

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 10 JUNE 2009**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hyde (Chairman), Wells (Deputy Chairman), Carden (Opposition Spokesperson), Caulfield, Cobb, Hamilton, Kennedy, McCaffery, Smart, Steedman, C Theobald and West

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

**Officers in attendance:** Jeanette Walsh (Development Control Manager), Steve Walker (Area Planning Manager (West)), Steve Reeves (Principal Transport Planner), Kathryn Boggiano (Senior Planning Officer), Hilary Woodward (Senior Lawyer) and Penny Jennings (Senior Democratic Services Officer)

**PART ONE**

**17. PROCEDURAL BUSINESS**

**17A Declaration of Substitutes**

17.1 Councillor West was in attendance in substitution for Councillor Davey.

**17B Declarations of Interest**

17.2 Councillor West declared a personal and prejudicial interest in application BH2009/00898, "Seasons Café", 36 Gloucester Road, Brighton, by virtue of the fact that as a Ward Councillor he had taken part in detailed meetings with neighbouring objectors. He stated that he would leave the meeting during consideration of the application and would take no part in the discussion or voting thereon.

17.3 Councillor Cobb referred to the fact that she had been a signatory to a Notice of Motion to Council supporting a general presumption against "back land" development and sought advice thereon. The Solicitor to the Committee confirmed that the statement was general rather than relating to any specific application. She referred to

Applications BH2008/03523, Land rear of 6 & 8 Kelly Road and BH2009/00461, 94–96 Reigate Road enquiring whether Councillor Cobb remained of a neutral mind in respect of those applications. Councillor Cobb confirmed that she had not predetermined either and that she would take remain present during their consideration.

### **17C Exclusion of Press and Public**

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

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

### **18. MINUTES OF THE PREVIOUS MEETING**

18.1 **RESOLVED** - That the Chairman be authorised to sign the minutes of the meeting held on 20 May 2009 as a correct record.

### **19. CHAIRMAN'S COMMUNICATIONS**

#### **Web casting**

19.1 The Chairman explained that afternoon’s meeting of the Planning Committee was being web-cast. Members were reminded to speak directly into the microphones and to switch them off when they had finished speaking in order to ensure that they could be heard clearly both within the Council Chamber and in the public gallery above.

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

### **20. PETITIONS**

20.1 There were none.

### **21. PUBLIC QUESTIONS**

21.1 There were none.

### **22. DEPUTATIONS**

22.1 There were none.

### **23. WRITTEN QUESTIONS FROM COUNCILLORS**

23.1 There were none.

**24. LETTERS FROM COUNCILLORS**

14.1 There were none.

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

25.1 There were none.

**26. APPEAL DECISIONS**

26.1 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.

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

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

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

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

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

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

Application	Site visit requested by:
BH2009/00508, "Asda", Crowhurst Road	Development Control Manager
BH2009/00655, Covers Yard, Melbourne Street	Development Control Manager
BH2009/01030, 2a Croft Road (tree application)	Councillor Hyde, Chairman

**30. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST:10 JUNE 2009**

**(i) TREES**

(1) Councillors Kennedy, McCaffery and C Theobald considered that the health and safety grounds cited as justification for removal of the holly tree at 2a Croft Road, were not sufficiently compelling also requiring further information regarding removal of the other

trees. Following discussion it was agreed that to defer consideration of the application pending a site visit.

- 30.1 **RESOLVED** – (1) That the following application be deferred pending a site visit.

Application BH2009/01030, 2a Croft Road, Brighton

(2) That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 of the report and resolves to refuse consent to fell the tree referred to in the application for the reasons set out in the report:

Application BH2009/00886, 35a Chatsworth Road, Brighton

(ii) **SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY:  
10 JUNE 2009**

- 30.2 There were none.

(iii) **MINOR APPLICATIONS: 10 JUNE 2009**

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

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Ms Boggiano gave a presentation detailing the constituent elements of the scheme and the rationale for approval being recommended. It was understood that the applicant had removed a hedge which formed the boundary to the garden on No22 having replaced it with a timber fence and widened access track. An on-going land ownership dispute had ensued but this did not fall within the remit of planning control.
- (3) Mrs Ely spoke on behalf of neighbouring objectors to the scheme. This application was in their view no different from the two previous schemes which had been refused and should also be refused. The access road had been widened to include land which was not in the applicant's ownership, this had resulted in loss of natural habitat and was the subject of a legal dispute. The access road would be hazardous for pedestrians and vehicular traffic, there were no turning facilities and notwithstanding the proposed access way improvements existing drainage flooding problems in Warmdene Way would be exacerbated. Overall the scheme represented overdevelopment and would result in an over intensification of the existing residential use and overlooking, loss of privacy and overshadowing.
- (4) Mr Barker spoke on behalf of the applicant in support of their scheme. He explained that the applicant had worked in conjunction with the Planning Department to overcome the previous reasons for refusal. Significant improvements to the existing

carriageway and drainage would result to the benefit of all residents, which would not otherwise take place.

- (5) Councillor Pidgeon spoke in his capacity as a Local Ward Councillor setting out his objections and those of his ward colleague Councillor G Theobald. He reiterated the concerns of neighbouring residents also considering that there would be inadequate on-site parking. Warmdene Way was narrow and without pavements and it would be difficult for large vehicles e.g., refuse collection vehicles to turn around safely and to re-enter Warmdene Road.

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

- (6) Councillor Kennedy enquired whether details of the surfacing proposed to the front gardens were known and it was explained that submission of these details would form a condition as part of any consent issued and would be subject to approval by the local planning authority. Councillor Kennedy also referred to loss of the hedge enquiring as to landscaping measures to be put into place to ameliorate against its loss. It was confirmed that these details would also need to be submitted to the planning authority. Councillor Kennedy stated that in her view a permeable surface of sustainable materials would be preferable.
- (7) Councillor West whilst noting that tactile paving was proposed in order to improve the access way surface and the measures intended to improve drainage enquired whether the applicant would be prepared to provide a "Rumble Strip" to control the speed of vehicles. The applicant's representative confirmed that the applicant would be willing to do so.
- (8) Councillor Cobb sought clarification regarding the location and number of parking spaces to be provided and it was explained that two of them were located on land outside the application site which was in use for parking. Councillors Cobb and C Theobald also enquired regarding arrangements which would be put into place in for access/turning by refuse lorries and other heavy vehicles, particularly as a turning area at the end of the track way was inaccessible as it was located beyond a locked wooden gate. The Principal Transport Planner referred to the arrangements for collection from the eleven existing houses stating that it was envisaged that recycling / refuse could be collected from the application site in the same way.
- (9) Councillor Cobb enquired whether the area had been subject to flooding prior to removal of the hedgerow. In the view of objectors it was considered that any pre-existing problems had worsened considerably. Councillor Pidgeon responded in his capacity as a Local Ward Councillor stating that based on his knowledge of the site which spanned more than 20 years, flooding had not been experienced until recently.
- (10) Councillor Smart queried whether the access way would be of sufficient width if the applicant was subsequently required to reinstate that hedge which had been removed. The Principle Transport Planner confirmed that it would.
- (11) Councillor Steedman enquired whether there would be priority for vehicles entering the site. It was confirmed that they would and that appropriate signage would be provided.

**Debate and Decision Making Process**

- (12) Councillor West stated that notwithstanding that he had concerns regarding pedestrian safety he was satisfied that the measures proposed would address most of them. On balance he considered the scheme to be acceptable and supported it. Councillors Kennedy and Steedman concurred in that view.
- (13) Councillor Kennedy considered that the applicant had worked hard to demonstrate that they had made improvements to the earlier scheme, and stated that she would like the landscaping proposals to include native hedgerow species.
- (14) Councillor Hamilton stated that as there were already eleven properties in Warmdene Way, he did not consider that one further property would generate additional traffic such that it would create an additional hazard particularly in view of the significant improvements that had been proposed to the existing access arrangements.
- (15) Councillor Cobb received clarification regarding the status of the access way but stated that she was not re-assured that the proposed surfacing improvements would be maintained in future, as the area would remain as private highway and would not fall within the responsibility of the local authority. She saw little benefit in the proposed improvements for neighbouring residents other than a reduction in flood risk to 20b. It was noted in answer to questions that they had not objected to the current scheme. She was of the view that this application was similar to both of the earlier ones which had been refused and was not acceptable.
- (16) Councillor Smart was concerned regarding the lack of a turning head and remained of the view that there was potential conflict between pedestrian and vehicular movements which could have significant road safety implications. In answer to questions, the Principal Transport Planner advised that no injury accidents had been reported over 15 year period. Councillor Smart was also concerned that although a total of no more than 5 dwellings had originally been considered acceptable in Warmdene Way there were already eleven, permission was now sought for one more.
- (17) Councillor C Theobald agreed stating that she did not consider the scheme to be acceptable or that road safety concerns had been adequately addressed.
- (18) A vote was taken and on a vote of 5 to 4 with 3 abstentions planning permission was granted
- 30.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report, to include the requirement that a "Rumble Strip" be provided. An informative would be added requesting that the applicant explore the feasibility of providing a permeable surface constructed of sustainable materials. The applicant to be advised that any hedgerow provided should use a native species.

**Note:** Councillors Caulfield, Cobb, Smart and C Theobald voted that the application be refused. Councillors Hyde (Chairman), McCaffery and Wells abstained.

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

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (West), Mr Walker detailed the constituent elements of the current scheme, including the proposed access arrangements and the rationale for recommending that planning permission be granted.
- (3) Mr Heyward spoke on behalf of neighbouring objectors to the scheme. They considered the proposals represented an overly dominant back land development which would have a detrimental impact on the amenity of neighbouring dwellings and on the character of the neighbouring street scene.
- (4) Mr Turner spoke on behalf of the applicant in support of their application. He stated that they had sought to address the previous reasons for refusal by scaling back the first floor, setting the development down within the site in order to avoid overlooking and by reducing both the ridge height and the overall footprint of the building.

**Questions/Matters on Which Clarification was Sought**

- (5) In answer to questions by Councillor Kennedy, the Area Planning Manager explained that the footprint of this development would be 30% smaller than that requested as part of the previous refused application. Although six trees (small Cypresses) would be felled, they were to be replaced and the remaining screening would be retained in order to protect neighbouring amenity.
- (6) Councillor Hamilton sought confirmation of the distance between the development site and the rear of houses located in Hove Park Road.
- (7) Councillor Cobb also enquired regarding the distances and changes in level between the properties in Kelly Road itself and those in Hove Park Road.
- (8) Mr Small, CAG referred to trees located on the northern boundary of the site, seeking assurances that as protected trees, measures would be undertaken to ensure that they were not adversely affected by works on site.
- (9) Councillor West enquired whether the footpath from The Drove way, was a public footpath. He expressed concern regarding the level of tarmacked off-street parking, which could encourage an intensification of parking on site. He asked whether a condition could be added to any permission granted reducing that area. The Development Control Manager responded that the applicant had provided an acceptable level of amenity space.
- (10) Councillor Smart enquired regarding the proposed boundary treatment to the side elevation facing 19 Hove Park Road

**Debate and Decision Making Process**

- (11) Councillor Kennedy stated that she considered it appropriate for an informative to be added to encourage the applicant to provide a parking surface which was permeable and constructed of sustainable materials.
- (12) Councillor C Theobald stated that she considered that the proposal represented over development of the site. The footpath would generate additional pedestrian activity which would be detrimental to the amenity of neighbouring properties. Vehicular access onto the site would also increase the number of vehicular movements in a narrow area which had a restricted turning head, she did not consider the scheme be approved.
- (13) Councillors Carden and Wells considered the proposal was acceptable. Councillor Carden stated that only one vehicle at a time would be able to access the site, he did not therefore consider that this would lead to a proliferation of traffic/parking. Councillor Wells disagreed that it would be appropriate to reduce the surfaced dedicated parking area. In view of the size of the amenity space provided, any additional vehicles would be able to park elsewhere within the site irrespective of whether this surface area was reduced.
- (14) Councillor McCaffery considered that the applicant had worked hard to effect improvements to the previous scheme and that this application was acceptable.
- (15) Councillor West stated that although he considered the scheme to be acceptable overall he wished to propose that an additional condition be added requiring a reduction to the dedicated surfaced parking area on site, this was seconded by Councillor Kennedy. A vote was taken but the proposal was lost.
- (16) A vote further substantive vote was taken and on a vote of 9 to 3 planning permission was granted.

30.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report including one requesting the applicant consider provision a suitable permeable surface to the area set aside for vehicular parking.

**Note:** Councillors Caulfield, Cobb and C Theobald voted that planning permission be refused.

**C. Application BH2009/00461, 94-96 Reigate Road, Brighton** – Construction of a new three-bedroom semi-detached house.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (West), Mr Walker gave a detailed presentation setting out the constituent elements of the proposed scheme. He explained that although some loss of light to the property at 92 Reigate Road would result, this would not be to principle windows and would be insufficient to warrant refusal.



**Questions/Matters on Which Clarification was Sought**

- (3) Councillor Wells sought clarification regarding the distance between the application site and the neighbouring property at 92 Reigate Road. The Area Planning Manager explained that the overall distance from the site boundary to the neighbouring house (including the space between the boundary fence and the garage) was in excess of 4metres.
- (4) Councillor C Theobald enquired regarding the size of the proposed rear amenity space which would be associated with the new dwelling.
- (5) Councillor McCaffery enquired whether it was intended to provide additional screening between the rear (eastern boundary) of the site and the neighbouring properties in Compton Road which were located at a much lower level due to the gradient of the site. She stated that she was concerned that these properties would be overlooked and suffer loss of amenity and privacy as a consequence of the proposal, additional screening could go some way towards mitigating against this. The Area Planning Manager responded that this was not proposed and, that changes in levels and topography between the two sites was such that it was not considered that loss of amenity would occur.
- (6) Councillor McCaffery also sought clarification regarding location of windows in the proposed development in relation to those on the side elevation of the neighbouring property at 92.
- (7) Councillors C Theobald and McCaffery also enquired regarding the type of landscaping proposed, whether the hedge between nos 92 and 94 was proposed to be retained and the location of the proposed cycle storage facility.
- (8) Councillor Cobb enquired regarding the differences between the present scheme and the earlier ones which been refused during the 1990's.

**Debate and Decision Making Process**

- (9) Councillor McCaffery stated that she was concerned that insufficient screening was proposed in order to protect neighbouring amenity. She also considered that insufficient account had been taken of the cumulative impact on the street scene that this development would have in the context of the dwelling which had recently been erected on the neighbouring corner plot.
- (10) Councillor Cobb stated that she did not consider the proposed form of development to be appropriate as it would result in a severe diminution of existing amenity space.
- (11) Councillor C Theobald was in agreement with Councillor Cobb and stated that she could not support the proposal as she considered that it would result in a significant loss of light and amenity to no 92.
- (12) A vote was taken and on a vote of 9 to 3 planning permission was granted.

- 30.5 **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 to grant planning permission subject to the conditions and informatives set out in the report.

**Note:** Councillors Cobb, McCaffery and C Theobald voted that planning permission be refused.

- D. Application BH2008/03427, 33 Mile Oak Road, Brighton** – Demolition of non-original extensions to existing property and conversion with new extensions to 2 x three bedroom and 1X two- bedroom houses. Erection of 2 x new three bedroom houses on the same site – creation of new public footpath along Northern boundary of Mile Oak Road including repositioning of flint boundary wall (amended scheme).

- (1) It was noted that this application has formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (West), Mr Walker, gave a presentation explaining the constituent elements of the scheme. It was acknowledged that highway safety issues in the area had been a constraint to redevelopment of the site; the current scheme was considered to represent a good compromise which would retain the character of the site and secure much needed highway improvements. The scheme was considered to have highway safety benefits whilst retaining conservation and design benefits without having a significant affect on the amenity of neighbouring occupiers.

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

- (3) Councillors McCaffery, C Theobald and Wells enquired regarding the condition of the Elm tree which was proposed for removal considering that it appeared to be a healthy specimen.
- (4) Councillor West sought clarification regarding which elements of the building currently on site would be retained and those which would be replaced by the new build. He also enquired regarding the configuration of the flint wall which was to be removed and rebuilt and details of any other boundary treatment proposed.
- (5) Councillor Cobb sought confirmation that the replacement wall would be of flint. Mr Turner the applicant's agent who was available to answer any questions explained that the wall would be rebuilt using the original materials.
- (6) Councillors Cobb and C Theobald enquired why it would not be possible to provide a footpath on the other side of the road and why how its proposed location had been arrived at. Mr Turner explained the rationale for proposed solution and why it had not been possible to locate the footpath elsewhere which would have avoided loss of the tree or the need for the flint wall to be moved.

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

- (7) Councillor Hamilton referred to the high level of objections to previous schemes, very few had been received in respect of the current scheme and no one had requested to

speak in opposition to it indicating the level of local public support. There was currently no footpath on either side of the road representing a serious hazard to pedestrian safety. The scheme would address these and reinstate the building on site to its original appearance. Councillor Carden concurred in that view. He was confident that the wall would be reinstated properly as similar works had been executed successfully elsewhere in the City.

- (8) Councillor McCaffery agreed that the scheme was acceptable. In response to concerns expressed by Councillor Cobb regarding temporary loss of the wall she referred to the removal relocation and rebuilding of a flint wall at Preston Manor in her ward which had been affected very successfully.
- (9) Councillor Smart stated that whilst he regretted loss of the Elm tree and was anxious to ensure that the wall was reinstated properly, he considered that the housing element of the scheme good, on balance he supported it.
- (10) Councillor C Theobald stated that although she considered the development itself to be acceptable she considered that greater effort should have been made to protect the tree and that removal of a 200 year old wall albeit that it would be relocated and rebuilt was sacrilegious.
- (11) A vote was taken and on a vote of 9 to 3 minded to grant planning permission was given.

30.6 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves that it is minded to grant planning permission subject to receipt of further information to demonstrate the scheme can achieve CSH3 and to the conditions and informatives set out in the report.

**Note:** Councillors Cobb, C Theobald and West abstained.

**E. Application BH2009/00898, Seasons Café, 36 Gloucester Road, Brighton –**  
Applications for variation of Condition 2 of application BH1999/00436/FP to read: The premises shall not be open or in use except between the hours of 08.00 to 20.00 from Monday to Saturday, and between 10.00 to 18.00 on Sundays. Remove Condition 5 in order to allow the preparation and sale of hot food on the premises.

- (1) The Senior Planning Officer, Ms Boggiano explained that the current application represented a resubmission following an earlier refusal by the Committee (14/04/32009) on the grounds that the applicant had failed to adequately demonstrate that the proposal would not detrimentally impact on the amenities of neighbouring properties by reason of odours. Since that time confirmation had been received from the Environmental Health department that they no longer had any objection to the proposal. The applicant had responded to their concerns and had undertaken to install an odour neutralising component to the existing ventilation system. Subject to compliance with the proposed conditions the application was considered to accord with development plan policies.

- (2) Mr Braithwaite spoke on behalf of neighbouring objectors setting out their concerns in respect of the proposed variation. He explained that the current conditions had been agreed in order to protect the amenities of neighbouring residential properties, the situation had not changed and any change to the existing permission would result in unacceptable increases in the levels of noise odour disturbance and refuse. Insufficient storage space had been made available within the premises and rubbish associated with the premises was routinely stored in bins outside the premises other than on the correct collection day.
- (3) Mr Handley, the applicant spoke in support of his application referring to the odour control and other measures which had been implemented since he had purchased and refurbished the premises. He had committed a significant financial outlay in order to overcome any problems identified and no complaints had
- (4) Councillor Taylor spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme and re-iterating the concerns of neighbouring objectors. If the Committee were minded to grant permission then he requested that this be for a temporary period in order for the situation to be monitored properly. Following such a period the application could come back to the Committee for approval or not in the light of its operating history.

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

- (5) Councillor Wells queried the statements made regarding storage of rubbish in receptacles on street stating that his clear understanding on the previous occasion the application had been considered a condition had been attached requiring Mr Handley to ensure that all waste generated by the premises should be stored internally pending its due collection day. The Chairman confirmed that had also been her recollection.
- (6) Councillors Cobb and Mrs Theobald queried whether or not it was illegal and constituted an offence if waste was stored in this fashion.
- (7) Councillor McCaffery sought confirmation whether there was sufficient space within the premises to enable bins to be stored. Mr Handley, the applicant, responded explaining that he was still in negotiation with the department in respect of this issue as he considered it would be problematic to store waste in a basement storage area and that space available elsewhere within the premises was limited.
- (8) Councillor Smart enquired whether any complaints had been received by the Environmental Health Department relating to the applicant and it was confirmed that they had not.

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

- (9) Councillor Wells considered that the terms of the earlier permission relating to storage of waste bins associated with the use should be met.
- (10) Councillor Caulfield was in agreement that measures should be out into place to ensure that the bins were stored off the public highway and for enforcement action to be taken should that prove necessary.

- (11) Councillor Hamilton stated that he was satisfied that adequate odour control measures were now in place and supported the modest increase in hours of operation requested, however he was dissatisfied with the current bin storage arrangements, this matter needed to be addressed. Councillor Smart concurred in that view. Councillor Hamilton also sought clarification whether the outdoor sitting out area for those using the cafe was in the ownership of the applicant or licensed from the highway authority.
- (12) Members were in general agreement that whilst acceptable overall they were dissatisfied with the current bin storage arrangements and that they would not support any intensification of the current use until or unless this matter had been addressed. Discussion ensued regarding the most appropriate means of securing this end and whether to amend proposed Condition 2, Condition 6 or both and whether Members were minded to grant a temporary permission. Advice was given by the Solicitor to the Committee.
- (13) Councillor Caulfield proposed that a temporary permission be granted for twelve months, this was seconded by Councillor Steedman. However, a vote was taken and on a vote of 5 to 6 the proposal was lost.
- (14) A further vote was taken and on vote of 8 to 3 planning permission was granted as set out below. Councillor West was not present when voting took place.

30.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report to amendments to Condition 3 as set out in the late representations list and, to Condition 6 being amended to read as follows:

“Prior to implementation of the variation of conditions hereby approved, a scheme for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full accordance with the approved details and thereafter be retained as such at all times.”

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

**Note 1:** Having declared a personal and prejudicial interest in the above application Councillor West left the meeting and took no part in the discussion or voting thereon.

**Note 2:** Councillors Kennedy, Smart and Wells abstained from voting in respect of the above application.

**31. 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**

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

Application:	Site visit requested by:
BH2009/00508, "Asda" Crowhurst Road	Development Control Manager
BH2009/00655,"Covers Yard, Melbourne Street	Development Control Manager
BH2009/01030, 2a Croft Road (tree application)	Councillor Hyde, Chairman

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

**Decisions on Applications Delegated to the Director of Environment**

32.1 **RESOLVED** - That those details of applications determined by the Director of Environment under delegated powers be noted.

**Note 1:** All decisions recorded in this list are subject to certain conditions and reasons recorded in the Planning Register maintained by the Director of Environment. The register complies with legislative requirements.

**Note 2:** A list of representations received by the Council after the Plans Lists reports had been submitted for printing, was circulated to Members on the Friday preceding the meeting (for copy see minute book). Where the representations were received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether these should in exceptional cases be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2005.

The meeting concluded at 5.40pm

Signed

Chairman

Dated this

day of