be appropriate as only "light" cooking would be carried out on the premises which would not generate significant levels of odour.
- (4) Councillor Davey spoke in his capacity as a Local Ward Councillor echoing the concerns raised by objectors. The premises were very small and it was essential that adequate controls were in place to ensure that there was no detriment to neighbouring amenity. He considered that the views of the Environmental Health Officer should be respected and his requirements upheld. This issue needed to be resolved prior to any increase in the existing opening hours being agreed. Having addressed the Committee, Councillor Davey withdrew from the meeting and took no part in the discussion or voting in respect of the application.

### **Debate and Decision Making Process**

- (5) Councillor Hamilton referred to an error in the circulated report seeking confirmation that the premises were located in a Conservation Area. The officer confirmed that the application had been considered and publicised correctly.
- (6) Councillor Smart enquired regarding methods of odour control neutralisation available to the applicant. The Area Planning Manager explained that whilst he was aware that there were odour neutralisation systems available on the market and that they could be expensive, he had no knowledge as to their precise cost.
- (7) Councillor McCaffery enquired whether it would be possible to apply any condition to any permission granted specifying that only "light" cooking could take place. The Area Planning Manager responded that such a condition would be unenforceable.
- (8) Councillors Carden and Steedman enquired whether it would be possible to grant permission which was personal to the applicant. The legal adviser to the Committee explained that the information provided by the applicant had not been corroborated by the Environmental Health Department. It would be difficult to link a personal permission to one issue only (i.e. odour control measures).
- (9) Councillor Kennedy considered it regrettable that an alcohol licence had been granted in advance of these other issues having been resolved.
- (10) Councillors Carden and McCaffery sought clarification as to whether a split decision which separated issues relating to odour control from the premises' hours of operation would be permissible. The legal adviser to the Committee confirmed that it would. However, this proposal was put to the vote and was lost on a vote of 3 to 6 with 1 abstention.
- (11) Councillor Barnett noted that although 15 letters of objections had been received in respect of the application, 21 letters of support had been submitted.
- (12) Councillor Hamilton proposed that planning permission be granted. This was seconded by Councillor McCaffery following an initial vote of 6 to 4. However, on taking a

recorded vote, a vote of 5 to 5 was recorded. A further vote was taken therefore and on a vote of 5 to 5 planning permission was refused on the Chairman's casting vote in the terms set out below.

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

**Note1:** Councillors Barnett, Carden, Hamilton, McCaffery and Wells voted that planning permission be granted. Councillors Hyde (Chairman), Kennedy, Norman, Smart and Steedman voted that planning permission be refused. Therefore on the Chairman's casting vote planning permission was refused.

**Note2:** Having declared a personal and prejudicial interest in the above application Councillor Mrs Theobald withdrew from the meeting and took no part in the discussion or voting thereon.

**Note 3:** Having spoken in his capacity as a Local Ward Councillor, Councillor Davey, withdrew from the meeting and took no part in the discussion or voting in respect of the above application.

**I. Application BH2008/02307, 57 Falmer Road, Rottingdean** – Demolition of existing derelict building and construction of 6 x 2 storey town houses.

- (1) The Planning Officer (Ms Brocklebank) gave a detailed presentation setting out the constituent elements of the scheme.
- (2) Mr Small (CAG) requested to be shown elevational drawings and to receive details of the finishes and materials proposed. It was explained that the proposed dwellings would be flint fronted with brick detailing. Councillor Hyde, the Chairman requested to see photomontages indicating the appearance of the development when shown in juxtaposition to neighbouring houses in Falmer Road.
- (3) Councillor Smart enquired regarding the availability / frequency of local public transport. Councillor Wells explained that the site was served by the number 2 bus. This was not a frequent service as it ran three times per hour during the week and less frequently on Sunday. The service ceased early in the evening at around 9.30pm.

**Debate and Decision Making Process**

- (4) Councillor Barnett stated that she was of the view that provision of 12 cycle parking spaces on site but no car parking provision was unacceptable. Given the out of town location of the site she considered that residents were likely to be car owners. Councillor Barnett made reference to PPG 13, which stated that the car still had an important role to play and would continue to be the only satisfactory means of transport especially in areas away from the city centre. She was of the opinion the development should provide off-road parking.
- (5) Councillor Hyde, the Chairman referred to the comments received from the Traffic Engineer and noted the response given by the Principal Transport Planner that

information received from the Police indicated that there had been no accidents in the vicinity of the site and that adequate on-street parking was available. As a Local Ward Councillor she knew the area well and could not concur with the views of the Traffic Engineer. Although the report had quoted policies which the proposed development was considered to meet, two very important traffic issues had been overlooked in her view. The development would adjoin a doctor's surgery on its south side. Considerable congestion already occurred at this point during surgery hours and it was also close to the junction with the Falmer Road which was very busy.

- (6) To the north side there was the access road to the local high school which had a roll of 1200 and this figure was anticipated to expand. The school road was also located close to the junction with the Falmer Road. This junction had poor visibility and difficult access and as a Ward Councillor she was regularly approached by local residents requesting that a mini roundabout be installed. The feasibility of so doing had been explored twice within the last five years but had been rejected. The proposed off-site parking would serve to aggravate the situation at this already dangerous junction.
- (7) The Chairman queried the fact that the report did not mention these issues and requested to know the time at which the traffic survey had been carried out. She was informed that the survey had taken place at 8.00pm. The Chairman stated that in her opinion this was unsatisfactory, as both the doctor's surgery and the school would have been closed at that time and the impact of both of these was important, particularly as the report recognised that the development would result in 8 additional cars being parked on the road at the junction. In her view the development would be contrary to policy TR7.
- (8) Councillor Mrs Theobald sought clarification regarding the height of the properties, the size of their proposed gardens and details of the distance from the rear of the neighbouring properties. She considered that this form of development was too dense and was out of character with the neighbouring properties located in Falmer Road. In her view the development constituted "town cramming". The properties in Falmer Road were detached properties with large gardens. There was currently one building located on the application site. She considered it would be appropriate to provide fewer larger dwellings on site with dedicated parking.
- (9) Councillor Wells stated that given that the development would generate 8 vehicles which would need to park nearby, this could result in parking on the grass verge close to the entrance to the doctor's surgery which would be unacceptable. The area was not well served by public transport; the one available bus was infrequent and did not travel directly into the city centre. He was in agreement with Councillor Mrs Theobald that on-site parking should be required.
- (10) Councillor Kennedy referred to the existence of slow worms on site stating that in future it would be useful if the Council's ecologist could be in attendance to answer any questions in respect of those applications on sites which were of special interest or where flora or fauna had been identified as being present. She had concerns that if planning permission was to be granted, works might be delayed until November of that year and was seeking confirmation that this would not be the case. The Development Control Manager confirmed that she would seek clarification of this matter on her behalf.

- (11) Councillors Davey and Steedman stated that the proposed scheme would provide quality family homes. Residents would not be precluded from owning cars which could be parked nearby. Access arrangements which would involve vehicles crossing the highway to / from Falmer Road were considered hazardous. The proposed solution was acceptable in their view. Councillor Steedman stated that as the level of available on-street parking was considered adequate, the scheme should be supported.
- (12) Councillor Hamilton concurred that the scheme was acceptable, referring to the fact that on-street parking did not appear to be in short supply within the immediate area, expressions of support had also been received from Rottingdean Parish Council and other community groups. The Chairman stated that in the past the Parish Council and the Rottingdean Preservation Society had been informed that they could not object to a planning application on parking / traffic grounds. The Development Control Manager confirmed that there was only one Parish Council in the City and that Officers had given training to Councillors on Rottingdean Parish Council. The Development Control Manager confirmed that parking, traffic, and transport issues are material planning considerations.
- (13) A vote was taken and on a vote of 5 to 5 planning permission was refused on the Chairman's casting vote in the terms set out below.

235.9 **RESOLVED** – That the Committee resolves to refuse planning permission for the following reasons:

1. Policy QD3 states 'in order to avoid town cramming open space and grassed areas within urban areas should be retained'. Properties in the Falmer Road area are characterised by being detached with large gardens. The existing site contains one large building and it is currently in keeping with the character of the Falmer Road area. The proposal does not reflect the character of the existing area. The proposal is therefore contrary to the objectives of policy QD3 of the Brighton & Hove Local Plan.
2. The proposed development is located in an area with low public transport accessibility. Policy TR3 stated that planning permission will not be granted for development proposals that would generate an inappropriate level of car parking in locations that fall within areas of low public transport accessibility. The proposal is therefore contrary to the objectives of policy QD3 of the Brighton & Hove Local Plan.
3. The proposed development which includes six residential units would increase the danger to users of adjacent pavements and roads, and exacerbate the congestion at the Falmer Road junction. No alternative solutions have been submitted which would overcome the concerns raised. The proposal is therefore contrary to policy TR7 of the Brighton & Hove Local Plan.

**Note:** Councillors Carden, Davey, Hamilton, Kennedy, McCaffery and Steedman voted that minded to grant planning permission be given. Councillors Barnett, Hyde (Chairman), Norman, Smart, Mrs Theobald and Wells voted that planning permission

be refused on the grounds set out above. Therefore, on the Chairman’s casting vote planning permission was refused.

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

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

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

**Note 1:** All decisions recorded in this 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.

**237. 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**

237.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination.

Applications:	Site Visit Requested by:
*BH2008/02303, “Elmhurst, Warren Road, Woodingdean	Development Control Manager
*BH2008/03893, Land Adjacent, Brighton Health And Racket Club	Development Control Manager
BH2008/00658, 112-113 Lewes Road, Brighton	Development Control Manager
*BH2009/00414 & 00414, The Old Market, 11A Upper Market Street, Hove	Mr Small, CAG ; Development Control Manager
*BH2008/02077, 01985 & 01986,	Councillor Hyde, The Chairman



79–80 Western Road, Hove	
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\*Anticipated as applications to be determined at the next scheduled meeting of the Committee.

The meeting concluded at 6.00pm

Signed

Chair

Dated this

day of