

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 25 APRIL 2012**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors MacCafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Cobb, Deane, Farrow, Hamilton, Hawtree, Pidgeon, Shanks, Summers and Wells.

**Officers in attendance:** Jeanette Walsh (Head of Development Control), Nicola Hurley (Area Planning Manager – West), Kathryn Boggiano (Senior Planning Officer), Kate Brocklebank (Senior Planning Officer), Andy Renault (Head of Transport Strategy and Policy), Hilary Woodward (Senior Lawyer) and Ross Keatley (Democratic Services Officer).

**PART ONE**

**171. PROCEDURAL BUSINESS**

**171a Declarations of substitutes**

171.1 Councillor Deane was substituting for Councillor Davey, Councillor Shanks was substituting for Councillor Kennedy and Councillor Pidgeon was substituting for Councillor Carol Theobald.

**171b Declarations of interests**

171.2 Councillor Deane explained she been in correspondence with the applicant in relation to Application BH2011/02401 – Land at 27-31 Church Street; however, she had not expressed an opinion on these matters, and, as such, she would remain present during the debate but abstain from the vote.

**171c Exclusion of the press and public**

171.3 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.

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

**172. MINUTES OF THE PREVIOUS MEETING**

172.2 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 4 April 2012 as a correct record.

**173. CHAIR'S COMMUNICATIONS**

173.1 The Committee was currently trialling a new format of the agenda, and the Chair welcomed any comments directly to him, or the Democratic Services Officer, Ross Keatley.

173.2 Since the publication of the agenda the Chair had agreed to accept two questions from members of the public, set out below.

**Question 1:** (Rebecca Crook)

Please can you provide an update on the local planning authority's position with regards to Saltdean Lido including an update on the latest warning letter sent to the leaseholder?

**Response:**

This matter has not yet been reported to the Planning Committee and therefore that Committee is not in a position to respond to such a question. Officers for the local planning authority have, to date, been acting under delegated powers and will continue to do so unless or until it is considered necessary to seek formal authority to serve a Repairs Notice. No specific timescale can be given at this stage as to if or when the matter may be reported to Planning Committee.

**Question 2:** (Bridget Fishleigh)

English Heritage recently said that the Saltdean lido building is not coming off its At Risk register and that the work done so far by the leaseholder is purely cosmetic and has done nothing towards remedying the structural issues.

Bearing this in mind, if and when you serve the section 48 repairs notice, how long will you give Mr Audley to complete the works? Two months is the minimum time and, given Mr Audley's past record, this is the time period our campaign is requesting so that the situation can be resolved as quickly as possible.

**Response:**

If the council as local planning authority decides to serve a Repairs Notice it is not required by law to specify a period for compliance with the Repairs Notice. In drafting the Notice the local planning authority is simply required to advise the owner that after two months has elapsed it is entitled to seek the Secretary of State's approval to compulsorily purchase the building. However, the Secretary of State would need to be satisfied that reasonable steps were not being taken to preserve the building. Therefore, if the local planning authority serves a Repairs Notice we would expect to

monitor any progress towards complying with the Notice before deciding when, and indeed whether, to seek the Secretary of State's approval for compulsory purchase. Available research of local authorities using these powers has shown that the average time between service of the Repairs Notice and preparation for compulsory purchase is 6 months.

- 173.3 Ms Crook asked a supplementary question, and the Chair agreed to consult with Officers and provide the response in writing.

'Has the Leaseholder responded to the letter from the Council dated 22 March 2012?'

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

- 174.1 There were none.

**175. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**(i) Major Applications**

**A. BH2012/00384 - Former Falmer High School, Lucraft Road**

- (1) Construction of a temporary car park (4 years) accommodating 684 parking spaces and accessed via the A270 junction and existing tunnel under the railway-line, for use up to 50 times in any 12 month period in connection with events taking place at the American Express Community Stadium, along with erection of a temporary building (4 years) to accommodate the Bridge Community Education Centre.
- (2) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (3) The Senior Planning Officer, Kathryn Boggiano, drew Members attention to information listed on the Late List, and gave a presentation detailing the scheme as set out in the report by reference to plans, photographs and elevational drawings. The application was for a 680 space car park for 4 years, which would be restricted to 50 uses in a 12 month period in connection with the stadium; the car park would include 24 disabled spaces, and there would be a buggy service between the site and the stadium. When the original stadium consent was granted it had included a section of the former Falmer High School for shared use parking; however, since then the ownership of the land had passed to the academy and this was no longer a viable option. The existing planning permission for 1000 spaces was a material planning consideration; there was planning permission for an existing site of 650 spaces within the boundary of Lewes District Council that would expire in June 2014 along with significant parking at the University of Sussex as well as other smaller arrangements for parking. It was agreed that there was an established need for the car park.
- (4) Part of the application related to the temporary accommodation for the Bridge Community Education Centre; the temporary building would be a pre-fabricated modular build and would have a temporary appearance. The principle was deemed acceptable as the development would not be visible from the national park; was temporary in nature and the nearest residential properties were approximately 40

metres away. The impact of the additional parking on the highway network was outlined in the report; the tunnel would be used for stadium traffic; tickets would be pre-sold to spectators and traffic flows would be managed by stewards. It was not considered there would be an adverse impact on highway safety, and the one protected tree would be maintained appropriately onsite. In summary the use of the car park was established; the highway impact was largely similar to that agreed in the original application, and the community facility was protected on site. The application was recommended for approval subject to conditions in the report.

### Questions for Officers, Debate and Decision Making Process

- (5) Councillor Farrow asked how vehicular access would be controlled via the tunnel rather than through the use of Lucraft Road. In response it was explained that the section of Lucraft Road, which was directly adjacent to the application site, was privately owned, and stewards would be employed to manage the traffic with the necessary authority to undertake this role.
  - (6) Councillor Farrow went to ask about pollution of groundwater at the site. Officers explained that the Environment Agency has considered all the appropriate information, and were satisfied that the issue could be addressed through the relevant conditions outlined in the report. Councillor Farrow expressed concern that the report did not contain all this information in full, and this would impact of the ability of the Committee to make a fully informed decision. The Head of Development Control, Jeanette Walsh, explained that the full details were on the case file attached to the application; and Officers were satisfied that the advice of the appropriate professionals had been sought from the Environment Agency; consequently, the recommendation to the Committee was this level of detail was not required to make a fully informed decision.
  - (7) Councillor Hawtree asked for more information on the routing of traffic, and the role of the stewards. Officers explained that the club were proposing a 'tidal' system which would give priority to cyclists and pedestrians. It was also explained that there was already an established stewarding system in place at the stadium.
  - (8) Councillor Shanks asked about uses of the car park that were not linked to match days at the stadium. It was explained that on non-match days the car park would reserve 10 spaces – plus 3 disabled spaces – for use in connection with the Bridge Community Centre. The club would be required to submit information on how the parking would be monitored to ensure there was efficient management of the space. In relation to availability of disabled parking it was explained that the number of spaces across all the parking sites would meet the agreed provision. There would also be appropriate provision for drop off facilities.
  - (9) Of the twelve Members present it was unanimously agreed that planning permission be granted.
- 175.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report.

**B. BH2011/03861 - American Express Community Stadium**

- (1) Variation of condition 43 of planning permission BH2001/02418 and 38 of planning permission BH2008/02732 to increase the maximum attendance capacity from the existing maximum of 22,500 to a maximum of 30,750 attendees (an increase of 8,250) and Conditions 39 of BH2001/02418 and 35 of BH2008/02732 to allow a reduction of the minimum number of car parking spaces required in connection with the stadium within 1.5km of the site from 2,000 down to 1,500 and to increase the maximum number from 2,200 to 3,000
- (2) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (3) The Senior Planning Officer, Kate Brocklebank, drew Members attention to information on the Late List, and gave a presentation detailing the scheme as set out in the report by reference to plans, photographs and elevational drawings. Since the closure of the Late List additional letters had been received from the 'Campaign to Protect Rural England and the Highways Agency which had lead to Condition 36 being amended. An additional letter had also been received from the University of Brighton who did not withdraw their objection, and, as such, the recommendation had been altered to include a requirement to wait for consent from the university to the application detailed on the supplement to the late list. It was explained that the additional seating would form part of the current east stand; the physical works themselves did not require permission, but rather the actual use of the seating. To address concerns from East Sussex County Council, Lewes District Council and the Highways Agency it was proposed that improvements be made to the junction of the A27 and the B213. Since the original application there had been a greater than expected use of sustainable transport; upgrades to cycling provision were proposed to increase the number of available spaces to 308 and station improvements at Falmer Station would allow an additional 3500 to use this service by improvements to lengthen the platform to accommodate eight carriage trains. The current park and ride facilities at the Brighton Racecourse were underused and could accommodate an additional 1100 spectators and the club were intending to greater publicise this facility.
- (4) A controlled parking zone (CPZ) was proposed in North and South Moulsecomb where a significant level of displacement parking currently occurred on match days; a number of other solutions had also been suggested such as including the price of sustainable transport in the overall ticket price. The disabled parking for the stadium would be monitored through the management plan to ensure it adequately catered for need. It had been concluded there would be no significant changes to levels of noise nuisance or air quality. It was recommended that the Committee be minded to grant the application subject to the amended recommendation on the supplement to the Late List, conditions and informatives in the report and those updated in the Late List.

**Public Speakers and Questions**

- (5) Councillor Lepper spoke in her capacity as local Ward Councillor and explained that she was grateful to the club for the active steps taken to address some of the problems in Coldean as the area was within walking distance of the stadium, and currently was used by spectators for parking. She highlighted some of the problems this caused on

match days, and explained that there had been occasions when it had been necessary for buses to take alternative routes because of the extent of the problems. She welcomed the conditions addressing these problems, and in particular referenced the additional signage and commitment to monitor the effectiveness of the conditions.

- (6) Councillor Mo Marsh spoke in her capacity as local Ward Councillor and explained that she was in favour of the general provision of the stadium as it was an important means to create employment for the city; she stated that the situation had progressed since the beginning of 2012 and many concerns were now being addressed. She stated that the only way to solve the parking issues in the Moulsecoomb and Coldean areas was through the introduction of a match day CPZ. She welcomed the introduction of integrated tickets for both the match and the sustainable transport; hoped yellow line enforcement would increase on match days in her Ward and noted that steps had been taken to address anti-social behaviour on match days.
- (7) Councillor Hawtree asked both Ward Councillors if the report had addressed many of their earlier concerns, and in response it was explained that as Ward Councillors they dealt with much correspondence in relation to these issues, and it was felt that the conditions in the report reflected the steps that had been made address the concerns of local residents. It was also highlighted that monitoring was important as it allowed changes to be made where necessary.
- (8) Martin Perry spoke in support of the application on behalf of the applicant; he stated that the stadium had been a substantial success and employed approximately 1000 people; 94% of whom lived within the city; the stadium had also added approximately £24 million into the local economy, and was supplied by 260 local companies. The application sought to build on these successes, and provide another 430 jobs both directly and indirectly. In relation to facilities at the Bridge Community Centre it was explained that the club would be contributing to the costs of the move. It was highlighted that currently 68% of spectators arrived by sustainable transport - with averages for other clubs ranging between 22% and 33% - it was explained that the introduction of the travel voucher included the cost of the sustainable transport in the ticket price. The club were determined to foster positive relationships with local residents and has taken active steps to address local concerns. The application was an important means for the club to further development, and it was asked that the Committee approve it.
- (9) Councillor Farrow asked how the club would work with the Council to ensure the CPZ effectively addressed the local issues in relation to displacement parking. In response it was explained that, if the scheme was approved following local consultation, the club would be meeting the costs to implement and operate the scheme.
- (10) Councillor Hawtree asked for more information on the rationale behind the application for the additional seating; how the current arrangement of temporary parking would be addressed in the long term, and more information on the acoustics at the site. In response it was explained that the club technically operated at full capacity for games; there was a waiting list of fans for season tickets, and the club had aspirations to further its league performance and would need to address the additional demands this would create. In relation to the parking matters it was explained that the club intended to apply for another four year temporary use at the Brighton Racecourse when this

permission expired later in the year; however the club were seeking a permanent solution and had identified a potential site. Lastly it was explained that the additional seating would actually improve the current acoustic arrangements and it was estimated the impact on Falmer Village would reduce by 2dba.

- (11) Councillor Hyde asked if the current park and ride facilities were at capacity, and in response it was explained that the Racecourse site was at capacity, but there was additional scope for increased use at other sites.
- (12) Councillor Cobb asked for more information on the breakdown of use of sustainable transport between 'home' spectators and 'visiting' spectators. In response it was explained that the club advertised the stadium car park free for visiting supporters, and the majority of these arrived at matches by organised coach services.
- (13) In response to a query from Councillor Hyde it was explained that there were approximately 30 games played per year.

#### **Questions for Officers**

- (14) Councillor Farrow asked how the CPZ would operate in practice, and if the scheme had to be in place before the additional seating could be used at the stadium. In response Officers explained that the first phase of the application could be implemented as there were interim proposals for additional stewarding; the actual practicalities of the scheme were currently unknown as the progression and details were all subject to consultation. Councillor Farrow asked if an additional condition could be attached to request that the use of the additional seating be restricted until the proposed CPZ was in place. The Senior Lawyer, Hilary Woodward, explained that there was no guarantee the CPZ would be agreed as it would be subject to consultation and, as such, to attach a condition to this extent would be unreasonable.
- (15) Councillor Summers enquired in relation to potential changes to the traffic management on Lewes Road, and how this might affect the application. In response it was explained that the consultation was currently taking place; the information would not have been available to the applicant at the point of submission, but the club was a participant in the development of the proposals.

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

- (16) Councillor Wells highlighted his support of the application, and stated that he hoped the concerns of the local Ward Councillor would be considered as part of the implementation of the application.
- (17) Councillor Hamilton explained that he has attended matches at the club, and used the various sustainable means to access the stadium; he was pleased to report that the arrangements worked well, but hoped a long term permanent solution to the parking facilities could be found.
- (18) Councillor Carden noted his concerns about traffic on the trunk road from Eastbourne through to Portslade, but noted he wished the club every success.

- (19) Councillor Farrow stated that, despite his earlier concerns, he would support the application, and he hoped local residents would support the introduction of the match day CPZ.
- (20) Councillor Hawtree explained that he echoed many of the positive comments made by other Members of the Committee, and stated, from his personal experience, he was pleased to see the facilities being enjoyed by families with children.
- (21) Councillor Summers noted she agreed with the views put forward by Councillor Farrow in relation to the proposed CPZ, as it affected residents in her own Ward; she went on to state that she also echoed some of the concerns of the other local Ward Councillors, but hoped that the club would continue to foster positive relations with the Council.
- (22) Of the twelve Members present it was unanimously agreed that planning permission be granted.
- 175.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and is **MINDED TO GRANT** planning permission subject to the completion of the s106 Planning Obligation and deeds of variation and the conditions and informatives all as set out in the Report.

(ii) **Minor Applications**

**C. BH2011/03956 - 191 Kingsway**

- (1) Demolition of existing building and construction of nine residential flats.
- (2) The Area Planning Manager (West), Nicola Hurley, gave a presentation detailing the scheme for Application BH2011/03956 for full planning permission and Application BH2011/03957 for conservation area consent by reference to photographs, plans, elevational drawings and concept images. The application sought the demolition of the existing two storey Victorian building, and the creation of a new five storey building; with a fourth storey penthouse set into the building. It was noted that the legal representative for the owners of the site at 189 Kingsway had raised objections in relation to 'right to light' but the legal advice from the Council stated that this was not a material planning consideration. The principle of the redevelopment; the impact of the design and the standard of the accommodation had all been deemed acceptable.
- (3) The current Victorian building was considered out of keeping with its surroundings and it was proposed to replace it with a modern building taking up the entire width of the site; there was no objection to the proposed size and scale, and it was considered a suitable addition to the Kingsway. In relation to design it was noted that the floors did not align with the neighbouring building, but this was considered acceptable through the hierarchical arrangements that were proposed. The size and layout of the proposed units were acceptable, with good access to amenity; and the Environmental Health Team were satisfied that issues in relation to noise could be addressed through appropriate conditions. The site included basement parking for 10 cars, and 9 cycle spaces. In relation to the conservation area consent it was highlighted that this was subject to the approval of the full planning permission, and the loss of the building was



considered acceptable. For the reasons set out in the report Applications BH2011/03957 & BH2011/03956 were recommended for approval.

### **Public Speakers and Questions**

- (4) Mr Barling, the legal representative for the owners of 189 Kingsway, outlined the objections to the scheme and stated that the former building at 189 Kingsway had been demolished and this applicant did not give consideration to a potential scheme that could come forward at 189 Kingsway. It was proposed that a development at 189 Kingsway would have windows in similar positions to the demolished building, and the application would reduce the amount of light available. Concern was also expressed in relation to underground parking and the amount of traffic on the Kingsway combined with the close proximity of a pedestrian crossing. It was felt that the scheme was undeliverable, and by granting consent the potential redevelopment of the site at 189 Kingsway would be put in jeopardy; it was important that the application be considered in the context of the larger redevelopment.
- (5) Councillor Hawtree asked for more information in relation to Mr Barling's comments that the application was undeliverable, and in response it was explained that if the application was granted the owners of 189 Kingsway would have no option but to appeal the decision through the appropriate legal channels.
- (6) In response to a query from Councillor Hyde Mr Barling was unable to confirm the size of the proposed gap between the building and the site at 189 Kingsway.
- (7) Mr Coleman, the agent for the applicant, spoke in support of the application, and stated that the application had emerged through close work with the Development Control and Conservation teams at the Council; it was considered that the proposals were an improvement on the existing building. Despite the proposed building being larger than the current one the actual density would be reduced due to the size of the units. In relation to issue of 'right to light' it was reiterated that this was not a material planning consideration, and should not form any part of the decision of the Committee. It was considered that the scheme was well suited to the site and location.

### **Questions for Officers**

- (8) In response to queries in relation to 'right to light' the Senior Lawyer clarified that it was not a material planning consideration, and there was relevant case law to support this position. In relation to comments made about legal proceedings it was clarified that if these were a reference to right to light issues this would be a private matter between the two adjoining landowners.
- (9) Councillors Shanks asked for more information in relation to the access the underground parking. In response it was explained that there was no concern with the access; the central reservation of the Kingsway would prevent right turning into the basement car park, and the vehicles existing would only not be able to turn towards the pedestrian crossing.
- (10) Councillor Hyde asked for confirmation on the proposed material that would be used on the balustrades, and it was confirmed that this would be stainless steel.

**Debate and Decision Making Process**

- (11) Councillor Cobb noted that this type of modern building was not uncommon on the Kingsway; and stated that, although she was disappointed with the code level 3 for sustainability, she would support the application.
- (12) Councillor Hawtree felt that the design was not of sufficient standard, and suggested better quality could come forward for development of the Hove seafront.
- (13) Councillor Hyde stated that she liked the design, and felt the living accommodation would be of good standard; furthermore she welcomed the amenity created through the large balconies and was pleased with the parking arrangements. She would support the application.
- (14) A vote was taken and of the eleven Members present planning permission was refused on a vote of 6 to 5. Councillor Hawtree proposed reasons that planning permission be refused and these were seconded by Councillor Summers; a short recess was then held to allow the Chair, Councillor Hawtree and Councillor Summers to agree the reasons for refusal in full in consultation with the Head of Development Control and the Senior Lawyer. A recorded vote was then taken. Councillors Hyde, Carden, Cobb, Farrow and Hamilton voted that planning permission be granted. Councillors MacCafferty, Deane, Shanks, Hawtree, Summers and Wells voted that planning permission be refused. Therefore on a vote of 6 to 5 planning permission was refused.

176.3 **RESOLVED** – That the Committee has taken into consideration the recommendation but resolves to **REFUSE** planning permission for the reasons set out below.

1. The site occupies a prominent position on the seafront and is within the Sackville Gardens Conservation Area. The proposed development by virtue of its bland architectural style and detailing would result in a development which would be incongruous in the context of its surroundings. The scale and form of the development fails to respect the character of the properties to the north in Sackville Gardens and Walsingham Road. For these reasons the proposal is considered to be contrary to policy QD1 of the Brighton and Hove Local Plan 2005 which aims to ensure that the development preserves or enhances the character or appearance of conservation areas and local characteristics
2. The proposed development by virtue of its poor quality of design would result in a scheme having an adverse impact on strategic views along the seafront and the Sackville Gardens Conservation Area. For this reason the proposal is considered to be contrary to policy QD4 of the Brighton and Hove Local Plan 2005.

**Note:** Councillor Pidgeon was not present during the consideration or the vote on this application.

**D. BH2011/03957 - 191 Kingsway**

- (1) Conservation Area Consent for the demolition of existing building.

- (2) Due to the refusal of Application BH2011/03957, and therefore the lack of acceptable plans for the site, Officers amended the recommendation set out in the report and proposed that conservation area consent be refused and that the wording for the reasons for refusal be delegated to Officers.
  - (3) Of the twelve Members present it was unanimously agreed that planning permission be refused.
- 176.4 **RESOLVED** – That conservation area consent be **REFUSED** and that the wording of the reasons for this decision be delegated to Officers.

**E. BH2010/03696 - 6-8 St James St**

- (1) Installation of storage containers incorporating sound insulated panelling and removal of Dawson's chiller unit from service yard. Removal of existing palisade fencing and erection of new acoustic fencing and gates to service yard. (Part retrospective)
- (2) It was noted that the application had formed to subject of a site visit prior to the meeting.
- (3) The Area Planning Manager (West) gave a presentation for Application BH2010/03696 for full planning permission and Application BH2010/03717 for the variation of an existing condition detailing the schemes by references to plans and photographs. The applications sought the installation of new insulation around an existing storage unit and the removal of an unauthorised storage unit; the erection of acoustic fencing and a variation to allow deliveries to take place on Sundays. The main considerations related to the visual impact and the potential noise disturbance that could be caused. Although the Heritage team had suggested the height of the fencing be reduced it was felt that this would reduce the effectiveness of the mitigation provided by the acoustic fencing. In relation to the change of hours it was highlighted that the Environmental Health team had stated the proposals were acceptable. Both applications were recommended for approval subject to the reasons set out in the report.

**Public Speakers and Questions**

- (4) Mr Patrick, a local resident, spoke in objection to the application and stated the erection of the acoustic fencing would have an overbearing impact on his neighbouring property. He stated that the fencing was to prevent trespassing onto the site, but the operators had taken adequate steps to address these problems without the need for the additional fencing. In relation to lorries it was explained that they would now have less room to manoeuvre which would create more noise nuisance. The extension of delivery hours to Sundays was unnecessary and the operators were already taking deliveries without the necessary permission in place.
- (5) Councillor Hyde stated that the fencing was for acoustic purposes, and asked if there were existing problems with noise at the site and if the fencing would be beneficial. In response Mr Patrick explained it was unnecessary as his living room was above the line of the fencing.

- (6) Mr Grotta, the agent for the applicant, spoke in support of the application and apologised for any inconvenience and stress caused to Mr Patrick. The applicant had worked to reduce noise levels and the application proposed a material that would reduce sound as well as providing additional security. In relation to the extension of delivery hours to Sundays it was explained that this was necessary as Sunday trading had grown significantly since the original planning permission was granted, and the amendments would allow a flexible window for deliveries.
- (7) Councillor Hyde asked how many deliveries currently took place Monday to Saturday, and Mr Grotta explained that he did not have this information.
- (8) Councillor Hawtree asked if there were any measures which could be taken to improve the bulk of the fencing, and it was explained that this could be done at the side elevation, but not around the bin store.
- (9) Councillor Deane asked if there was any scope to condense deliveries, and it was explained that due to the size of the storage facilities this was not possible.

#### **Questions for Officers**

- (10) In response to a query from Councillor Cobb it was noted that the recommendations outlined by Environmental Health at p. 237 of the agenda had not been included in the Officers recommendation.
- (11) Councillor Shanks asked why no enforcement action had been taken in relation to the Sunday deliveries; in response the Head of Development Control explained that a decision had been taken to not pursue enforcement as the operators had taken active steps to regularise the current arrangements.
- (12) On a vote of 10 to 2 planning permission was granted.

175.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report.

#### **F. BH2010/03717 - 6-8 St James St**

- (1) Variation of condition 5 of permission BN84/0222/F for delivery hours to be extended to 0700 to 2030 on Monday to Saturday (including Bank Holidays) and 0900 to 1600 on Sunday (part retrospective).
- (2) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (3) On a vote of 8 to 4 planning permission was granted.

175.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report

and resolves to **GRANT** the variation subject to the conditions and informatives set out in the report.

**G. BH2011/02401 - Land at 27-31 Church St**

- (1) Erection of mixed use development comprising 9no residential dwellings, retail and offices incorporating basement level parking and associated landscaping.
- (2) Of the twelve Members present it was unanimously agreed that planning permission be refused.

176.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a S106 Planning Obligation and conditions and informatives as set out in the report.

**Note:** Councillor Pidgeon and Councillor Deane were not present during the consideration and vote on this item.

**H. BH2011/03764 - 27-29 Pembroke Crescent**

- (1) Application for removal of condition 8 of application BH2011/02434 (Conversion of existing rest home (C2) into 2no six bedroom dwellings incorporating demolition of existing rear extension, removal of roof terrace and external fire escape with associate alterations and erection of new single storey rear extension) which states that the development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
- (2) The Area Planning Manager (West) gave a presentation detailing the application by reference to photographs, and stated that the application sought the removal of condition 8; however, the applicant had lodged an appeal for non-determination and Officers were asking the Committee to express an opinion had this been brought before them for determination. The site was located within a CPZ – zone R - and there was no waiting list - but it was considered the location was sustainable in relation to distance to public transportation. It was highlighted that the relevant policy did not react to demand or capacity, and therefore the applicant's arguments in relation to demand or capacity were not relevant, and they had not been able to demonstrate that the site did not have access to sustainable transportation. The site had previously been a residential care home, and the two associated staff parking permits had been rescinded. It was recommended that had the appeal not been lodged the Committee would have resolved to refuse the application.

**Public Speakers**

- (3) Mr Burgess, the agent for the applicant, spoke in support of the application and explained that the planning permission had been for the conversion of the residential care home back into two semi-detached family homes, and it was unlikely that families would be car free. He stated that if the condition were not removed then it was likely

that a planning application would have to be submitted and the units further subdivided into flats. There was no waiting list in the zone, and as the previous residential care home had two business permits there would be no additional stress on the potential number of vehicles parking. Mr Burgess referred to National Planning Policy Framework which stated that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- (4) It was confirmed for Councillor Hamilton that other properties in the street were entitled to parking permits.
- (5) Councillor Cox spoke in his capacity as the local Ward Councillor and stated that he was not against a car free development, but asked the Committee to apply a common sense approach to the application as the properties were being returned to their original use as family homes.
- (6) Councillor Hawtree asked for more information in relation to the current parking situation in the area, and it was explained that there no strain and many spaces were free.

#### **Questions for Officers**

- (7) The Area Planning Manager (West) confirmed that the condition did not prevent the occupiers owning a car, but they would not be able to apply for a parking permit. It was also advised that the NPPF referred to the importance of promoting sustainable transport, which the car free condition was in accordance with. It was highlighted that the policy was being successfully operated across the city.
- (8) In response to a query from Councillor Hamilton the distance to the nearest free parking from the site was highlighted.

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

- (9) Councillor Hyde stated it was her belief that the applicant had successfully demonstrated that this application should be treated as an exception to the policy; as the properties were being converted back to family homes and there was a risk the developments would not come forward without the removal of the condition. She stated that there were no objections from neighbours and there was capacity in the CPZ, furthermore a recent decision at appeal had overturned the policy. Councillor Hyde said that the city needed to demonstrate it was not anti-car, but instead encourage sustainable means of transport.
- (10) Councillor Cobb stated that the condition would also prevent any future car ownership at the site for families who may need a car in the future.
- (11) Councillor Wells stated there was no demand for parking in the area, and, as such, he would be voting against the Officer recommendation.
- (12) Councillor Summers noted she agreed with the comments made by Councillor Hyde and Councillor Cobb and would vote against the Officer recommendation.

- (13) Councillor Deane stated that there was no change to footprint of the buildings and she could not see how any additional stress would be created to local parking amenity.
- (14) The Head of Development Control clarified that the policy had been operating successfully in the city, and that it did not respond to demand within the CPZ.
- (15) On a vote of 10 to 1 it was agreed that had the application come before the Committee for decision the removal of the condition would have been agreed.

175.8 **RESOLVED** – That the Committee has taken into consideration the recommendation but resolves that it would have **GRANTED** the removal of the condition had the decision been brought to the Committee.

**Note 1:** Councillor Pidgeon was not present during the consideration or vote on the item.

**Note 2:** The Head of Development Control explained that the report and the minutes would be forwarded to the Inspector who was currently considering the appeal for non-determination.

**176. 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**

176.1 There were none.

#### **Information Items**

**177. APPEAL DECISIONS**

177.1 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.

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

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

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

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

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

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

**181. LIST OF APPLICATION DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)**

181.1 **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.]

The meeting concluded at 5.53pm

Signed

Chair

Dated this

day of