

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 10 AUGUST 2011**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors MacCafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Cobb, Davey, Hamilton, Hawtree, Kennedy, Robins, Summers, Wealls and Wells

**Officers in attendance:** Jeanette Walsh (Head of Development Control), Hilary Woodward (Senior Lawyer), Steve Walker (Senior Team Planner), Steve Reeves (Principal Transport Planner), Jane Clarke (Senior Democratic Services Officer), Alun Cance (Environmental Health Officer) and Anthony Foster (Senior Planning Officer)

**PART ONE**

**36. PROCEDURAL BUSINESS**

**36a Declarations of substitutes**

36.1 Councillor Wealls declared that he was substituting for Councillor Cobb.

36.2 Councillor Robins declared that he was substituting for Councillor Farrow.

**36b Declarations of interests**

36.3 Councillor Wells declared an interest in application BH2011/01264, Blatchington Mill School, Nevill Avenue, Hove as he had attended the school on several occasions as part of his Mayoral duties. He remained of an open-mind and took part in the debate and decision of this item.

**36c Exclusion of the press and public**

36.4 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.

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

**37. MINUTES OF THE PREVIOUS MEETING**

37.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 20 July 2011 as a correct record with the following amendment:

Application BH2011/01146, 189 Kingsway, Hove:

(19) "...The secondary windows would be *obscurely* glazed..."

**38. CHAIR'S COMMUNICATIONS**

38.1 The Chair noted a new procedure for managing the debate at Committee, and said that this procedure would be trialled for the next few meetings. This was to facilitate the debate and enable Officers to respond to issues that needed clarification.

**39. APPEAL DECISIONS**

39.1 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.

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

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

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

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

**42. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

43.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2010/03760 & BH2010/03759, The Astoria Cinema, Gloucester Place, Brighton	Head of Development Control

**44. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST****(i) TREES**

- 44.1 The Committee considered a report from the Arboriculturist regarding the felling of 1x Populus Tremula (Aspen) outside 1 The Vale, Ovingdean, Brighton.
- 44.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 7 of the report and resolves to grant consent to fell subject to the conditions as listed in the report.
- 44.3 The Committee considered a report from the Arboriculturist regarding the felling of 1x Populus x Canescens (Grey Poplar) outside 1 The Vale, Ovingdean, Brighton.
- 44.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 7 of the report and resolves to refuse consent for the reasons given in the report.
- 44.5 The Committee considered a report from the Arboriculturist regarding the felling of 1x Acer Pseudoplatanus (Sycamore) at 8 Patcham Grange, Patcham, Brighton.
- 44.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 7 of the report and resolves to refuse consent for the reasons given in the report.
- 44.7 The Committee considered a report from the Arboriculturist regarding the felling of 1x Populus Nigra (Black Poplar) at 20 Hangleton Manor Close.
- 44.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 7 of the report and resolves to refuse consent for the reasons given in the report.

**(ii) MAJOR APPLICATIONS**

- A. Application BH2011/01264, Blatchington Mill School, Nevill Avenue, Hove** – Construction of 2no. artificial turf sports pitches incorporating installation of 12no. 15 metre high floodlights, perimeter fencing and associated ground works.
- 1) Councillor Hyde noted that Councillor Fitch had commented on the application as a Ward Councillor, and asked whether he had a prejudicial interest in the item. The Senior Solicitor, Mrs Woodward, agreed that Councillor Fitch would have a prejudicial interest in the item; however this would not have necessarily precluded him from speaking on the item. He could have spoken as a member of the public, but as he was not present at the meeting this would not affect the decision.
- 2) The Senior Team Planner, Mr Walker, introduced the application and presented plans, photos and elevational drawings. He stated that part of the boundary was marked by a 2.5 metre high hedge with residential properties behind. There was a

gentle gradient from north to south on site, and from west to east. The proposed pitches would include an area for players to watch matches, and floodlight positions along the boundaries. The lowest pitch was slightly higher than the land around it, which sloped down to Nevill Avenue. There would be a low timber strike board around each pitch, with a wire mesh on top that would be around 2.1 metres in height. In addition there would be 5 meter high netting behind each of the goal mouths, and in three positions along the southern boundary.

Turning to the floodlighting, Mr Walker explained that these would be a state-of-the-art design, with the source of the light contained within the lighting hood to reduce light spillage. The lighting would be significantly more intensive on the pitch where the beams crossed, and the average lux across the pitch was now assessed at 527 as an average, rather than 507 as stated in the report. There would be around 104 - 120 hockey players arriving and leaving between matches if both pitches were in use.

Letters of representation had been received and were highlighted in the agenda, with the latest up date, and corrections included to the number of supporters and objectors on the Late List. Letters of support highlighted the need for hockey pitches in the city. Objections were on the grounds of lighting, noise and disturbance and transport issues.

In terms of lighting, Mr Walker presented a lighting diagram to show that levels decreased markedly when beyond the pitch to a level of less than 2 lux at the boundary of the field. This was a level less than that of moonlight. It was felt therefore that the impact of this on neighbours would be negligible. There would be lights visible in the distance, but there would not be any glare. Localised glare would not occur either as the lights were recessed into their housing. As set out in the report, light could be deemed a statutory nuisance if the levels were too high. If this were the case the Environmental Health Team would have powers to intervene and issue an Abatement Notice in addition to conditions proposed. The orientation of the pitches had been considered, but the school was unable to move the pitches any further away from residential properties. The ground was currently being used as sport pitches, although it was recognised that these new all-weather pitches would intensify that use.

In terms of transport there were 210 spaces available on the school site. It was anticipated that 60 spaces would be needed normally, but a 10% - 20% reduction in this figure could be achieved with the implementation of a Travel Plan. The proposed Travel Plan from the school was deemed to be very good, and an example of industry best practice.

There was little ecology on site and the Council's Ecologist had classified the site as of low ecological interest. The area around Blatchington had seen some historical finds and was in an Archaeological Notification Area, and this would need to be monitored during development.

It was deemed that with appropriate conditions attached the application should be granted with the updates and amendments included in the Late List and proposed final wording of condition 3 as agreed with Environmental Health.

**Public Speakers**

- 3) Mr Tinkler, a local neighbour, stated that the planning report had referred to a level of 500 lux of peak brightness as a maximum to safeguard residential amenity. The design however showed maximum peak was 627 lux, which was significantly higher and would have a detrimental effect on the amenity of surrounding neighbours. He felt that there had been no evidence submitted to prove this design would not produce glare, and as such believed the scheme needed to be significantly amended to protect residential amenity. Whilst the school had said the ground was not suitable for football there was again no evidence to support this. Mr Tinkler also objected to the loss of sports provision at the school, with the running track being removed and no space for rugby to be played. If the application was granted there would be a loss of green space and a loss of variety of sports provision. The site was in a residential area and on top of a hill, and whilst some floodlit pitches had been approved at other schools, they were much further away from residential areas. Mr Tinkler was also concerned that the lights would be seen from the South Downs.
- 4) Councillor Cobb noted a reference Mr Tinkler had made to Sport England and asked him to explain this further. Mrs Roberts, also a local neighbour who was in attendance with Mr Tinkler, replied that the planning report had said that Sport England was in support of the scheme, but the letter available on the planning file from them had stated "no objection", which was different to expressing support. When Sport England had been questioned by the local residents, they had responded that whilst they did not object to the scheme, they did question the choice of surface used for the pitches. It was further stated that the applicant had provided a rationale for why this type of surface was needed, but this was not available to view on the planning file. Sport England had confirmed they would prefer one pitch allocated for hockey, and one for multi-sports use. The loss of football and rugby provision of the school was unacceptable.
- 5) Councillor Hyde raised concerns about losing the running track and asked for confirmation that there would not be a replacement. Mr Tinkler replied there would not be space for a full sized track, but a smaller track would be provided.
- 6) Councillor Bennett addressed the Committee as the local Ward Councillor, and said that she welcomed better sports facilities in the city. This site however was not the right location for provision of these pitches. The proposal was in her view un-neighbourly, and disturbance already occurred from the football that was being played there. The voices from the hockey games would carry a long way, with additional noise intrusion from car doors banging, engines starting and people chatting after the game. There would be 120 users between game changes and this would cause significant disturbance. Many members of the hockey club lived within the Withdean area, and were unlikely to use the nearest bus stop with the equipment they had to carry. Views of the floodlighting at the bottom of Nevill Avenue would be 17 metres high. Councillor Bennett added that whilst 2 lux of light seemed low, this was still double that of emergency lighting in buildings, and so would have an impact on resident's lives. If the application was approved, she asked that the use of the pitches be reduced to 8pm weekdays, 6pm on Saturday, and no use on Sundays and Bank Holidays. Unauthorised out of hours activity was also a concern for

residents, and Councillor Bennett felt that appropriate landscaping was needed to protect amenity, in consultation with the local residents.

- 7) Councillor Janio addressed the Committee as an adjacent Ward Councillor, and said that the Travel Plan failed to adequately deal with the large increase in traffic this application would generate. He did not agree that the Travel Plan would be able to encourage such a large shift from car dependent use to the site, and felt that sportsmen and sportswomen would not use bicycles or walk to access the site. He was also concerned about the further increase in traffic should the team move up a league. Councillor Janio did not feel that Travel Plans had been successful in the past, and as such, asked the Committee to refuse the application on policy TR1 grounds.
- 8) Councillor Barnett also addressed the Committee as an adjacent Ward Councillor, and objected to the loss of play space in the school. She noted that the pitches would take over a third of the school's playing fields. There was a variety of sports being played at the moment and it would be a shame to lose this beneficial activity as it was helping to tackling the problem of childhood obesity. She had great concerns for the resident's amenity and was extremely concerned about the proposed use of the pitches up to 10pm at night.
- 9) Councillor Cobb asked about the loss of play space that had been referred to, and asked if there was extra space on the other side of the school buildings that could be used during break periods. Councillor Janio felt the loss of recreational space was significant and that space on the other side of the building was insufficient.
- 10) Mr Browning, Deputy Head Teacher of Blatchington Mill School, said that many children would be supported through this development via community group use. The city currently had less all weather pitch provision than many smaller towns, and this scheme would contribute to the 'Every Child Matters' agenda. Water logging often prevented use of the fields as they currently were, and it was deemed that one all weather pitch was equivalent to two grass pitches in terms of usage. The pitches would be shared with other schools to further develop the sports educational provision across the city. The Active for Life programme with the Council meant that the pitches would be set aside for 6 hours a week for free pitch time. The scheme would also mean that the Hockey Club didn't have to compete with 5 aside football teams for space, and would mean that specialist hockey teaching would be provided Blatchington Mill School. The proposed flood lighting would improve security around the area, and Sport England showed that the more sports activities provided in an area, the greater reduction in antisocial behaviour in the area. He added that the pitches would be managed with the utmost care.

Mr Heath, from Brighton & Hove Hockey Club, said that this was an excellent scheme, and whilst 12 potential sites had been evaluated, this was the best central location to reduce net car travel and increase child safety. Changing facilities were available on site. The Hockey Club was an equal opportunity not for profit group, but he recognised that change caused anxiety amongst some residents. The Hockey Club had been in consultation with the MP, local Councillors, and had held two open days at the school. They had spent a great deal of time considering neighbours needs and ensuring a balanced and sustainable use. Full answers had been given to

all of the questions regarding the light scheme. All of the neighbours would be shielded from glare and the floodlights would be less than half that of moonlight in people's gardens. There would be a good neighbour agreement to cover language, noise etc. and a business plan to ensure any surplus made from the pitch hire would go back into young people's development. There would not be coaches of supporters and ample parking was provided. The school needed the support of the Committee, and had support from over 300 people in the community.

- 11) Councillor Hyde asked how cessation of use of the pitches, at 8pm or 9pm, would affect the Club's ability to use them. Mr Heath replied that training would take place for adults in the evening and as many worked in London later pitch slots were needed. He also expected to hire out to third party users during this time. There was a need to ensure the business plan was viable and the pitches would not be a drain on the school's resources.
- 12) Councillor Wealls asked if football and rugby could still be played at the school, and whether the new track would be 400 metres long. Mr Heath explained that the proposed track would be 300 meters, with an extra 200 metre running strip. League football could not be played on the pitches, but training and 5 aside football could be played, together with touch rugby, cricket, netball and many other uses.
- 13) Councillor Wealls asked about residents consultations. Mr Heath replied 2 took place last summer where plans were put up and invites sent round to local areas. Meetings with Ward Councillors had also taken place and residents invited to those meetings.
- 14) Councillor Cobb felt the pitches would be popular and asked if seating would be provided for supporters, and for more details of the drop off point. Mr Browning replied that the banks currently on site would be removed and a turning place was available at the north of the building currently. Mr Heath added there were no plans to provide seating as hockey was a non-professional sport with minimal support.
- 15) Councillor Carden asked how often the pitches would be used, as he was concerned about the length of time that was available. Mr Browning replied the school would have the majority of use up to 5pm. The grass pitches were currently waterlogged and out of use for much of the time. Mr Heath replied that the Hockey Club would use the pitches after 6pm and on the weekends.
- 16) Councillor Hawtree asked about the surface water run off and how this would be dealt with. Mr Scrivener, on behalf of the school, said that the grass pitches were typically designed to have a drainage system to collect the water and drain away through the chalk base. This would improve the quality of the remaining grass fields.
- 17) Councillor Davey asked about activities for children at the school and what would be the main differences with the new pitch provision. Mr Browning replied that the school had limited indoor facilities. Fitness training would take place, along with mini athletics, touch rugby, and generally promoting a healthy lifestyle for all students. The school would ensure they were intensively used. There would be no loss of sports that were currently played as the school would not want to lose a variety of activities.

- 18) Councillor Davey asked about the management of the facility and how this would be controlled. Mr Heath replied that the school would permanently manage the facility all of the time they were open. There was an agreed time in which the Hockey Club could use the pitches.
- 19) Councillor Summers asked how much the fields were currently used for organised sport after school hours. Mr Browning replied that the fields were currently used for football, archery and activity days. He would like to see the new pitches used as much as possible, but to limit the hours of unofficial use that was currently happening. Councillor Summers asked how more often the area would be in used with the new timetable in place. Mr Browning said the fields were normally used up to 6pm or 7pm by the school. After this time they could be unofficially used until darkness.
- 20) Councillor Hawtree asked for clarification of unofficial use and Mr Browning replied that the fields were currently used to play unofficial football and games in the evenings. With the business plan in place there would be a greater restriction of use that was not controlled directly by the school. Councillor Hawtree asked why the gates weren't shut in the evening to prevent unofficial use, and Mr Browning said they often were.
- 21) Councillor Kennedy asked about the Travel Plan, and asked if it was to be agreed as part of a Section 106 Agreement. She also asked about the proposed fencing and whether this would be permeable or solid. Mr Walker replied the Travel Plan would be secured as a part of condition 7, rather than through a Section 106 Agreement. He passed around examples of the materials to be used for fencing.
- 22) Councillor Davey asked about the Travel Plan and its contents, and where the nearest bus stop was located. Mr Reeves replied that the headline terms of the Plan were available in the report. The nearest bus stop was located on Nevill Avenue.
- 23) Councillor Cobb asked whether transport of equipment was considered when agreeing the Travel Plan. Mr Reeves replied that this had not been taken into account, but believed that hockey players would make alternative arrangements if they were carrying large equipment bags.
- 24) Mrs Walsh addressed the Committee and noted the final wording of condition 3.
- 25) Councillor Kennedy asked whether the references to the moon in terms of lux levels were the brightness of a full moon, and this was confirmed.

### **Debate and decision making process**

- 26) Councillor Hawtree was dissatisfied with the artificial turf material proposed for the scheme, and felt it would create an urban heat island. The loss of grass would reduce the natural ecology in the area. Grass would normally reduce pollutants in the air as well. This scheme would have an effect on the environment of the city.
- 27) Councillor Cobb proposed a reduction in the time the pitches were available to use, to 8am - 9pm weekdays, 8am – 8pm Saturdays, and 9am – 7pm on Sundays and



Bank Holidays to protect the amenity of local residents. Councillor Hyde seconded the proposals.

- 28) Councillor Davey agreed with the proposal. He felt the application would be beneficial to the city, but there would be an impact on local residents, and he felt a compromise of hours of operation was appropriate.
- 29) Councillor Kennedy was also concerned about hours of operation and agreed with the proposal, as she was also concerned about the light levels that may affect residents.
- 30) Councillor Summers was sympathetic with the needs of the Club but felt that this scheme could have an impact on noise for the residents. Times of use from 8am – 10pm were excessive, and she agreed with the restriction in times proposed.
- 31) Councillor Hawtree referred to the sinking fund for the pitch surfaces and felt that the pitches would last for only 8 years.
- 32) Councillor Carden was concerned by the volume of traffic using the road to the school and felt it was very narrow. He was concerned that this scheme would increase the traffic flow further. He also believed that the Astroturf would have a lot of wear and tear on it and be heavily used.
- 33) Councillor Hamilton felt it was difficult to take a single view on this application. He could recall hockey pitches being approved at Cardinal Newman School some years ago, although this scheme had not been implemented. In his view Cardinal Newman School was a better location for hockey pitches. He was concerned that there was not enough room on this site for a true variety of sports to be provided, and there would be a loss of cricket provision. He was also concerned about the use of floodlights which seemed excessive. However he could appreciate the need for good, all-weather pitches to be provided for hockey teams in the city.
- 34) Mr Walker addressed the Committee and explained that the lux levels would drop to 0 at the edges of the pitch. Residents would be able to see the lights, but they would not illuminate gardens as intrusive light. The Environmental Health Officer, Mr Cance, added that given the industry standards these lights were favourable. Light could go to a maximum of 10 lux before it became intrusive, and as the lighting plans showed that the level of light would be 0 at the boundaries, the Environmental Health Team were satisfied with the scheme based on the evidence provided.
- 35) The Chair added that the Council had separate statutory powers to serve an abatement notice should the levels of light become intrusive.
- 36) Councillor Summers referred to the timber strike board proposed as part of the scheme, and felt this could create intrusive noise late at night. Mr Walker was unsure what type of noise the strike board would make, however a condition could be added to ensure that an appropriate material would be used to ensure noise from striking balls was absorbed.

37) A vote was taken and on a vote of 5 for, 3 against and 4 abstentions planning permission was granted subject to the conditions and informatives listed in the report, amendments to conditions, and an additional condition regarding materials of the strike board.

44.9 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of the report and resolves to grant planning permission subject to the conditions and informatives listed in the report, amendments to conditions, and an additional condition to read:

1. Additional condition

No development shall take place until specification of the material to be used for the striker boards around the inside edges of the pitch fences has been submitted to and approved in writing by the Local Planning Authority. The material specified shall be noise absorbent such as to attenuate the sound made when struck. The development shall be implemented in accordance with the approved specification and retained as such thereafter.

**Reason:** To safeguard the amenities of the occupiers of nearby residential properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan 2005.

2. Condition 3

The level of illumination from the floodlights hereby approved shall not exceed a maintained average of 527 Lux upon the surface of the artificial pitches whereby the projected maintenance factor is 0.80.

**Reason:** In order to comply with the Floodlighting Strategy submitted and to ensure levels of light spillage are kept to a minimum in the interests of safeguarding residential amenity and to comply with policies QD26 and QD27 of the Brighton & Hove Local Plan 2005.

3. Condition 6

The floodlights hereby permitted shall only be used between the hours of 8.00am to 9.00pm Monday to Friday, 8.00am to 8.00pm on Saturdays and 9.00am to 7.00pm on Sundays and Bank Holidays. Additionally they shall only be used when the artificial pitches are being used.

**Reason:** To safeguard residential amenity and to comply with policies QD26 and QD27 of the Brighton & Hove Local Plan 2005.

**(iii) MINOR APPLICATIONS****D. Application BH2011/01154, Mill House, Overhill Drive, Brighton – Erection of two storey detached residential dwelling.**

- 1) The Senior Planning Officer, Mr Foster, presented the application and presented plans, photos and elevational drawings. He said that an additional letter of support from the occupiers of 2 Grange Walk had been received. It was noted that there was a twitten that ran along the boundary of the application site. The existing property of Mill House would be retained and another application had already been approved on site in 2010. The design was traditional with white render and a slate tile roof. There were no windows proposed a first floor level on the south elevation. A bay window was proposed but this would be 28 meters from the adjacent elevation of Grange Walk. A previous scheme had been dismissed at appeal on the grounds of potential overlooking on Grange Walk.

**Public Speakers**

- 2) Mrs Hubbard, a local neighbour, said that she objected to any further development on the site due to safety fears for children walking along the twitten, and the effect this further disturbance would have on the ecology of the site. The access was not wide enough for two cars to pass one another, and although a passing point had been added, she felt it was dangerous as cars needed to reverse around 25 meters to get to it. The loss of trees on site was not appropriate either, and Mrs Hubbard felt this would be against policies in the Local Plan that protected trees and hedgerows. Mrs Hubbard asked for a condition to secure the passing area in perpetuity. She noted that multi property applications on site had always been refused, but felt that the applicant was now using a backdoor approach to secure more development on site. The ward Councillors fully supported the objections made on this scheme.
- 3) Mr Pickup, agent for the applicant, said that the reasons given for refusal were not sustainable. The proposed access arrangements had already been approved and passed by an independent safety audit, which had formed part of the previous application. The Appeal Inspector had also examined this safety audit and was satisfied. The passing space was retained as part of the current scheme. There would be three dwellings on site, but the Inspector had indicated that he would have no objections to this site serving up to five dwellings. Three separate meeting with residents had taken place and ward Councillors were invited to attend as well. Council Officers were satisfied that there was no reason to refuse planning permission on this site and there were no outstanding travel issues.
- 4) Councillor Hawtree asked about the materials for the roof and Mr Pickup replied that either natural slate or artificial slate could be used. Materials would be approved at a later stage via condition however.
- 5) Councillor Hawtree asked if timber windows would be used and Mr Pickup added that this again would be approved through the materials condition.

**Debate and decision making process**

- 6) Councillor Wealls asked for views of the block plan and photos of the site, and these were displayed.
- 7) Councillor Cobb referred to previous applications where a double height building had been proposed but refused, and asked what the height of this new proposed building would be compared to Mill House. Mr Foster presented further plans and showed Committee Members the height differences on site.
- 8) Mrs Walsh clarified some issues regarding materials, and stated that applicants were free to submit applications with only suggested materials. Conditions were added to permissions to ensure types of materials would be used, but it would be unreasonable to expect applicants to give full details of materials when the scheme may not be constructed for several years.
- 9) Councillor Hyde asked how much higher the top of the house for the proposed scheme would be compared with the recently approved bungalow and Mr Foster said that the height to the ridgeline was 5 meters for the bungalow and 6.6. metres for the proposed scheme.
- 10) Councillor Wealls asked where the right of way ran on site and Mr Foster demonstrated this on the plans.
- 11) Councillor Cobb considered this as a back garden development and felt that this represented cramming on this site. She felt that if the scheme was approved the Council should be asking for Code Level 5 for Sustainable Homes to be achieved.
- 12) Councillor Hyde proposed a condition to be added for the passing place to be retained in perpetuity, and Councillor Kennedy seconded this proposal.
- 13) Mrs Walsh addressed the Committee to clarify some issues, and stated that it was not a material planning consideration to consider how many applications had been made on site. This was relevant information, but could not be used as a reason for approval or refusal. In terms of the condition for a passing place, she added that it would not be reasonable to request a passing place in perpetuity, as an applicant always had the right to put in a new planning application.
- 14) Mrs Woodward addressed the Committee and clarified that if the materials condition was amended, it would be to delegate the decision for approval of materials to the Head of Development Control, in consultation with the Chair, Deputy Chairman and Opposition Spokesperson.
- 15) Councillor Wealls asked whether there were any plans for street lighting to be provided along the twitten to ensure the safety of children using the route. Mr Foster replied that he was not aware of any plans for this.
- 16) Councillor Cobb felt there was a lack of information regarding various aspects of this scheme and did not feel able to make a decision.

17) A vote was taken and on a vote of 8 for, 0 against and 4 abstentions planning permission was granted subject to the conditions and informatives listed in the report.

44.10 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of the report and resolves to grant planning permission subject to the conditions and informatives listed in the report, amendments to conditions, and an additional condition to read:

1. Additional condition

The vehicle passing area as shown on the approved plans shall not be used otherwise than as a passing area for private motor vehicles belonging to the occupants of and visitors to the development hereby approved, the passing area shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be maintained and retained for use at all times.

**Reason:** In the interests of highway safety and for the benefit and convenience of the public at large to comply with policy TR7 of the Brighton & Hove Local Plan.

2. Condition 9

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (i) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage Report / Interim Report showing that the development will achieve Code level 5 for all residential units have been submitted to the Local Planning Authority; and
- (ii) a Design Stage / Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 5 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

3. Condition 15

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall be occupied until a Final / Post

Construction Certificate by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 has been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

**E. Application BH2011/01399, Trinity House, Roedean Vale, Brighton – Erection of three storey detached dwelling with associated access from Roedean Vale.**

- 1) Mr Foster introduced the application and presented plans, photos and elevational drawings. Permission for a new dwelling on site had already been granted. The nearest elevation was located 4 metres away from the shared boundary. The property was of a modern, flat roof design, finished in a white render. The proposed windows on the first floor level were located 13 meters from the shared boundary and the ground floor window was 4 meters from the shared boundary. The northern elevation would be viewed as two storeys in height. There was a restriction on use of part of the terrace to prevent overlooking to the south. There was a loss of a number of trees on site but this would be ameliorated by replanting of native species.

**Public Speakers**

- 2) Mr Long, the adjacent neighbour, was concerned that the bulk of the house was being moved nearer to the street as part of this application, and would be overly dominant on the street scene. There was no reasons that the line of buildings on the street should be broken, and he was concerned at a 40 year old Sycamore would be removed. In his view the plans could be moved so that the building was in line with the street scene. The ridge height had been increased and the style of the property would further increase the overly dominant effect and contribute to overshadowing. Loss of light was given as a reason for the applicants to remove trees on their site, but they would be replanted on the shared boundary, moving the loss of light onto his land. He had asked for consultation with applicants but this was declined. In Mr Long's view, minor amendments to the scheme would greatly improve the application and gain the support of residents, the local Ward Councillors and the Roedean Preservation Society.
- 3) Councillor Hawtree asked if Mr Long objected to the scheme entirely. Mr Long accepted the use of the site for a new dwelling but felt this plan negatively affected his amenity. As there had been no consultation to discuss any amendments, it had meant that any issues now needed to be raised at Committee stage.
- 4) Mrs Forward, agent for the applicant, said that the current building was identical to the previously approved scheme. The Sycamore tree had recently been surveyed more accurately, and the previous scheme could not have been built without damaging the tree. This necessitated its removal. The building would achieve Code Level 6 for Sustainable Homes, and had passed its Passive House pre-assessment. The house had excellent sustainability credentials and was fully compliant with all planning policies.

- 5) Councillor Hyde asked if any consultation had taken place with the neighbours and Mrs Forward replied that as the agent she was unsure if detailed proposals had been discussed.
- 6) Councillor Wealls referred to the northern elevation and asked for more details. Mrs Forward replied that the wall would be white render and this design had been chosen to help with acoustic and visual overlooking concerns. A new planting scheme would also soften this elevation. The height of the northern wall would be considerably lower.
- 7) Councillor Hawtree referred to the ecological scheme, asked how the photovoltaic panels would be positioned, how grey water would be recycled, whether wooden windows would be considered for the scheme, and what would be the surface material of the roof terrace. Mrs Forward replied that grey water recycling would be part of the scheme, which included aluminium and timber triple glazed windows. The roof terrace would be split into two elements with the first part being Terrazzo tiles, and the second element that was restricted in use, and would form a roof garden with planting materials to be agreed by condition. The photovoltaic panels on the roof would be angled to allow the house to generate more electricity than it used.
- 8) Councillor Wells was concerned about the trees that were being proposed on the shared boundary and whether this would constitute a loss of light for the neighbours. Mrs Forward replied that the majority of planting along that boundary would be bamboo, and therefore would not grow too high. Further species were to be agreed with the Landscape Officer at the Council. There would be no loss of light compared with the previously approved scheme. Mrs Walsh clarified that the planting could take place independently in any event.
- 10) Councillor Davey referred to the high levels of sustainability proposed for the scheme, and asked if the agent was confident that this could be achieved. He asked if there were any other properties in the city that this scheme could be compared with. Mrs Forward replied that she was confident, and her company had built similar schemes in other areas that did not need remedial work to ensure sustainability. She was unsure if there was any other scheme in the city that had achieved this level of sustainability.
- 11) Councillor Cobb asked for more details on the Passive House scheme. Mrs Forward replied that Passive House accreditation was solely related to the building fabric and the amount of energy a dwelling used. This proposed dwelling would generate more energy than it used.

### **Debate and decision making process**

- 12) Councillor Hyde did not like the application because of the detrimental effect the scheme would have on its neighbours. She felt that the house was too large for its plot size, and would have an overbearing effect on the neighbouring properties. Roedean was characterised by large gardens and big houses with no elements of overlooking. There would be an unreasonable loss of trees on site and Councillor

Hyde would prefer to see a much more sympathetic building, in line and style with other buildings in the area.

- 13) Councillor Kennedy was very supportive of a Passive House being built on site with such a high level of achievement under the Code for Sustainable Homes. She thanked the agent for the model that had been produced, and felt able to support the scheme.
- 14) Councillor Davey was supportive of the application and felt this was an exciting scheme. He believed this would be the most sustainable house in the city and he liked the design very much.
- 15) Councillor Cobb also liked the design and its sustainability credentials. She felt that the house should be set back to prevent loss of light for the neighbours however.
- 16) Councillor Hyde was pleased to see the levels of sustainability to be achieved on site, but did not feel that this merit should take precedence of the amenity of current residents.
- 17) Councillor Wealls was unhappy with the design and would not be supporting the application.
- 18) A vote was taken and on a vote of 5 for, 5 against and 2 abstentions the vote was tied. The Chair took a casting vote in favour of the application and planning permission was agreed subject to the conditions and informatives listed in the report.
- 44.11 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out at paragraph 7 of the report and resolves to grant planning permission subject to the conditions and informatives listed in the report.
- 45. TO CONSIDER AND NOTE THE CONTENT OF THE REPORTS DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY**
- 45.1 **RESOLVED** – That those details of applications determined by the Strategic Director of Place 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 Strategic Director of Place. 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.]



**46. 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**

46.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2010/03760 & BH2010/03759, The Astoria Cinema, Gloucester Place, Brighton	Head of Development Control

The meeting concluded at 5.20pm

Signed

Chair

Dated this

day of