

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 27 APRIL 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), C Theobald (Deputy Chairman), Carden (Opposition Spokesperson), Alford, Cobb, Davey, Hamilton, Kemble, Kennedy, McCaffery, Randall and Simson

Co-opted Members Mr Philip Andrews (Conservation Advisory Group)

Officers in attendance: Jeanette Walsh (Head of Development Control), Nicola Hurley (Area Planning Manager (West)), Hamish Walke (Senior Team Planner), Roger Dowty (Design & Conservation Team Manager), Hilary Woodward (Senior Lawyer), Toni Manuel (Seafront Development manager) and Jane Clarke (Senior Democratic Services Officer)

PART ONE

265. PROCEDURAL BUSINESS

265a Declarations of Substitutes

265.1 Councillor Bill Randall declared he was substituting for Councillor Paul Steedman.

265b Declarations of Interests

265.2 Councillor Kemble declared an interest in application BH2011/00227, 331 Kingsway (former Caffyns site), Hove as there may have been a perception of bias. He left the meeting during consideration of the item and did not take part in the discussion or voting thereof.

265c Exclusion of the Press and Public

265.3 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.

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

266. MINUTES OF THE PREVIOUS MEETING

266.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 6 April 2011 as a correct record.

267. CHAIRMAN'S COMMUNICATIONS

267.1 There were none.

268. APPEAL DECISIONS

268.1 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.

269. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

270. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

271. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

271.1 The Committee noted the position regarding pre application presentations and requests.

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

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

Application:	Requested by:
BH2011/00035 & BH2011/00036, The Elms, Rottingdean	Councillor Simson
BH2011/00358, Northfield, University of Sussex	Head of Development Control

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

273.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation for application BH2011/00692, 17 The Mews, Towergate, Brighton, set out in paragraph 7 of the report and resolves to refuse consent to fell 2x Acer pseudoplatanus (Sycamore), tree numbers T.8 and T.12 covered by Tree Preservation Order (no 1) 1998.

(ii) SUBSTANTIAL OR CONTROVERSIAL DEVELOPMENT OR DEPARTURES FROM POLICY

A. Application BH2011/00227, 331 Kingsway (former Caffyns site), Hove – Mixed commercial and residential development comprising of a four storey plus basement block of 40 apartments (16 affordable) and 1005sqm of floorspace comprising of a medical centre on ground and first floors (D1) and offices (B1) on second floor with associated parking and amenity space.

(1) The Area Planning Manager (West), Ms Hurley, introduced the application and presented plans, photos and elevational drawings. There had been a previous approval on this site and the current scheme was substantially the same in terms of design and therefore the application was considered appropriate.

Questions/matters on which clarification was sought

(2) Councillor Cobb asked if the proposed green tiles were darker than the render would have been on the original application. Ms Hurley replied that it would be similar, however colours had not been available on the original scheme.

(3) Councillor McCaffery noted the Section 106 monies being requested for education provision and asked if this was enough given the lack of primary school places in the area. The Chairman clarified that there was a limit to how much could be requested and this had to be in line with the standard calculations. The Head of Development Control advised that the standard calculations had been agreed by Cabinet in a document called Interim Developer Contributions Guidance.

Debate and decision making process

(4) Councillor Mrs Theobald felt that the building was quite attractive and art deco in appearance. She was unsure about the dark green tiling, but was pleased with the associated parking.

(5) A vote was taken and on a unanimous vote minded to grant planning permission was granted subject to a S106 Planning Agreement and the conditions and informatives in the report.

273.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 9 of the report and resolves that it is minded to grant planning permission subject to a Deed of Variation to the existing Section 106 Planning Agreement and to the conditions and informatives listed in the report.

Note: Councillor Kemble left the Chamber and took no part in the discussion or voting on this item.

B. Application BH2010/03994, Ainsworth House, Wellington Road, Brighton – Demolition of existing Ainsworth House building and construction of new four storey block of 12 flats and 3 terraced houses with associated car parking and landscaping.

(1) The Senior Team Planner, Mr Walke, introduced the application and presented plans, photos and elevational drawings. The application had been the subject of a site visit and it was noted that this was generally a residential area. A Tree Preservation Order was in existence on the trees to the immediate rear of the site. There were six parking spaces including two disabled bay spaces and cycle parking. New trees would be planted to the front of the site. As the sheltered housing use was no longer necessary it was deemed acceptable to release the site for affordable housing use. Windows would be angled to provide restricted views and ensure there was no overlooking and the height and massing were acceptable. The accommodation complied with Lifetime Homes standards and would reach level four of the Code for Sustainable Homes. A Section 106 Planning Obligation had already been completed in relation to the application.

Questions/matters on which clarification was sought

- (2) Councillor Davey asked what the mix of units were and Mr Walke replied that the units were 1 bed, 2 bed and 4 bed units.
- (3) Councillor Davey asked if the cycle storage would be secure and Mr Walke was unsure of this. The Chairman suggested that this be included as a condition on the application and Councillor Davey agreed with this.
- (4) Councillor Randall asked how far away the disabled bays were from the houses and Mr Walke replied that they were no more than 15 metres away, and had been organised this way in order to get the maximum number of spaces on site. Councillor Randall expressed caution over this arrangement and did not believe it was the ideal solution for disabled people.
- (5) Councillor Randall asked for details of the amenity space provision, and Mr Walke replied that this would be publicly owned amenity space and S106 monies would contribute towards this. The Head of Development Control, Ms Walsh, confirmed that details of where this money would be spent could be sent to Members before the S106 Agreement was signed.

- (6) Councillor Mrs Theobald asked if the trees would be protected on site, and whether there was a lift. Mr Walke replied that there was a lift and proposed condition 14 dealt with tree protection.
- (7) Councillor Cobb asked what number of bedrooms were available and Mr Walke replied there were eight 2 bedroom flats, four 1 bedroom flats, and three 4 bedroom houses.
- (8) Councillor Alford asked for more details in future reports on where contributions would be spent and Mrs Walsh agreed to this.
- (9) Mr Andrews, Chairman of the Conservation Advisory Group noted the difference in site levels where the houses were built and asked how this was dealt with. Mr Walke replied it was likely that the floor levels would be slightly different in each of the houses. There was no reason to suggest the plans were incorrect.

Debate and decision making process

- (10) Councillor Simson was very pleased that this application was bringing forward 100% affordable housing and noted it was the first council housing stock built in the city for several years. The four bedroom houses were very much in need and it was good that the application met lifetime homes standards.
- (11) Councillor Kennedy agreed and was pleased to see biodiversity measures on site and the scheme achieving code level four. She felt that the Council should aim to achieve code level five for future applications however.
- (12) Councillor Carden noted that Council homes had been built in Portslade around 17 years ago, and he was pleased to see more being built now.
- (13) Councillor Randall added that family housing was in great demand and this would replace outmoded and outdated housing stock.
- (14) Councillor Mrs Theobald felt that the building was very ugly at the moment and this application would improve the street scene. She felt that more parking was required however.
- (15) A vote was taken and on a unanimous vote planning permission was granted subject to the conditions and informatives listed in the report.
- 273.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives listed in the report, and with an extra condition to include secure cycle storage.

C. Application BH2011/00336, Preston Road, Brighton – Change of use of car showroom/workshop (SG04) to 2no retail units (A1) incorporating installation of external condenser unit, air conditioning and an ATM machine.

(1) Ms Hurley introduced the application and presented plans, photos and elevational drawings. She noted that the application was set in the conservation area and had previously been a car showroom. A similar proposal had been refused on the grounds of significant risk to highway safety and a lack of parking spaces. Letters of support and objection had been received and the principle concerns were around parking and how deliveries were to be made on site. The new application proposed that all deliveries would be taken on site and had been reduced to four per day. Two large deliveries would take place per week. There was deemed to be good visibility at the junction and the Highways department were confident that the transport network could cope with the demand created by this scheme. There had been some alterations to the internal design but these were minor changes. The application was deemed to not have a detrimental impact on the area and so was recommended for approval.

Questions/matters on which clarification was sought

(2) Councillor Simson asked how delivery vehicles would be able to traverse safely up Lauriston Road. The Planning Case Officer, Mr Smith, confirmed there were parked cars on both sides of the road but that it was deemed safe for a lorry to use this road. Ms Hurley added that the tracking diagram showed that this route would work, although part of the Section 106 Agreement would include the installation of bollards at certain points to ensure the safety of pedestrians.

(3) Councillor McCaffery asked if Cumberland Road, which was also congested with traffic, would be used. The Highways Officer, Mr Fowler, added that the curved design of the exit from the car park would discourage the delivery lorries from travelling up Cumberland Road.

(4) Councillor McCaffery asked if the Horse Chestnut tree on site would be removed. Ms Hurley replied that in the event that the tree was damaged due to works on site, replacement planting was secured by condition.

(5) Councillor Kennedy asked if deliveries would be taking place during the hours of operation when customers were using the car park and Mr Fowler confirmed this. Members of staff would be available to make sure any manoeuvres were handled safely.

(6) Councillor Simson referred to the tracking diagram and noted that the tracks crossed over a disabled parking bay. She asked where the loading bay was located and Ms Hurley indicated this on the plans.

(7) Councillor Davey asked if the lorries would be heading back into Brighton once deliveries were completed. Ms Hurley replied that the depots were located outside of the city and so it was likely they would be travelling north once finished.

- (8) Councillor Davey asked if a traffic uplift of 4%, which equated to 860 extra cars per day would be generated on the A23 was acceptable. Mr Fowler explained that this percentage was likely to be taken from other road networks in the city and so there would be a minimal overall impact to the network. The A23 was a primary route and could cater for this traffic.
- (9) Councillor Davey asked why this store would not impact on the trade of the other stores in the parade. Ms Hurley explained that there were only two shops with A1 use in the parade, and this type of store would not affect the goods that they sold as one was an off-licence and the other was a newsagents.
- (10) Councillor Cobb noted the paved access and asked if this was large enough for bicycles or cars to pass through, and whether the dropped curb at this point would be raised. Ms Hurley confirmed that this entrance/exit would be for pedestrian use only and the dropped curb would remain in place.
- (11) Councillor Randall asked if the unit would receive four deliveries per day, and why this were not planned for earlier in the day to ensure neighbours were not disturbed. Ms Hurley explained that the deliveries were planned to take place earlier, but this regime would give the store more flexibility should they need it. Noise assessments had been conducted and it was deemed acceptable.
- (12) Councillor Simson referred to the accident data in the report, which classified the area as low risk. She asked if this data took account of the fact that the site had not been in use for the last three years, and so there was not such a high demand in that area. Mr Fowler replied it was normal to take three years into account when assessing sites for accident data.

Public speakers

- (13) Mr Gotham addressed the Committee and stated that the plans presented were misleading and there would be several conflicting traffic movements generated along this road. The angle to enter the site was acute and would present a very difficult entry on Cumberland Road and there was a traffic island that was not represented on the plans. There would be traffic queuing on London Road to enter the site and installing bollards on the corners would not be enough protection for pedestrians. Lauriston Road was not suitable for 10 tonne lorries to use it and overall the scheme would negatively affect local traders and residents and should be refused.
- (14) Councillor Davey asked if the lorries was also be turning south on their routes and Mr Gotham confirmed that there was nothing to prevent this.
- (15) Councillor Simson asked about the frequency of accidents in the area and Mr Gotham replied that this would increase with the increased volume of traffic. There had been several problems in the area already.

- (16) Mr Conners, Internal Transport Planner for Sainsbury's, addressed the Committee and stated that the principle of development on this site was accepted. The applicant had listened to the concerns of Members from the previous refusal and had amended the scheme to overcome these concerns. Pre application discussion had taken place including discussions on car parking provision and deliveries. The store would make a positive contribution to the area and create around 30 new jobs. A complementary travel plan would be available and assessments for the road safety of both units had been undertaken. There were twenty-seven parking spaces included, which was five more than the previous scheme and all deliveries would be managed to ensure safety. There would be no deliveries before 07:00am and they should be completed by 10:00am.
- (17) Councillor Kennedy asked if any consultation had taken place with the community and Mr Conners replied there had not been.
- (18) Councillor Simson asked if it was correct to say that deliveries would be completed by 10:00am and Mr Conners confirmed that this was the intention, although the permission would give them greater flexibility than this if granted.
- (19) Councillor Mrs Theobald asked if there was any way to complete all deliveries via smaller vehicles. Mr Conners replied that the smallest lorries in the fleet would be used. Smaller vehicle sizes would mean more delivery trips per day.
- (20) Councillor Davey asked how many customers using vehicles were anticipated at the store and Mr Conners replied that via comparisons with similar stores, Sainsbury's expected between 70-80% of customers would be on foot and 10-15% would arrive by car.
- (21) Councillor Davey noted that a store in Paignton had been used as a comparison and asked what features made that store similar to this proposed store. Mr Conners replied that the Paignton store was also sited on an A road, with similar parking provision and two A1 retail units side by side.
- (22) Councillor Davey asked what the average usage of the A road outside the Paignton store was and Mr Conners replied that he did not know this.

Debate and decision making process

- (23) Councillor Alford was concerned that the deliveries to this store were dependant on a lot of factors being right on the day of delivery and he worried that the arrangements were unsuitable.
- (24) Councillor Kennedy noted the changes to make all deliveries on site, but was still unable to support the application. She was concerned that this would have a very negative impact on residents and would be detrimental to the businesses already there. The store was completely out-of-character with the area and she felt that smaller stores with a mix of flats would be more appropriate. The tracking movements appeared dangerous for pedestrians and road users at times.

- (25) Councillor Hamilton was concerned about the hours of servicing to be agreed at the store. He was aware of several complaints from residents living around similar stores where deliveries were being undertaken outside of the permitted hours, and there was an historical lack of enforcement around this issue. Most stores had deliveries in a separate area to customers and he felt this was unsafe. He was also concerned with the issues that would be created for the highways network.
- (26) Councillor Simson agreed with the comments from other Members and noted the previous refusal on highway safety grounds. However, deliveries made on site would now be done whilst customers were trying to use the car park, and she felt that this was still a dangerous situation. Councillor Simson felt that this application would create an accident black spot.
- (27) Councillor McCaffery believed that the entrance/exit onto Cumberland Road was also unsafe whether a north or south route was taken and the corner of the road would be made unsafe for pedestrians. The area was already very busy and she did not feel able to support this application.
- (28) Councillor Davey felt the transport assessments were dubious and overly optimistic. It was based on a comparator area that was not similar to Brighton & Hove and therefore had no substance, and the congestion that would be created by this application was unacceptable. He also did not believe that this application would have no detrimental impact on the shops already in the area.
- (29) Councillor Randall believed the scheme would have an unacceptable impact and create yet another off-licence in the area. He did not feel the application was appropriate for this area.
- (30) Councillor Mrs Theobald noted that this would be a small store, but felt there would be problems created by it. She felt residents would be disturbed by the long hours of operation, there would be congestion and the highway would be unsafe for pedestrians and cyclists.
- (31) A vote was taken and on a vote of 0 for, 11 against and 1 abstention minded to grant planning permission was refused.
- (32) Councillor Kennedy proposed refusal of the application and Councillor McCaffery seconded the proposal.
- (33) A second recorded vote was taken and planning permission was unanimously refused in the terms set out below.

273.4 **RESOLVED** – That the Committee has taken into consideration and does not agree with the reasons for the recommendation set out in paragraph 8 of the report and resolves to refuse planning permission for the reasons that:

1. The proposed development would have a negative impact on residential amenity by reason of additional traffic movements in the servicing, deliveries and operation of and to the store contrary to policies QD27 and SU10 of the Brighton and Hove Local Plan 2005
2. The applicant has failed to demonstrate that the proposed development would not have a detrimental impact on the vitality and viability of nearby retail units contrary to policies SR1 and SR2 of the Brighton and Hove Local Plan 2005
3. The character and intensity of use which would be created by the proposed development does not reflect the key design principles of the neighbourhood contrary to policy QD2 of the Brighton and Hove Local Plan 2005
4. The local planning authority is not satisfied that the traffic movements within the site and on adjacent roads would not result in a significant increase in safety risk both to pedestrians and vehicles within the site and on the adjacent highway contrary to policies TR1, TR7 and TR8 of the Brighton and Hove Local Plan 2005

Note: Councillors Hyde, Alford, Carden, Cobb, Davey, Hamilton, Kemble, Kennedy, McCaffery, Simson, Randall and Mrs Theobald voted to refuse the application.

D. Application BH2011/00764, Upper Esplanade, Daltons Bastion, Madeira Drive, Brighton – Erection of a 45 metre high observation wheel including extension of promenade over beach, new beach deck, ancillary plant, queuing areas, ticket booths and merchandise kiosk (for a temporary period of years except lower beach deck which is permanent).

- (1) The Planning Case Officer, Ms Seale, introduced the application and presented plans, photos and elevational drawings. She referred to updates on the Late List and three additional letters of objection received. The site was in the East Cliff Conservation Area and the proposed wheel would be in operation between 10am and midnight every day and would be illuminated via condition. The application would generate 20% unique trips to the city. The scheme was controversial and did conflict with some areas of policy. However, as the permission would be temporary it was felt that the drawbacks would be balanced by the benefits of the scheme. There would be some loss of residential amenity, but there would be a separation distance of 95 metres and so there was no significant harm.

Questions/matters on which clarification was sought

- (2) Councillor Kemble asked if the empty units underneath the proposed structure would take its weight. Ms Seale replied that this was not a material planning consideration but the designers of the scheme were satisfied it would be structurally sound and the Environment Agency had not raised objections.

- (3) Councillor Kemble asked if this scheme would bring the disused units back into use and Ms Seale confirmed that the Seafront Office were keen to see this happen.
- (4) Councillor Carden referred to the public toilets on site, which were only open during the summer at certain times and asked if they could be made available all year. Ms Seale replied that the toilets were in good condition, but as the scheme would only generate 20% new trips into the city it was not felt that this would significantly impact the area enough to warrant increasing the opening times of the toilets. Councillor Carden was not satisfied with this response and felt that the toilets should be opened throughout the year. The Seafront Development Manager, Ms Manuel, stated that rental income would be received from this scheme and this would be included on the seafront budget code for expenditure. However, there were public toilets available year round across the road from this site and it was felt that the situation could be monitored to see what type of demand was required.
- (5) Councillor Alford asked if it had been considered to turn the orientation of the wheel in a north-south direction. The Chairman responded that the application was for an east-west orientation and Members needed to consider this element rather than any other orientation.
- (6) Councillor Mrs Theobald asked where the railings would be stored during construction of the development and Ms Seale responded that secure storage would be arranged via condition.
- (7) The Chairman referred to the previously considered beach-hut design for the ticket booths and asked why this was considered inappropriate. The Conservation and Design Manager, Mr Dowty, responded that as the wheel was a very contemporary design it was felt that a more modern design for the ticket booths was appropriate.
- (8) Councillor Hamilton asked what views would be available from the gondolas and Ms Seale replied there would be 360 degree views with seats on both sides of the gondola.
- (9) Councillor Kemble asked why money could not be requested through the Section 106 Agreement for providing public toilets on site. The Senior Solicitor, Ms Woodward, replied that regulations regarding Section 106 monies had been tightened up recently and the Council could only ask for money that was necessary. The footfall to this development did not show that this money was necessary.
- (10) The Chairman asked how the Section 106 money for sustainable transport would be spent and Ms Seale replied that this would be used for dropped curbs, a way finding scheme and improved road crossing facilities.
- (11) Councillor McCaffery noted the concern from residents regarding overlooking from the gondolas and asked if they faced the buildings. Ms Seale replied that the shorter windows would have a north-south outlook.

- (12) Councillor Kennedy asked if the Design and Conservation Team had received all necessary information regarding the benefits of the wheel to ensure that these outweighed the negative impact on the conservation area. Ms Seale referred to the additional information included in the Late List. Mr Dowty added that the impact on views would be negligible to what had already been assessed, with the greatest impact on Madeira Place, as was anticipated.
- (13) Councillor Randall referred to the BREEAM assessment and asked if any other measures for sustainability had been considered. Ms Seale replied that this wheel was an off-the-shelf design and as such it was very difficult for the applicants to incorporate any new features into the design.

Public speakers

- (14) Mrs Simpson, a local resident and business owner, addressed the Committee and stated that the wheel would be 45 metres high and three times the height of most of the buildings, giving customers a birds-eye view in the residential properties along the seafront. The wheel would illuminate people's homes and gardens and the noise disturbance would have a considerable negative impact. There had been no consultation with residents regarding the design of the wheel.
- (15) Mr Wadhwa, a local business owner, addressed the Committee and stated that the area was in need of appropriate regeneration with boutique hotels and restaurants planned. He had spent eight months in consultation with local residents regarding plans for the area and felt that this application was against all of the policies of the Council. He felt the decision could be ultra vires in this regard.
- (16) Mr Scoble, a local resident, addressed the Committee and stated that the scheme would have an enormous negative impact on his outlook and amenity.
- (17) Councillor Kennedy asked if the developers had engaged in any consultation with the community and Mrs Simpson replied they had not.
- (18) Councillor Alford asked for confirmation of the diameter of the wheel and Mr Scoble replied that the starburst design in the centre of the wheel would be 23 metres across.
- (19) Councillor Simson felt the diagrams presented by the public speakers looked very different to the plans submitted by the applicant and asked if there were any errors. Mr Scoble noted that they had been taken from different perspectives which would account for this.
- (20) Councillor McCaffery asked why this scheme would affect the long term plans for the area. Ms Woodward addressed the Committee and stated that Members could only consider the merits of this application, and not consider anything that might be a part of potential separate planning applications.

- (21) The Chairman noted the separation distance of 95 metres and asked how overlooking would derive from this distance. Mrs Simpson felt that there was potential for overlooking at this distance.
- (22) Mr Coomber, agent for the applicant, addressed the Committee and stated that this was an exciting design and good for the economy of the city. Business owners overwhelmingly supported the application and the scheme offered a summer and winter activity on the seafront in an area that needed investment. The wheel was an elegant design and fully accessible to provide views of the city. The fear of overlooking was worse than what would in fact be the case and the line of sight would be predominately along the coast rather than inland.
- (23) Councillor Alford asked if a structural survey had been performed on the bastion, and whether a north-south orientation had been considered. Mr Coomber confirmed this, stating that the structural engineers engaged on the project were highly reputable. He added that the wheel was a standard design and a north-south alignment would have meant building out onto the beach to hold the structure. As such an east-west orientation was more appropriate.
- (24) Councillor Kennedy asked if any consultation had taken place with English Heritage. Mr Coomber replied that they had been consulted on the history of Ferris Wheels but nothing further. There was a Statement of Community Involvement included with the application.
- (25) Councillor Kennedy asked why a site further east had not been considered, where the cliffs would have lessened the impact on the views into residents houses. Mr Coomber replied that this would impact on the views from the wheel and the scheme needed to be viable.
- (26) Councillor Simson asked if the wheel would be continuous movement, if this would produce a twinkling effect and what was meant by "linked" tourist visits. Mr Coomber replied that the wheel was a very slow continuous movement, but could be stopped for safety reasons at any time. The lighting would be LED so would be unlikely to twinkle, but a lighting strategy would be agreed via condition. Linked tourist visits referred to tourists already in the city visiting other attractions and including the wheel as part of their schedule of visits.
- (27) Councillor Cobb asked how customers would disperse from the wheel and Mr Coomber replied that all of the customers would vacate on the south side but this would be contained on site.
- (28) Councillor Kennedy asked if the Statement of Community Involvement included residents and Mr Coomber stated it did not.

Debate and decision making process

- (29) Councillor Simson felt that the application felt rushed and the effect of the lighting on residents was worrisome. She felt there would be encroachment on residential properties, especially in the evening.

- (30) Councillor Kennedy stated she had mixed feelings on the application. She felt the tourism generated by the scheme would be beneficial to the city and did not oppose the development in principle. However she had very real concerns about the site of the wheel and its impact on residents. A location further east had not been considered and no consultation with English Heritage or residents had been conducted. The scheme was controversial and consultation should have been a priority.
- (31) Councillor Kemble fully supported the scheme and felt it would be excellent for the economy of the city. The eastern side of the seafront needed regeneration and this would assist in redevelopment of the area. He felt the impact on residents would be minimal.
- (32) Councillor McCaffery felt the attraction would be exciting, but she was concerned that it may have a detrimental impact on the future development of the area. The public toilet situation was concerning and she felt that Section 106 monies would be better spent on providing this rather than transport measures.
- (33) The Chairman felt this was an exciting proposal and would be good for the economy of the city. She added that local traders were fully supportive of the scheme.
- (34) Councillor Hamilton noted that condition three in the report referred to the development not being suitable as a permanent structure and felt that the impact of a temporary structure would be just as significant to residents. However, tourism was an important part of the local economy.
- (35) Mr Phillips, Chairman of the Conservation Advisory Group, was surprised at the level of support for the scheme by group members. He asked if the permission could be reduced to three years. The Chairman replied that five years was more appropriate in terms of financial viability.
- (36) Councillor Randall was disappointed there was no overall sustainability for the scheme, and the visual amenity of residents would be disturbed for a five year period. However, the pier also affected visual amenity and on balance he felt he was able to support the scheme as it would bring economic benefits to the city.
- (37) Councillor Mrs Theobald also liked the scheme, but felt the consultation had been rushed and was concerned with the siting of the wheel.
- (38) Councillor Carden was concerned about overlooking as this would be a dominant seafront structure. However, on assessment at the site visit he did not feel the scheme would overlook the Van Allen building.
- (39) A vote was taken and on a vote of 7 for, 0 against and 5 abstentions minded to grant planning permission was granted subject to the expiry of the current period of consultation, a Section 106 Agreement, removal of the structure, and the conditions and informatives listed in the report and amendments to condition 7 and 8 to reflect the new kiosk designs.

273.5 **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 that it is minded to grant planning permission subject to the expiry of the current period of consultation, a Section 106 Agreement, removal of the structure, and the conditions and informatives listed in the report and amendments to condition 7 and 8 to reflect the new kiosk designs.

E. Application BH2010/03486, 8 West Way, Hove – Formation of additional storey at first floor level to create two 2no bedroom and two 1no bedroom residential units, ground floor extension and associated works.

(1) Ms Hurley introduced the application and presented plans, photos and elevational drawings. It was noted that this application had been deferred during the previous meeting for a site visit.

Questions/matters on which clarification was sought

(2) Councillor Kemble asked if the issues around the nursery had been resolved and Ms Hurley referred to the update on the Late List, which included an objection from the nursery owners. This was not a material planning consideration however. Officers had consulted with the Early Years Team who had indicated that the nursery could stay open during building works.

(3) Councillor Kemble asked if a construction management plan would be appropriate to assist the nursery with staying open. Ms Walsh replied that this was a very small scheme and management plans were not usually requested on schemes of this size. Mrs Woodward added that the terms and conditions governing the nursery's occupation of the building were a matter between the nursery and the owner as set out in the lease. This would be a private matter between the tenant and the landlord, and it would be up to the nursery in consultation with their landlord to resolve any issues.

Debate and decision making process

(4) Councillor Kemble was concerned about the loss of 72 nursery spaces and Ms Hurley reiterated that this was a private matter and not a planning consideration.

(5) The Chairman felt there had been misinformation from the applicant with several matters stated incorrectly. She was concerned that children on the "at risk" register currently attended the nursery and if it closed this would detrimentally impact on them. A loss of eleven jobs was also concerning and she felt the application was very rushed.

(6) Councillor Kemble felt that a condition to include a construction management plan was necessary and Councillor McCaffery seconded this proposal.

(7) Councillor Cobb could not agree to this as she did not agree with the overall scheme. She felt the site was inappropriate and it was an already built up area. The amenity provision was insufficient for families and the unit sizes would be small. Parking and sustainability measures were insufficient.

- (8) Councillor Alford agreed with this and had several misgivings. He did not agree with the loss of the nursery and on street parking in this area was inadequate.
- (9) Councillor Mrs Theobald was also concerned with the potential loss of the nursery and did not like the design of the scheme. She felt that neighbours would suffer from overlooking and parking would be a problem.
- (10) The Chairman asked for clarification on whether the Medical Centre had commented and what information the Planning Inspector had received at appeal. Ms Hurley responded that the Medical Centre objected as it would impact on their plans for expansion and the appeal decision referred to the lack of a daylight/sunlight assessment, which had now been conducted to show there was no detrimental impact.
- (11) Ms Hurley stated that there were no firm plans submitted for the Medical Centre and so this would not form part of the consideration for Councillors.
- (12) A vote was taken and on a vote of 6 for and 6 against the vote was tied. The Chairman used her casting vote to vote against the recommendation to grant the application.
- (13) Councillor Mrs Theobald proposed refusal of the application and Councillor Alford seconded the proposal.
- (14) A second recorded vote was taken and on a vote of 5 for and 5 against the vote was tied. The Chairman used her casting vote to vote for the proposal to refuse and on this vote application was refused for the reasons given below.

273.6 **RESOLVED** – That the Committee has taken into consideration and does not agree with the reasons for the recommendation set out in paragraph 8 of the report and resolves to refuse planning permission for the following reasons:

1. The proposed development will result in a loss of amenity by reason of unacceptable overlooking to numbers 6 and 14 West Way and number 76 Dale View contrary to policy QD27 of the Brighton and Hove Local Plan 2005
2. The proposed development will not be located in a Controlled Parking Zone. In the absence of any mechanism to secure the scheme as car free development the proposed development will result in unacceptable impact on on-street parking in the area contrary to policies TR1, TR7 and TR19 of the Brighton and Hove Local Plan 2005
3. The proposed development by reason of its design, bulk, massing and materials in relation to the scale and appearance of the existing building would appear incongruous and represent an unduly dominant addition to the existing building contrary to policies QD2 and QD14 of the Brighton and Hove Local Plan 2005

4. The applicant has failed to demonstrate that the nursery facility existing on the site will be protected during the construction phase of the proposed development contrary to policy HO20 of the Brighton and Hove Local Plan 2005

Note 1: Councillors Hyde, Alford, Cobb, Simson and Mrs Theobald voted for the proposal to refuse the application. Councillors Davey, Hamilton, Kennedy, McCaffery and Randall voted against the proposal to refuse the application

Note 2: Councillors Carden and Kemble were present during the first vote, but left the Chamber before commencement of the second recorded vote.

F. Application BH2010/03989, 14 Shirley Road, Hove – Extension at first floor level, alterations to the roof, new entrance porch and infill extension at ground floor.

- (1) Ms Hurley introduced the application and presented plans, photos and elevational drawings. Concerns of overlooking had been raised but this had been addressed with obscured glazing and some windows being fixed shut. There was an acceptable relationship to other properties as there were similar examples in the area.

Debate and decision making process

- (2) A vote was taken and on a vote of 9 for and 1 abstention planning permission was granted subject to the conditions and informatives listed in the report.

273.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives listed in the report.

G. Application BH2011/00422, 20 Glendale Road, Hove – Erection of single storey rear extension.

- (1) There was no presentation given for this application.

Debate and decision making process

- (2) A vote was taken and on a unanimous vote planning permission was granted subject to the conditions and informatives listed in the report.

273.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives listed in the report.

H. Application BH2010/03648, 149-151 Kingsway, Hove – Demolition of 2no semi detached houses and erection of 4no 3 bed apartments and 1no 2 bed apartment with basement car park.

- (1) This application was taken together with conservation area consent application BH2010/03649, 149-151 Kingsway, Hove.
- (2) Ms Walsh stated that this application had been deferred from the last Committee as Members had requested more information concerning visuals of the scheme and materials to be used.

Debate and decision making process

- (3) Councillor Cobb was concerned with this proposal as she did not feel the building was in-keeping with the area and she did not like the samples provided. She was pleased that underground car parking was being provided however.
- (4) Councillor McCaffery stated that the improved visuals were very useful and thanked Officers for their efforts. She felt the design of the scheme was good but totally out of keeping with the area.
- (5) Councillor Kennedy thanked Officers for the extra work in obtaining the samples and visuals, which were very useful.
- (6) Councillor Randall agreed the design was out of keeping but hoped it would set a new standard for the area.
- (7) A vote was taken and on a vote of 9 for and 1 against minded to grant planning permission was granted subject to a Section 106 Planning Agreement and the conditions and informatives listed in the report.

273.9 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves it is minded to grant planning permission, subject to a Section 106 Planning Agreement and the conditions and informatives listed in the report.

I. Application BH2010/03649, 149-151 Kingsway, Hove – Demolition of 2no semi detached houses.

- (1) This application was taken together with application BH2010/03648, 149-151 Kingsway, Hove.

Debate and decision making process

- (2) A vote was taken and on a vote of 9 for, 0 against and 1 abstentions Conservation Area Consent was granted subject to the planning permission being granted to redevelop the site under application BH2010/03648 and subject to the conditions and informatives listed in the report.

273.10 **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 it is minded to grant Conservation Area Consent subject to the planning permission being granted to redevelop the site under application BH2010/03648 and subject to the conditions and informatives listed in the report.

J. Application BH2011/00130, The Kiosk, Elm Grove, Brighton – Change of use from retail (A1) to restaurant and hot food take-away (A3/A5) including external alterations and installation of extract duct.

(1) There was no presentation given for this application.

Debate and decision making process

(2) A vote was taken and on a unanimous vote planning permission was granted subject to the conditions and informatives listed in the report.

273.11 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives listed in the report.

K. Application BH2011/00511, 13-15 Old Steine, Brighton – Installation of replacement roof mounted plant.

(1) There was no presentation given for this application.

Questions/matters on which clarification was sought

(2) Councillor Cobb asked if the new pipes and ducting would go through the centre of the building. Ms Hurley replied that there was already an existing system in place and this would be used.

Debate and decision making process

(3) A vote was taken and on a unanimous vote planning permission was granted subject to the conditions and informatives listed in the report.

273.12 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives listed in the report.

L. Application BH2011/00035, The Elms, The Green, Rottingdean – Proposed external alterations and extensions to existing dwelling to form a separate dwelling including reinstatement of existing cellar and boundary wall and erection of new outbuilding to garden.

(1) This application was deferred for a site visit.

M. Application BH2011/00036, The Elms, The Green, Rottingdean – Proposed internal and external alterations and extensions to existing dwelling to form a separate dwelling including reinstatement of existing cellar and boundary wall and erection of new outbuilding to garden.

(1) This application was deferred for a site visit.

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

274.1 **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.]

275. 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

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

Application:	Requested by:
BH2011/00035 & BH2011/00036, The Elms, Rottingdean	Councillor Simson
BH2011/00358, Northfield, University of Sussex	Head of Development Control

The meeting concluded at 6.30pm

Signed

Chair

Dated this

day of