

# **BRIGHTON & HOVE CITY COUNCIL**

## **PLANNING APPLICATIONS SUB-COMMITTEE**

**27 APRIL 2005**

**2.00PM**

**COUNCIL CHAMBER, HOVE TOWN HALL**

### **MINUTES**

Present: Councillor Carden (Chair); Councillors Forester, Hamilton, Hyde, K Norman, Older, Paskins, Pennington (Deputy Chair), Smith, Mrs Theobald (Deputy Chair), Tonks and Watkins.

Co-opted Members: Mr J Small, Conservation Advisory Group (CAG) and Mrs D Radford, Disabled Access Advisory Group (DAAG).

#### **VOTE OF THANKS TO THE CHAIR**

Before proceeding to the formal business of the meeting the Chair reminded Members that this would be the last meeting of the Sub-Committee at which he was present prior to taking up his role as Mayor for the ensuing municipal year. He had found his role as Planning Chair both demanding and rewarding and would miss this. He paid tribute to his fellow Councillors and to Officers with whom he had worked closely praising their dedication and professionalism. Councillors Pennington (Deputy Chair), Mrs Theobald (Deputy Chair), Paskins and Watkins responded on behalf of their political groups thanking the Chair for his commitment and valuable contribution. The Development Control Manager responded on behalf of Officers referring to the Chair's dedication and support.

#### **APPOINTMENT OF DAAG REPRESENTATIVE**

The Chair took the opportunity to welcome Mrs Doreen Radford as the newly appointed Disabled Access Advisory Group (DAAG) representative. It was noted that Mrs Radford was an ex-Councillor and also a Member of the Older People's Council. Members of the Sub-Committee also welcomed Mrs Radford referring to the valuable input and advice provided by her predecessor Mrs Janet Tuner and stressing that it was their wish that this should continue. Councillor Watkins stated that he was pleased that a bus bearing Mrs Turner's name had already appeared, but reaffirmed that he hoped agreement could be reached regarding the

naming of a suitable development in her memory in the very near future and that negotiations to that end should continue.

## PART ONE

### **179. PROCEDURAL BUSINESS**

#### **179A. Declarations of Substitutes**

179.1	<u>Councillor</u>	<u>For Councillor</u>
	Smith	Wells

#### **179B. Declarations of Interest**

179.2 Councillors K Norman and Smith declared personal and prejudicial interests in respect of Application BH2005/00464/FP, Withdean Sports Complex withdrew from the meeting during consideration of the application and therefore took no part in voting in relation to the decision in order to defer consideration of the application in order for a site visit to take place. Councillor Watkins declared a personal and prejudicial interest in Application BH2004/03748/FP and stated that he would leave the meeting during consideration of the application and would take no part in the discussion or voting thereon. Councillors Paskins and Mrs Theobald declared personal but non prejudicial interests in Application BH2005/00795/FP, 19 Wilbury Avenue, Hove by virtue of the fact that they were acquainted with the agent stating however that the nature of the interest was not such that they had pre-determined the application, both would therefore remain present during discussion and voting in respect of that application. Councillor Older declared a personal and non-prejudicial interest in Application BH2005/00592/FP, 3 The Droveaway. Reference had been made in the Officer's report to the fact that no objections had been raised on behalf of Adult Social Care. Councillor Older was a Member of the Adult Social Care Sub-Committee, but had had no input into the attributed comment and would therefore remain present during discussion and voting in respect of the application.

#### **179C. Exclusion of Press and Public**

179.3 The Sub-Committee considered whether the press and public should be excluded from the meeting during consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100 1 of the Local Government Act 1972.

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

## **180. MINUTES**

180.1 **RESOLVED** - That the minutes of the meeting held on 6 April 2005 be approved and signed by the Chair as a correct record of the proceedings.

## **181. PETITIONS**

181.1 As Councillor Kemble was speaking in his capacity as a Local Ward Councillor objecting to Application BH2005/003335/FP, The Gala Bingo Hall, Portland Road, Hove, it was agreed by the Chair and Members of the Sub-Committee that a petition in support of their application organised by PPS, agents acting for the Gala Bingo Group, the applicant (containing 64 signatures) would be presented to the Chair by the Clerk to the Sub-Committee as an uninterested party.

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

**NB:** It was also noted that a petition organised by a local action group HBS, objecting to the application and expressing support that the site be used as a community centre for use by local elderly residents, containing 178 signatures had also been received.

## **182. PUBLIC QUESTIONS**

182.1 There were none.

## **183. UPDATE ON DECISIONS DELEGATED TO OFFICERS AT PREVIOUS MEETINGS**

183.1 The Solicitor to the Sub-Committee updated in respect of Application BH2004/00212/FP, "Ruston", Withdean Avenue, following the recent lodging of a further request for judicial review. Notification had been received from the High Court that permission to proceed to judicial review had been refused and that the applicants case had been "unarguable". There was no right of appeal against the judge's decision, but a hearing could be requested and it appeared possible that that course would be pursued.

183.2 The Solicitor to the Sub-Committee referred to Application BH2004/03242/FP, 8 Downside stating that an application to appeal for judicial review against the Council's decision had not been granted by the Court and was in effect to be treated as having been withdrawn.

183.3 Councillor Older referred to Members request for a briefing note relating to the formation of new vehicular crossovers setting out the circumstances under which a highway certificate was sufficient and detailing those circumstances under which planning permission was also required: seeking to know when this was likely to be available. The Development Control Manager explained that this was currently still under preparation, but was due to be circulated to Members in the near future.

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

**184. TO CONSIDER THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

184.1 **RESOLVED** - That the following site visits be undertaken by the Sub-Committee prior to determining the applications:-

<u>APPLICATION</u>	<u>SITE</u>	<u>SUGGESTED BY</u>
BH2005/00464/FP	Withdean Sports Complex	Councillor Hyde
BH2005/00449/FP	72 St George's Road	Councillor Forester
*BH2004/03555/FP Manager	Grand Ocean Hotel, Saltdean  Saltdean Barn, Saltdean Mr Small (CAG)	Development Control
BH2004/03748/FP	The Dudley Hotel Lansdowne Place, Hove	Councillor Pennington
BH2004/03232/FP Pennington	Victoria House, Vale Road  Portslade	Councillor

\*The Development Control Manager considered that it would be beneficial for Members to visit the above application site prior to its consideration by the Sub-Committee (it was likely this would be placed before the Sub-Committee for consideration 18 May 2005). Mr Small suggested that whilst in the vicinity Members might also wish to visit the recently completed scheme at Saltdean Barn. Members concurred in that view.

**185. PLANS LIST APPLICATIONS, 27 APRIL 2005 (SEE MINUTE BOOK)****(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY****Application BH2005/00464/FP, Withdean Sports Complex, Withdean Stadium, Tongdean Lane**

185.1 Councillor Hyde suggested that it would be beneficial for Members to carry out a site visit to familiarise themselves with the configuration of the site and the proposed location of the additional seating prior to determining the application. The Chair referred to a recent impromptu visit he had paid with the Planning Officer in order to observe arrangements on a match day, stating that in his view Members were familiar with the site and its locale and that a visit was unnecessary. However, a vote was taken and on a vote to 6 to 4 it was agreed that a site visit would take place.

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

[**Note:** Having declared personal and prejudicial interests in the above application Councillors K Norman and Smith were not present and took no part in the discussions or decision to carry out a site visit.]

**Application BH2005/00136/FP, Brighton Station Site - Block J**

185.3 The Planning Officer explained that full planning permission was now being sought by the applicant for a mixed use development incorporating a public square; a 42-storey northern building comprising 146 residential units (class C3) and a hotel and ancillary facilities including restaurant, cafes, conference facilities, health and fitness centre and 25 residential units. The site of the nature conservation interest was to be enhanced; a station link was to be provided, with associated landscaping and conservation features, servicing access and parking.

185.4 Officers' detailed concerns regarding a number of issues which were set out in full in the report and were referred to. The applicants had been advised that, if submitted as presented, the application was likely to be recommended for refusal. The application had not been amended and no further negotiation had taken place. The application had been assessed within the current established planning policy framework set out in the Development Plan together with emerging planning policies. Additionally, the approved Masterplan (which had commenced on site) together with other material considerations had been given due weight. The site had not been identified within the Tall Building Study or SPG 15 as falling within an area suitable for the location of a tall building. The proposed location was not a natural setting for a tall building being

located in a prominent position high on the side of a valley. Whilst there was no objection in principle to the provision of additional housing, for that provision to be acceptable the developer needed to take up the challenge set out in the brief, correctly identify the pressures created by the development and to address them. This was not the case as there were significant shortfalls in provision, including open space, education, nature conservation and transport. By reference to detailed plans and photomontages the Planning Officer sought to illustrate the configuration of the buildings particularly the proposed 42-storey tower within the site and its far reaching and detrimental visual impact in long views across the City. The reduction in the size of the Civic Square was not considered acceptable and the close proximity of such a tall building would have a negative effect on the surrounding microclimate. It was also considered to be disappointing that the applicant had failed to produce a contextual model although encouraged to do so. On all the grounds set out the application was considered contrary to policy and was therefore recommended for refusal.

185.5 Ms Glenn spoke on behalf of the applicants in support of their application (referring to the content of their letter to Members in support of their application), stating that they considered that the proposed development would provide a modern landmark building which would provide much needed housing and valuable employment opportunities. In their view the concerns expressed could be addressed by amendments or by applying additional conditions. Councillor Williams spoke in his capacity as a Local Ward Councillor setting out his objections. Hundreds of objections had been received to the proposed scheme and to the far reaching negative impact such a tall building in an inappropriate location would have both on the locality and across the City as a whole.

185.6 The Development Control Manager stated that in this instance, as in the view of Officers the scheme was so flawed it was not considered that concerns about the scheme could be addressed either by amendment or the imposition of additional conditions. It was noted that Members had carried out a detour during the course of their site visits the previous day in order to seek to ascertain the potential impact of the building from various vantage points.

185.7 Councillor Older queried whether it would be beneficial to defer consideration of the application pending further work by the Officers Working Party which would be seeking to formulate a "City Vision". The Development Control Manager explained however that this group was at the formative stages of its work and that its future deliberations were not a material consideration in determining this application.

185.8 Councillor Tonks concurred with the Officer's recommendations, considering that the development would dwarf the whole site and would be an eyesore that would be overbearing and harmful to visual and other

amenity. Councillor Paskins concurred stressing the need to respect the Planning Brief and the fact that there was no correlation between the submitted scheme and that for which outline approval had been given. Councillor Mrs Theobald stated that whilst she was not opposed to a tallish building in principle, she considered the submitted scheme to be an overdevelopment which was of poor design, also commenting on the lack of recreation and amenity space relative to the size of the proposed development. Councillor Older was in agreement that the scheme was poorly designed and Councillor Hyde considered that the application represented a total disregard for the Council's agreed Planning policies.

185.9 **RESOLVED** - That Planning Permission be refused by the Council for the following reasons:

1. The site is not located within the general area of a node or corridor identified by the Local Planning Authority as appropriate for the location of tall buildings. The proposal is therefore contrary to SPGBH15 – Tall Buildings and policy ENV3 of the Brighton Borough Local Plan.
2. The applicant has failed to demonstrate that the site is an appropriate location for a tall building within the context of the city as a whole and in association with the already commenced development on the New England Quarter development site. This is contrary to policy ENV3 of the Brighton Borough Local Plan, policy QD1 of the Brighton & Hove Local Plan, second deposit, 2001 and SPGBH15 – Tall Buildings.
3. The proposed development by reason of its profile, height, shape, appearance and consequential significant visual intrusion would be overbearing and harmful to the setting of the nearby Grade I listed building, St Bartholomew's church. The proposal would therefore be contrary to policy EN23 of the East Sussex and Brighton and Hove Structure Plan 1991–2011, policy ENV3 and ENV33 of the Brighton Borough Local Plan and policy HE3 of the Brighton & Hove Local Plan, second deposit draft, 2001.
4. The proposed development by reason of its profile, height, shape, appearance and consequential significant visual intrusion would be overbearing and harmful to the setting of the nearby Grade II\* listed building, Brighton Station and rail shed. The proposal would therefore be contrary to policy EN23 of the East Sussex and Brighton and Hove Structure Plan 1991–2011, policy ENV3 and ENV33 of the Brighton Borough Local Plan and policy HE3 of the Brighton & Hove Local Plan, second deposit draft, 2001.
5. The proposed development by reason of its profile, height, shape, appearance and consequential significant visual intrusion would be overbearing and harmful. The proposal would not result in a development which would preserve or enhance the character and appearance of the West Hill Conservation Area. The proposal would therefore be contrary to policy EN233 of the East Sussex and Brighton and Hove Structure Plan 1991–2011, policy ENV3 of the Brighton

- Borough Local Plan and policy HE6 of the Brighton & Hove Local Plan, second deposit draft, 2001.
6. The proposed development by reason of its profile, height, shape, appearance and consequential significant visual intrusion would be overbearing and harmful. The proposal would not result in a development which would preserve or enhance the character and appearance of the Valley Garden Conservation Area. The proposal would therefore be contrary to policy EN23 of the East Sussex and Brighton and Hove Structure Plan 1991–2011, policy ENV3 of the Brighton Borough Local Plan and policy HE6 of the Brighton & Hove Local Plan, second deposit draft, 2001.
  7. The proposed development by reason of its profile, height, shape, appearance and consequential significant visual intrusion would be overbearing and harmful. The proposal would not result in a development which would preserve or enhance the character and appearance of the North Laine Conservation Area. The proposal would therefore be contrary to policy EN233 of the East Sussex and Brighton and Hove Structure Plan 1991–2011, policy ENV3 of the Brighton Borough Local Plan and policy HE6 of the Brighton & Hove Local Plan, second deposit draft, 2001.
  8. The application has failed to demonstrate that the proposal would not cause harm to features and buildings of strategic importance. The proposal is therefore contrary to policy QD4 of the Brighton & Hove Local Plan, second deposit draft, 2001.
  9. The applicant has failed to demonstrate that the proposed development has been designed to emphasise the positive qualities of the local neighbourhood. The proposal is therefore contrary to policy QD2 of the Brighton & Hove Local Plan, second deposit draft, 2001.
  10. The proposed development by reason of its scale, arrangement and layout would result in the provision of a poor quality, public/civic spaces. This proposal is therefore contrary to policies QD2, QD3 and QD4 of the Brighton & Hove Local Plan, second deposit, 2001.
  11. There is no provision within the proposed development for outdoor recreation space and the applicant has failed to demonstrate that it is impractical for the outdoor recreation space to be provided within the site or that there is existing adequate provision. This proposal is therefore contrary to policy HO5 of the Brighton & Hove Local Plan, second deposit draft, 2001.
  12. The applicant has not demonstrated that the significant increase in housing density proposed on this part of the Brighton Station site meets the criteria, set out in policy HO4 of the Brighton & Hove Local Plan, second deposit draft, 2001 and SPGBH3 – Brighton Station Site Brief.
  13. The proposal by reason of the allocation and location of the affordable housing would have an adverse impact on the achievement of a range of dwelling types and mixes within Brighton & Hove. This is contrary to policy HO3 of the Brighton & Hove Local Plan, second deposit, 2001 and SPG3 – Brighton Station Site Brief.



14. The applicant has failed to demonstrate that the proposal would not cause significant loss of amenity to neighbouring properties through the change in the wind climate created by the development. This is contrary to the requirements of policy QD 27 of the Brighton & Hove Local Plan, second deposit draft 2001.
15. The applicant has failed to demonstrate that the proposal would not cause significant loss of daylight/sunlight to neighbouring residential and other properties. This is contrary to the requirements of policy QD 27 of the Brighton & Hove Local Plan, second deposit draft 2001.
16. The applicant has failed to demonstrate that the proposed development would incorporate satisfactory measures to ensure its future sustainability and to achieve a high standard of efficiency in use of energy, water and materials and as such the proposal is contrary to policy SU2 of the Brighton & Hove Local Plan, second deposit draft, 2001 and SPGBH21 – Brighton and Hove Sustainability Checklist.
17. The applicant has failed to demonstrate that the proposal takes into consideration the mitigation of the noise impact of the nearby existing railway line. The proposal is therefore contrary to policy SU10 of the Brighton & Hove Local Plan, second deposit draft, 2001.
18. The applicant has failed to demonstrate that the transport impact of the proposed development is addressed by the remedial measures set out in the planning application. As such this proposal is contrary to policy TR3 of the East Sussex and Brighton and Hove Structure Plan 1991–2011 and policy TR1 of the Brighton & Hove Local Plan, second deposit draft 2001.
19. The proposed development by reason of its design, layout and arrangement would have an adverse impact on the existing site of nature conservation interest located at the Brighton Station Site/New England Quarter. This proposal is therefore contrary to policy EN20 of the East Sussex and Brighton and Hove Structure Plan 1991–2011 and policy NC4 of the Brighton & Hove Local Plan, second deposit draft, 2001.
20. The proposals for the southern Site of Nature Conservation Interest by reason of their design, layout and arrangement would be out of keeping with the character of the submitted details proposed for the northern Site of Nature Conservation Interest. This is contrary to the objectives of the approved Masterplan application reference BH2001/01811/OA and to the identified objectives contained within SPGBH3 – Brighton Station Site Brief.

**Application BH2005/00335/FP, Gala Bingo Hall Site, 191 Portland Road, Hove**

185.10 It was noted that the application had been the subject of a site visit prior to the meeting.

185.11 The Planning Officer explained that permission was sought to demolish the existing Bingo Hall and to erect a range of 3 to 6-storey

buildings of 54 private and affordable flats and 34 car parking spaces. The main considerations were the loss of the existing bingo hall use, the appropriateness of the proposed use for sheltered housing accommodation, the effect on neighbouring residential amenity and highway safety.

185.12 Whilst the building had once been of some merit, many of those features worthy of retention had been lost and as such there was no objection to demolition of the building in principle. However, it was clear from the petition received and from consultation that the building was an important recreational facility and social meeting place. The proposal as set out in the application failed to adequately justify the loss of the existing leisure/community use on the site and failed to demonstrate that there was no need for alternative provision in this location. Whilst there appeared to support from some immediate neighbours for a replacement building with sheltered housing, in the absence of any marketing information to show the facility was truly redundant and incapable of either re-use or redevelopment for a similar use, it was considered that the site should in the first instance be reserved for an indoor recreational facility. A mixed leisure and community use would be a preferred alternative. The proposed housing scheme went beyond the scale of the previous scheme and would cumulatively, by reason of overdevelopment, impact on neighbours, failure to take proper account of the need for lifetimes homes and homes to full wheelchair standard, and insufficient commitment towards sustainability measures, would result in an overall poor standard of development for this prominent site. It was therefore recommended that planning permission be refused.

185.13 Mr Buttmer spoke as an objector on behalf of the Older People's Council referring to the importance of the community facility previously located on site and the need for a community use to be retained. Mr Hawkins spoke on behalf of the applicants in support of their application referring to the fact that the current established use had not been operational for some time and referring to the fact that in their view a number of the previous concerns had been overcome. Councillor Kemble spoke in his capacity as a Local Ward Councillor setting out his objections to the application referring to the belated community consultation that had been undertaken by the applicants and overwhelming local objections to the fact that in the view of the objectors the scheme represented an overdevelopment of the site and that a more appropriate scheme could be achieved.

185.14 Councillor Mrs Theobald considered that the submitted scheme would be of too great a density and too high and an ugly building. The lack of amenity-recreation space was also unacceptable. A development which was more modest and incorporated a community facility for use by the elderly would be more acceptable. Councillor Paskins concurred also considering that the location of the north facing flats would not provide

good living accommodation. Members were of the view that a better development was required for the site.

185.15 **RESOLVED** - That Planning Permission be refused by the Council for the following reasons:

1. Policy SR23 of the Brighton & Hove Local Plan Second Deposit Draft resists the loss of indoor recreation facilities except where it can be demonstrated that there is an excess of provision within the catchment area, the facilities are to be replaced by improved facilities and that replacement facilities are in a location which is equally accessible to the users by a choice of transport modes as the existing facilities. Insufficient justification has been made to address these issues, including inadequate marketing of the premises for a similar use (and indeed a restriction on sale for the same use) thereby failing to adequately account for the loss of such a facility, to the detriment of the amenities of the local population and contrary to policy SR23.
2. Policy HO20 of the Brighton & Hove Local Plan Second Deposit Draft resists the loss of community facilities except where it can be demonstrated that the use is incorporated or replaced in the new development, is relocated to a location which improves its accessibility to users, nearby facilities are to be improved or the site is not needed, not only for its existing use but also for other types of community use. No justification has been made for the loss of this element of the facility, contrary to the policy, and to the detriment of the amenities of the local population.
3. Policy QD2 of the Brighton & Hove Local Plan requires that all new developments be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics including, amongst other criteria, the height, scale, bulk and design of existing buildings, and the natural and developed background or framework into which the development will be set against. The proposal would by reason of its density, design, height and scale form an overdevelopment of the site to the detriment of local residential amenity and the character and appearance of the street scene.
4. Policies BE1 of the Hove Borough Local and QD14 and QD27 of the Brighton & Hove Local Plan Second Deposit Draft seek to protect amenity. The proposed new dwellings would, by reason of their density, design, scale and proximity to neighbouring properties, have an overbearing effect on the occupiers of those properties contrary to the policies referred to above.
5. Policy HO – new policy of the Brighton & Hove Local Plan Second Deposit Draft requires the provision for outdoor recreation space. Where it is not practicable or appropriate for all or part of the space-requirement to be provided on-site, contributions to their provision on a suitable alternative site may be acceptable. It is considered that it would be appropriate and practicable for a proportion of the outdoor

recreation space to be provided on-site in this location. The proposal would thereby be contrary to the policy, to the detriment of the amenities of the future occupiers of the properties.

6. Policy HO13 relates to accessible and lifetime homes and states that a proportion of all new dwellings on larger sites should be built to a wheelchair accessible standard. The proposal only provides for one unit to wheelchair standards and makes no reference to the lifetime home standard. The proposal would therefore be contrary to policy, to the detriment of the future adaptability of the housing stock to meet the needs of occupiers.
7. The applicant has failed to demonstrate how the development will fully meet sustainability objectives in terms of efficiency in use of energy and materials as required by policy SU2 of the Brighton Local Plan Second Deposit Draft.
8. Whilst the applicant has demonstrated a willingness to enter a Planning Obligation to address policy requirements, no such Obligation has been entered into. The following issues should have been addressed:- cost of the agreement, securing affordable housing, securing contributions towards the provision of educational facilities, open space, sustainable transport measures and a 'per cent for art' contribution. This is contrary to policy QD28 of the Brighton & Hove Local Plan, which seeks the inclusion of such elements within Obligations where appropriate.

Informative:

1. This decision is based on drawings nos. 3756 AD-103 submitted on 20 January 2005 and 3756 AD-104 rev A, 105 rev A and 107 rev A submitted on 21 March 2005.

**Application BH2005/00389/FP, White Admiral, Taunton Road/Leybourne Road**

185.16 It was noted that the application had been the subject of a site visit prior to the meeting.

185.17 The Planning Officer explained that approval was sought for the erection of 31 maisonettes for rental and shared ownership. The principal considerations were the loss of the existing public house and the effects of the proposals on the character of the area and amenities of the neighbours; also highway and sustainability issues. Whilst the loss of the public house use had already been established by the earlier outline approval, that scheme had included provision of community facilities within the application to overcome concerns regarding the loss of a community facility. This application did not include such provision on site, but the applicants had agreed to make a contribution of £82,150 towards the provision facilities elsewhere on the surrounding estate. However, this Obligation was not in place and so its absence should form part of a reason for refusal.

185.18 Mr Zara spoke on behalf of the applicants in support of their application referring to the fact that the loss of the public house had already been established and to the fact that the development would provide much needed affordable accommodation. Councillor Hazelgrove spoke in his capacity as Local Ward Councillor setting out his support for the scheme and that of the majority of local residents. As the number 10 bus was the only bus serving the area the proposed real time bus stops were not considered necessary. The overwhelming desire of local residents was for the Section 106 monies to be used towards funding a local community facility.

185.19 In answer to questions by Councillor Smith the Traffic Engineer explained that the Council would in due course be providing real time information across the city, but that the opportunity was taken to encourage developers to contribute towards such schemes when appropriate. Councillor Tonks considered that the scheme was acceptable, considering that the scheme was well designed and would provide much needed quality housing and that the real time bus information was superfluous, Councillors Older and Smith agreed. Councillor Older queried the level of contribution suggested by the applicant and Councillor Smith considered that the scheme represented a good use for a brownfield site.

185.20 The Planning Officer stated that no written undertaking had been given by the applicants and that only £82,000 had been offered; no undertaking had been given to contribute any other monies towards other elements. Councillor Mrs Theobald considered that the design should be improved upon, that problems due to potential flooding should be further explored and that the boundary trees should be retained. Councillor Paskins was generally supportive of the scheme but considered that the gap between the buildings was very narrow and could result in reduction of sunlight. The very good/excellent Bream rating was welcomed however. Councillor Hyde considered the application to be generally acceptable but would have preferred it if more parking was provided. Councillor Watkins considered that the application was acceptable and should not be refused but that the position in respect of the Section 106 Obligation should be clarified and consideration of the application needed to be deferred to that end.

185.21 Members considered whether or not it would be appropriate to grant permission but whilst sympathetic decided on balance to defer further consideration in order to enable officers to clarify the sum that the applicant was prepared to contribute as part of a Section 106 Obligation and the purposes to which this would be put.

185.22 **RESOLVED** - That consideration of the above application be deferred pending resolution of the issues set out in Paragraph 185.21 above.

**Application BH2004/03580/FP, Holland Mews - Garden to rear of 29 & 31 Holland Road, Hove**

185.23 It was noted that the application had been the subject of a site visit prior to the meeting.

185.24 The Planning Officer explained that permission was sought to demolish the existing garage and to erect a three-bedroom dwelling. It was not considered that the proposed dwelling, as designed, would have a detrimental impact on neighbouring amenity by reason of overshadowing, loss of privacy or increased sense of enclosure and, subject to conditions requiring further details, the proposal was considered to preserve and enhance this part of the Brunswick Town Conservation Area and was therefore recommended for approval.

185.25 Councillor Mrs Theobald considered that the corner at which parking was proposed was dangerous and considered that the proposed three-bedroom dwelling represented an overdevelopment and would result in overshadowing to the rear of the site. Councillors Watkins and Hyde agreed and considered that the original reasons relating to the earlier refusal had not been overcome. Councillor Older referred to the location of the existing low wall and the Planning Officer confirmed that it was intended that this would remain in situ. Mr Small, CAG, considered that as the road represented a 'dead end' and would remain so he did not consider there would be any increased traffic hazard.

185.26 On a vote Members agreed that the application should be refused by virtue of its height and site coverage, considering that it represented overdevelopment of the site.

185.27 **RESOLVED** - That Planning Permission be refused by the Council on the grounds that by virtue of its height and site coverage, would constitute an overdevelopment of the site and as such would fail to preserve or enhance the Brunswick Town Conservation Area, would be detrimental to the amenities of the occupiers of the adjoining properties in Holland Road and Holland Mews and would be contrary to Policies BE1 and BE8 of the Hove Borough Local Plan 1995 and Policies B1 and B16 of the Brighton and Hove Local Plan Review Part A.

[**Note 1:** On a vote of 6 to 3 with 3 abstentions the application was refused.]

[**Note 2:** Councillor Watkins proposed that the application be refused on the grounds set out above. This was seconded by Councillor Mrs Theobald. On a recorded vote Councillors Hyde, K Norman, Older, Mrs Theobald, Tonks and Watkins voted that the application should be refused. Councillors Carden (Chair), Forester and Pennington voted that the

application should be granted. Councillors Hamilton, Paskins and Smith abstained. therefore on a vote of 6 to 3 with 3 abstentions the application was refused.]

**(ii) DECISIONS ON MINOR APPLICATIONS WHICH VARY FROM THE RECOMMENDATIONS OF THE DIRECTOR OF ENVIRONMENT AS SET OUT IN THE PLANS LIST (MINOR APPLICATIONS) DATED 27 APRIL 2005**

**Application BH2005/00451/FP, 12 Lucraft Road**

185.28 The Planning Officer explained that retrospective approval was sought for a dormer to the side and rear roof slope. The application was recommended for refusal as it was considered by reason of its design, form and scale it was overly dominant and related unsympathetically to the character and appearance of the existing dwelling, detracted from the visual amenities of the locality and was contrary to policy.

185.29 Mr Boys spoke on behalf of the applicants in support of their application. He explained that if the works had been completed prior to construction of the garage that planning permission would not have been required as the works could have been carried out as permitted development. Following consideration of the second Certificate of Lawfulness the applicant had begun to proceed with the works as they felt that the previous reason for refusal had been overcome. The applicant had acted in good faith and referred to the personal circumstances of the family of six children and a disabled mother which resulted in the need for the additional accommodation.

185.30 Councillor Mrs Theobald queried whether the structure could be reduced but Councillor Pennington considered that given the limited perspective of the structure when viewed from the street frontage the proposal was acceptable. The Development Control Manager stated that if members were so minded they could refuse the application as being contrary to policy but could agree that it would not be expedient to take enforcement action due to the circumstances of this particular case. Members decided, however, that this would militate against the applicants' ability to sell the property at a future date and therefore agreed that permission should be granted.

185.31 On a vote of 6 to 2 with 3 abstentions Planning Permission was granted.

185.32 **RESOLVED** – That Planning Permission be granted by the Council as on the grounds that the visibility of two side velux windows is limited and their colour blends in with the tiles. The rear dormer is visible but is not unsightly and does not invade privacy as there are already a number of dormers that overlook gardens in the vicinity. The development was not

therefore considered to be detrimental to the surrounding street scene or neighbouring amenity.

[**Note 1:** A vote was taken and on a vote of 6 to 2 with 3 abstentions the application was granted.]

[**Note 2:** Councillor Pennington proposed that the application be granted on the grounds set out above. This was seconded by Councillor Tonks. On a recorded vote Councillors Hyde, K Norman, Pennington, Smith, Tonks and Watkins voted that the Planning Permission should be granted. Councillors Forester and Paskins voted that the application should be refused. Councillors Carden (Chair), Hamilton and Mrs Theobald abstained. Councillor Older was not present when the vote was taken. Therefore on a vote of 6 to 2 with 3 abstentions the application was granted.]

### **Application BH2005/00011/FP, Park Lodge, Dyke Road, Hove**

185.33 The Planning Officer explained that permission was sought for the erection of an additional storey to form a three-bedroom penthouse. The main considerations in determining the application were the effects of the proposed additional storey on the character and appearance of the building on the street scene and upon residential amenity. It was considered that the proposed roof extension would add visual interest to an otherwise bland building and would make a positive contribution to the visual quality of the environment without unduly affecting residential amenity. The increase in housing stock was welcomed and the creation of one additional unit would not result in a significant increase in traffic generation, approval was therefore recommended.

185.34 Mr Parsons spoke on behalf of the applicants in support of their application explaining the measures that had been undertaken in order to improve the appearance of the existing building, explaining in answer to questions that it was possible to extend the lift to the additional floor without housing the motor and other workings on top of the building. It was proposed that large trees could be put into planters to add a green aspect.

185.35 Councillor Mrs Brown spoke as a Local Ward Councillor setting out her objections to the scheme which in her view represented overdevelopment of a building which was already out of character with the surrounding area and would reduce in loss of sunlight and overlooking.

185.36 Councillor Norman expressed concern that if existing mobile phone masts were replaced they would be more dominant than was currently the case. Councillor Older expressed concern that plans relating to the development did not show it in context with neighbouring properties, considering that if an additional flat was provided it would be to the detriment of neighbouring amenity. Councillors Mrs Theobald and Smith



queried that the building fell within the requirements of the Tall Buildings SPG and was contrary to it. The Planning Officer explained that as the existing building was already a moderately tall mid-rise building the addition of another storey fell to be considered on its own merits. Councillor Smith stated that it would be helpful if Members could receive a seminar explaining the circumstances where the Tall Buildings SPG applied and those where it did not. Councillor Forester expressed that her view was mixed, whilst the overall appearance of the building was generally improved she had concerns regarding how the lift could be accommodated, and regarding the proposed detailing, she was not convinced that health trees of the size proposed could be maintained. Councillor Hyde considered that the development should be treated as a Tall Building.

185.37 Councillor Pennington stated that he supported the application stating that the SPG did not preclude any area for tall buildings whilst identifying some areas of the city as being more suitable for that type of development. The Development Control Manager confirmed that this was the case and that as the existing building was six storeys high it could be difficult to argue that another floor would cause further demonstrable harm. Councillor Norman considered that the existing building was already at variance with its surroundings and that an additional floor would result in demonstrable harm to neighbouring amenity.

185.38 On a vote of 7 to 5 the application was refused.

185.39 **RESOLVED** – That Planning Permission be refused on the grounds that the proposed additional floor, by virtue of its design and height, would be out of keeping with the building and surrounding area, and being higher than any surrounding roofline or trees and dominate the skyline. The proposal would therefore be detrimental to the visual amenities of the area and contrary to Policies BE1 of the Hove Borough Local Plan and QD1, QD2 and QD4 of the Brighton and Hove Local Plan Second Deposit Draft.

[**Note 1:** On a vote of 7 to 5 the application was refused.]

[**Note 2:** Councillor Hyde proposed that the application be refused on the grounds set out above. This was seconded by Councillor Older. On a recorded vote Councillors Hyde, K Norman, Older, Paskins, Smith, Mrs Theobald and Watkins voted that the application should be refused. Councillors Carden (Chair), Forester, Hamilton, Pennington and Tonks voted that the application should be approved. Therefore on a vote of 7 to 5 the application was refused.]

**(iii) OTHER APPLICATIONS****Application BH2005/00872/FP, 104 Preston Drove**

185.40 The Planning Officer explained that permission was sought to convert the existing maisonette into two self contained flats, with a first floor rear extension in association with the part conversion of the first floor C3 to B1 ancillary office to the ground floor veterinary practice. It was considered that the application as amended, the kitchen had been repositioned and the depth of the rear overhang reduced, had overcome the previous reasons for refusal which was not now considered to adversely affect the amenity of adjoining neighbours or the character of that part of the Preston Park Conservation Area. Approval was therefore recommended.

185.41 **RESOLVED** - That the Sub-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.

**Application BH2005/00627/FP, 68 Upper Gloucester Road**

185.42 The Development Control Manager explained that it had become apparent that there were objectors who wished to speak in respect of the application and it was therefore recommended that consideration of the application be deferred in order to facilitate that process.

185.43 **RESOLVED** - That the consideration of the above application be deferred for the reasons set out.

**Application BH2005/00457/FP, 10 Windsor Street**

185.44 The Planning Officer explained that permission was sought to construct a 3-storey, 1-bedroom house with internal garage. The proposed building was considered to be contemporary and modest in design and complimentary to the built form of the dwellings on the adjacent plot to the north and along the street scene. It was considered that the development would enhance the character of the street with minimal impact on the amenities of the occupiers of neighbouring properties and was therefore recommended for approval.

185.45 **RESOLVED** - That the Sub-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.

**Application BH2005/00681/FP, 72 St George's Road**

185.46 Members agreed that it would be beneficial to conduct a site visit prior to determining the above application.

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

**Application BH2005/00448/CD/FP, Borough Cemetery, Bear Road**

185.48 The Planning Officer explained that permission was sought to erect a replacement entrance columns and gates to the south east entrance to the cemetery. It was considered that the proposal improved the existing vehicular access without compromising the visual amenity of the area, whilst maintaining the flint walling and planting. Approval was therefore recommended.

185.49 Councillor Hyde referred to the comments of the Traffic Engineer regarding the siting of the gate and the Development Control Manager stated that the proposed entrance works would improve on the existing arrangements, the Engineer's proposals were not supported as they would involve extensive works, including breaking through the existing flint retaining wall. It was confirmed that the gates would only be closed during periods when the cemetery was not open.

185.50 **RESOLVED** - That the Sub-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.

**Application BH2005/00730/FP, 148 Elm Grove**

185.51 The Planning Officer explained that approval was sought for change of use of a vacant unit (previously carpet shop) to a launderette. It was considered that the proposed development would provide an essential community facility and subject to compliance with the proposed conditions, the proposal would not lead to any undue loss of amenity to adjoining residential neighbours and it was therefore recommended for approval. Members were also in agreement that a condition should be added to ensure that measures were undertaken to ensure that the machines were not installed abutting the party walls of the neighbouring properties as this could result in noise nuisance or in vibrations from the machines penetrating into neighbouring properties.

185.52 **RESOLVED** - That the Sub-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 and to the additional condition referred to above.

**Application BH2005/00449/FP, 41 Pankhurst Avenue**

185.53 The Planning Officer explained that retrospective approval was sought for the retention of a single garage and wall. It was considered that there was insufficient space within the curtilage of the property to achieve a successful turning circle, therefore requiring vehicles to manoeuvre in reverse into Hallett Road in an unacceptable manner. The 1.5m height of the boundary wall also obscured exiting driver sight lines of the pedestrian footway to the detriment of highway safety. Whilst the principle of a garage was considered acceptable, as constructed the development was unsatisfactory and detrimental to highway safety and was therefore recommended for refusal and to be forwarded to the enforcement team for further consideration.

185.54 **RESOLVED** - That Planning Permission be refused by the Council for the following reasons:

- A. Refuse planning permission for the following reasons:
1. The garage, by virtue of its projection, size, height, design and materials is considered an overdevelopment of the site, projecting forward of the line of development, contrary to policies ENV.3 & ENV.5 of the Brighton Borough Local Plan and QD1 & QD14 of the Brighton & Hove Local Plan Second Deposit Draft.
  2. The boundary wall, by virtue of its height, design and materials is not in keeping with the character of the front boundaries along Hallett Road, Plumpton Road and Pankhurst Avenue, is contrary to policies ENV.5 of the Brighton Borough Local Plan and QD1 & QD14 of the Brighton & Hove Local Plan Second Deposit Draft.
  3. The garage and boundary wall, by virtue of its height and design, will obstruct pedestrian and approaching vehicle sight-lines, to the detriment of highway safety and contrary to policy TR Safe development (new policy) of the Brighton & Hove Local Plan Second Deposit Draft.

Informative:

1. This decision is based on drawing no. 01 and Photographs 1, 2, 3, 4, 5, 6 & 7 submitted on the 15<sup>th</sup> October 2004.
- B. Refer to the Planning Investigations Officers for consideration of expediency of enforcement action.

**Application BH2005/00604/FP, 242 Queen's Park Road**

185.55 The Planning Officer explained that approval was sought to extend properties on plot 2 by 1800mm and on plot 3 by 1200mm (amendments to

approval BH2002/02558/RM). The planning history of the site was important in that the principle of development had already been agreed. A recent application to vary these plots had been refused as it would have led to a loss of residential amenity by loss of light and overshadowing to amenity space and habitable rooms of 50 St Luke's Terrace. The application before the Sub-Committee would not however lead to a further loss in residential amenity and overcame the sole reason for refusal of the earlier planning permission BH2004/01831/FP and was therefore recommended for approval.

185.56 Mr Hayward spoke as an objector to the scheme on behalf of himself and neighbouring residents, setting out their concerns regarding potential loss in value to their properties which would now become part of a terrace, also regarding problems of overshadowing which could be overcome by moving the location of the proposed houses. Reference was also made to the shallow foundations of the neighbouring houses which had been constructed on to a chalk slab. Advice had been received that the excavation works required could undermine these properties and result in them needing to be underpinned, particularly bearing in mind the close proximity of underground railway tunnels.

185.57 In answer to questions the Planning Officer stated that the railway tunnels did not run directly under the site. The Planning Officer confirmed that loss of value and matters relating to excavation works were not material planning considerations and that the latter matter fell within the remit of Building Control Regulations and would need to be dealt with by way of the Party Wall Act.

185.58 Councillor Mrs Theobald considered that the proposed development would result in overshadowing to neighbouring properties and that it was unacceptable that the existing semi-detached houses would now form part of a terrace.

185.59 **RESOLVED** - That the Sub-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 a Deed of Variation of the Section 106 Obligation dated 13 August 2001 and the Conditions and Informatives set out in the report.

[**Note:** Councillors K Norman and Mrs Theobald voted that the application should be refused.]

#### **Application BH2005/00073/CD/FP, Westergate House, Westergate Road**

185.60 The Planning Officer explained that approval was sought to erect a 15 metre high electricity generating wind turbine. The main issue to consider was the impact the proposal would have on the visual amenities of the locality and in terms of noise generation. It was not considered that

this would be the case, the development would also enable the use of renewable energy and was therefore recommended for approval.

185.61 **RESOLVED** - That the Sub-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.

**Application BH2005/00607/FP, 69 Marine Parade**

185.62 The Planning Officer explained that permission was sought for change of use from a language school to 6 flats (change of layout and details previously approved scheme BH2001/00636/FP). The internal alterations would comprise the removal and insertion of stud walling. The Planning Officer referred to changes in plan policy that had occurred since the previous approval had been granted, however, it was considered that the development would provide 6 car free properties within a central location. The development would also provide adequate cycle parking, refuse storage and would not harm the special historic character of the building or its setting and approval was therefore recommended.

185.63 **RESOLVED** - That the Sub-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 a Section 106 Agreement to secure a payment for changes to an existing Traffic Order to make the development car free and to the Conditions and Informatives set out in the report.

**Application BH2005/00673/FP, 41 Ainsworth Avenue**

185.64 The Planning Officer explained that permission was sought for removal of the existing roof, and for the creation of a new first floor with roof over and garage extension. It was not considered that the proposed development would result in any undue loss of privacy or overlooking or loss of light. The development would be built of materials to match and have an acceptable impact on the street scene and was therefore recommended for approval.

185.65 **RESOLVED** - That the Sub-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 receipt of satisfactory contextual drawings and the Conditions and Informatives set out in the report.

**Application BH2005/00439/FP, Land adjacent to 16 Newlands Road, Rottingdean**

185.66 The Development Control Manager explained that Officers had become aware that there were objectors who had indicated that they wished to speak in respect of the application. It was therefore recommended that consideration of the application be deferred in order to facilitate that process.

185.67 **RESOLVED** - That the consideration of the above application be deferred for the reasons set out.

**Application BH2004/03748/FP, The Dudley Hotel, Lansdowne Place, Hove**

185.68 The Planning Officer explained that approval was sought for the erection of two new townhouses and two maisonettes on Lansdowne Place, conversion of existing kitchens/coldstore into four mews houses at the rear, addition to the main roof to contain two additional suites of hotel accommodation, a new entrance canopy and replacement windows to the front elevations of the hotel. The building itself was not listed although most of the buildings in the street were. The proposal involved conversion and alterations to the existing building and new build on land currently forming the car park. The main considerations in the determination of the application related to the impact of the proposal on the character and appearance of the conservation area, on the residential amenities of the surrounding properties and traffic implications. The proposed development would provide a mix of unit sizes, all suitable for family occupation and would include refuse and cycle storage.

185.69 The existing building was in need of refurbishment. The development would enable the replacement of inappropriate metal framed windows on the front elevation with timber framed sliding sash windows. The removal of the surface hotel car park with appropriately detailed dwellings would also greatly improve the appearance of the street and conservation area. It was considered that the construction of development at roof level would have little impact on the character of the area. It was not therefore considered that the proposal would seriously affect the amenities of adjacent residential properties and traffic issues could be addressed by appropriate contributions and the application was therefore recommended for approval.

185.70 Several Members queried whether or not the proposed upper units would be private dwellings or suites associated with the hotel use. Councillor Paskins stated that the applicants would be unable to apply for a hotel grading if cooking facilities were provided in these rooms. Mr Small queried the position in respect of the need to apply for Listed Building Consent and the Planning Officer explained that this would be required in order to physically join part of the development to the adjoining Listed

Building. Councillor Pennington expressed concern regarding the potential impact of the proposed development on the neighbouring street scene and in particular the adjacent Listed Buildings. He suggested that consideration of the application should be deferred pending a site visit to enable Members to form a view in respect of the context of the development.

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

[**Note:** Having declared a personal and prejudicial interest Councillor Watkins left the meeting and took no part in the discussions in respect of the above application.]

### **Application BH2005/00514/FP, 18 Melville Road, Hove**

185.72 The Planning Officer explained that approval was sought to convert the existing house into five self-contained residential units, works to include alterations to roof, three-storey rear extension, balconies and other exterior alterations. The application followed two earlier refusals for proposals considered unacceptable as the rear extension by reason of its bulk, siting and design would adversely affect the appearance of the existing dwelling and the amenities of the surrounding properties. These applications were dismissed at appeal due to undue overlooking although the Inspector had commented that there was already mutual overlooking and that an increase in the number of windows and provision of rear balconies per se would not lead to a significant increase in disturbance or loss of privacy to the occupiers of surrounding properties. In order to overcome the earlier reasons for refusal the proposed bay windows had been deleted from the scheme and the applicant had indicated their willingness to enter into a Section 106 Obligation to secure a car free development. The main considerations in determining the application remained, primarily effect on appearance, living conditions and parking pressure.

185.73 It was considered that the application had addressed the issues raised in the recent appeal decision, would result in an increase in housing stock, would be car free and being no closer to properties at the rear should not unduly result in loss of residential amenity and was therefore recommended.

185.74 Councillor Pennington sought clarification regarding the 'car free' nature of the development. The Development Control Manager explained that this was generally sought where five units or more were proposed but that in this instance this had been sought in view of the planning history of the site. The existing Traffic Order would be revised to preclude anyone buying the units from having access to the Residents' Parking Scheme.



185.75 **RESOLVED** - That the Sub-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 a Section 106 Obligation to provide for amending the Traffic Order to ensure the development is car-free and to the Conditions and Informatives set out in the report.

[**Note:** Councillor K Norman and Mrs Theobald voted that the application should be refused.]

#### **Application BH2005/00795/FP, Land Adjacent to 19 Wilbury Avenue, Hove**

185.76 The Planning Officer explained that approval was sought for the conversion of a coach house under construction from residential (Use Class C3) to office use (Use Class B1). The main considerations were the suitability of the proposed change of use, impact on the character and appearance of the area, the effect on neighbouring residential amenity and transport issues. It was noted that the building would have no impact on the neighbouring property within whose curtilage it would be built, or the property to the rear. It was considered that the proposed restriction which made the use personal to the applicant and the reversion to housing upon cessation of use, made the use acceptable and it was therefore recommended that planning permission be granted.

185.77 **RESOLVED** - That the Sub-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.

#### **Application BH2005/00837/FP, 11 Hangleton Gardens, Hove**

185.78 The Planning Officer explained that permission was sought for a single-storey extension and loft conversion with front and rear rooflights (resubmission of refused application BH2005/00165/FP). The main considerations related to the appearance of the extension on the existing building and the impact of the proposal on the amenity of neighbouring residents. The current proposal had omitted a rear dormer which had been the reason for refusal of the previous application. It was not considered that the current scheme would significantly block light to neighbouring properties and that the boundary treatment would prevent the terrace causing overlooking to neighbouring properties and as it was designed in relation to the existing building and would use matching materials was considered acceptable and was therefore recommended for approval.

185.79 Mr McConnell spoke as an objector to the proposed development referring to the overshadowing and loss of light to his property that had

resulted from works already carried out; these would be exacerbated by the further works proposed. In his view this could be alleviated by using a different type of roof.

185.80 Councillors Hyde and Mrs Theobald requested to see to a plan showing the relationship between the application site and the neighbouring property. The Planning Officer indicated that there was an even spacing between both properties and their respective boundaries.

185.81 **RESOLVED** - That the Sub-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.

#### **Application BH2005/00437/FP, 14 Foxhunters Road, Portslade**

185.82 The Planning Officer explained that retrospective approval was sought for a 1.8 metre high fence to the side of the property. It was considered that the fencing did not have a harmful impact on the amenity of occupiers of adjoining properties or detracted from the character or appearance of the street scene, nor had it created a safety hazard for users of the adjoining highway. The applicant had agreed to set the fence 0.5 metres back from the kerb and to lower the fence adjacent to the crossover to provide a 2m x 2m sight line at the entrance to the parking area alongside the property. The application was therefore recommended for approval.

185.83 **RESOLVED** - That the Sub-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 Retrospective Planning Permission subject to the Informatives set out in the report.

#### **Application BH2005/00619/LB, 25 Clifton Terrace**

185.84 The Planning Officer explained that approval was sought to convert the basement area to form a self-contained flat, in association with internal and external alterations, including 2 front lightwells, window openings, railings and new doors (resubmission of refused application BH2004/03810/LB). The original application had been refused in association with the unacceptable detailing and internal configuration of the basement flat, to be made suitable for future applicants. As the previous reasons for refusal had now been addressed it was considered that the development now proposed would not be detrimental to the architectural integrity or appearance of the Listed Building and approval was now recommended.

185.85 **RESOLVED** - That the Sub-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 Listed Building Consent subject to the Conditions and Informatives set out in the report.

**Application BH2005/00575/FP, 25 Clifton Terrace**

185.86 The Planning Officer explained that permission was sought for conversion of the basement area as set out in respect of application BH2005/00619/LB referred to above. As the previous grounds for refusal had now been overcome approval was recommended.

185.87 **RESOLVED** - That the Sub-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.

**Application BH2004/03232/FP, Victoria House, Vale Road, Portslade**

185.88 The Planning Officer explained that retrospective approval was sought for a vehicle crossover. Following negotiations the crossover position had been agreed with the traffic engineer subject to planning permission to include a dwarf wall along the Norway Street frontage to prevent access from that highway. It was not considered that the development had had a harmful impact on the amenity of occupiers of adjoining properties or detracted from the character or appearance of the streetscene and that subject to the proposed condition the crossover would not represent a safety hazard for occupiers of the adjoining highway. Approval was therefore recommended.

185.89 Mr Collier spoke on behalf of the Vale Park Residents' Association, who objected to the scheme on the grounds that the gradient was very steep and represented a hazard. He referred to the Association's earlier letter of objection and request for a site visit. He referred to a letter in which the applicant had indicated that two named officers of the Council and Chair had carried out a site visit and had indicated that the proposal was acceptable. The Chair strongly refuted the statement made and Councillor Hamilton responded that it was possible that the Councillor referred to might be himself explaining that he had visited the site previously and that the applicant had been advised that he needed to liaise with the Planning Department to ascertain whether planning permission was required and to ensure that all necessary permissions were in place before commencement of any works.

185.90 Councillor John spoke in her capacity as a Local Ward Councillor setting out her objections to the scheme stating that when seen in conjunction with the cambered road surface level of vehicular activity and traffic calming scheme represented a significant safety hazard particularly to the disabled, the elderly and mothers accompanied by very young children. The gradient created was steep.

185.91 Councillor Pennington suggested that further consideration of the application be deferred pending a site visit, Councillors Paskins and Watkins agreed. Councillor Watkins was of the view that any vehicles using the space might be mounting the pedestrian dropped kerb in order to gain access to the parking space.

185.92 The Chair stated that it was very important that the Traffic Engineer was present when the application was considered at the site visit.

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

#### **Application BH2005/00592/FP, 3 The Droveaway, Hove**

185.94 The Planning Officer explained that permission was sought for a single-storey side extension with hipped roof. The main issues for consideration were the effect of the proposal on the appearance of the property and surrounding area and the impact on amenity for occupiers of adjoining properties. It was considered that the development would be unlikely to have significant impact on adjoining properties by way of loss of light or privacy and would not unduly increase demand for off-street parking or represent a hazard for users of the adjoining highway, the appearance of the property and surrounding street scene would not be harmed. The application was therefore recommended for grant.

185.95 **RESOLVED** - That the Sub-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.

#### **Application BH2005/00675/OA, 61 Dyke Road Avenue, Hove**

185.96 The Planning Officer explained that an outline application had been received for the erection of a detached two-storey house fronting Hill Brow. The determining issues were whether the proposed works would have a detrimental impact on the amenity of neighbouring occupiers and suitability of the principle of development, in particular with respect to the impact of an additional dwelling on the street scene and existing buildings. It was not considered that the proposed dwelling would appear overly bulky or have a detrimental impact on neighbouring amenity by reason of loss of light or overshadowing. As the detailing and design of the property would be the subject of a further submission it could be designed sympathetically to avoid overlooking and loss of privacy and to be in keeping with the prevailing character of the surrounding area. The property would not appear cramped, the amenity space proposed was considered appropriate to the scale of the development proposed and approval was therefore recommended.

185.97 **RESOLVED** - That the Sub-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.

**Application BH2005/00649/FP, 69 Hill Brow, Hove**

185.98 The Planning Officer explained that permission was sought for the erection of an additional storey and a two-storey rear extension. It was not considered that the additional storey proposed would have a significant impact on neighbouring amenity in terms of loss of light or privacy. Furthermore the design of the additional storey was appropriate in terms of its relationship to the existing building and would not detract from the character and appearance of the street scene and surrounding area and approval was therefore recommended.

185.99 **RESOLVED** - That the Sub-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.

**Application BH2005/00424/FP, 35 Woodruff Avenue, Hove**

185.100 The Planning Officer explained that approval was sought for the erection of a two-storey side extension. It was not considered that the proposed extension would detract from the appearance of the property or surrounding street scene and would cause no significant harm to the amenity of occupiers of adjoining properties and approval was therefore recommended.

185.101 **RESOLVED** - That the Sub-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.

**Application BH2005/00687/FP, 45 Braemore Road, Hove**

185.102 The Planning Officer explained that approval was sought for the erection of a uPVC conservatory to the rear of the property. As there would be no ground floor windows and only rear access to the garage and as access to and from the boundary would be located 7.5m from the common boundary it was not considered that the proposal would result in overlooking, loss of privacy or would be detrimental to the amenity of either of the neighbouring properties, nor would it harm the character of the dwelling or the locality, approval was therefore recommended.

185.103 **RESOLVED** - That the Sub-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.

**Application BH2005/00167/FP, 252 Portland Road, Hove**

185.104 The Planning Officer explained that approval was sought to vary Condition 4 of approval BH1999/01802/FP to allow 50 people to use the premises between the hours of 13.00-14.00 on Fridays only at the property which was used as a Shahjalal Muslim Centre. The determining issues in respect of the application related to whether the proposed use of the premises by 50 people on a Friday and use of the upper floors as ancillary prayer rooms would have a detrimental impact on neighbouring amenity and on traffic. Concerns of local residents relating to parking had been noted and although it could not be ascertained at the time of a site visit whether or not the cars were associated with the cultural centre, as some cars were observed illegally parked the situation had been notified to the Parking Operations Manager in order to deal with the situation. The Environmental Health Officer had confirmed that no complaints had been received relating to the operation of the premises and as an additional day time was proposed once a week was not considered it was not considered that problems in relation to noise were likely to arise. It was not therefore considered that the proposed limited alteration would have a significantly detrimental impact on neighbouring amenity through noise disturbance or have any impact on highway safety and/or traffic management.

185.105 **RESOLVED** - That the Sub-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.

**Application BH2005/00760/FP, 6 Lauriston Road**

185.106 The Planning Officer explained that approval was sought for the erection of a PVCu conservatory at the rear of the property. It was not considered that the conservatory extension would be detrimental to the character or appearance of the host property or the surrounding Preston Park Conservation Area and would not significantly impact upon the amenity of neighbouring properties, approval was therefore recommended.

185.107 **RESOLVED** - That the Sub-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.

**(iv) TREES**

**DECISIONS**

185.108 **RESOLVED** - (1) That permission to fell the trees, which are subject to the following applications, be approved for the reasons and with the conditions set out in the reports:

BH2005/00815/TPO/F, The Elms, The Green, Rottingdean  
 BH2005/00808/TPO/F (T.10 and T.8), University of Brighton, Grand Parade

(2) That permission to fell the trees, which are subject to the following applications, be refused for the reasons set out in the reports:

BH2005/00808/TPO/F (T.9), University of Brighton, Grand Parade  
 BH2005/00804/TPO/F, Brighthelm Church and Community Centre, North Road

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

185.109 **RESOLVED** – That details of the applications determined by the Director of Environment under delegated powers be noted.

[**Note 1:** All decisions recorded in this minute are subject to certain conditions and reasons recorded in the Planning Register maintained by the Director of Environment. The register complies with legislative requirements. In all cases where approval has been given the reasoning set out in the report was agreed by Members of the Sub-Committee.]

[**Note 2:** A list of the representations, received by the Council after the Plans List reports had been submitted for printing was circulated to Members (for copy see minute book). Representations received less than 24 hours before the meeting were not considered in accordance with resolutions 129.7 and 129.8 set out in the minutes of the meeting held on 16 January 2002.]

**186. SITE VISITS**

186.1 **RESOLVED** - That the following site visits be undertaken by the Sub-Committee prior to determining the applications:-

<u>APPLICATION</u>	<u>SITE</u>	<u>SUGGESTED BY</u>
BH2005/00464/FP	Withdean Sports Complex	Councillor Hyde
BH2005/00449/FP	72 St George's Road	Councillor Forester

*BH2004/03555/FP Manager	Grand Ocean Hotel, Saltdean  Saltdean Barn, Saltdean	Development Control	
	Mr Small (CAG)		
BH2004/03748/FP	The Dudley Hotel, Lansdowne Place, Hove	Councillor Pennington	
BH2004/03232/FP Pennington	Victoria House, Vale Road, Portslade	Councillor	

\*The Development Control Manager considered that it would be beneficial for Members to visit the above application site prior to its consideration by the Sub-Committee (it was likely this would be placed before the Sub-Committee for consideration 18 May 2005). Mr Small suggested that whilst in the vicinity Members might also wish to visit the recently completed scheme at Saltdean Barn. Members concurred in that view.

**187. PROGRESS ON CURRENT APPEALS**

187.1 The Development Control Manager circulated a sheet giving details of forthcoming planning inquiries or appeal hearings.

**188. APPEAL DECISIONS**

188.1 The Sub-Committee noted letters from the Planning Inspectorate advising on the results of Planning Appeals, which had been lodged as set out in the agenda.

**189. APPEALS LODGED**

189.1 The Sub-Committee noted the list of Planning Appeals, which had been lodged as set out in the agenda.

The meeting concluded at 7.05pm

Signed

Chair

Dated this

day of

2005