

**BRIGHTON & HOVE CITY COUNCIL**  
**PLANNING APPLICATIONS SUB-COMMITTEE**

**17 MARCH 2004**

**2.00PM**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

Co-opted Members: Mrs J Turner, Disabled Access Advisory Group (DAAG); Mr J Small, Conservation Areas Advisory Group (CAAG)

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**AWARD OF GRANT TO DEVELOPMENT CONTROL SECTION**

Before proceeding to the formal business of the agenda the Chair referred to the recent notification of the award to the Council of the Planning Delivery Grant by the Office of the Deputy Prime Minister (ODPM). Planning performance, particularly in relation to the Development Control Service had improved dramatically over the past year and as a result a grant of over £750,000 had been awarded. This was excellent and a fitting tribute and reflection of the hard work and professional commitment of Officers who were to be congratulated for their efforts.

**PART ONE**

**159. PROCEDURAL BUSINESS**

**159A. Declarations of Substitutes**

159.1 There were no substitutes.

**159B. Declarations of Interest**

159.2 No declarations of interest were made.

**159C. Exclusion of Press and Public**

159.3 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.

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

## **160. MINUTES**

160.1 The Development Control Manager referred to Application BH2003/03717/FP, 46 Crescent Drive South, stating that it had been agreed at the last meeting that two additional conditions be added, one relating to measures to ensure that vehicle sight lines were respected and another relating to the provision of the Sedum roofs.

160.2 Councillor Mrs Theobald referred to the minute relating to Application BH2003/03742/FP, 125 Compton Road stating that she had expressed the view that the proposed development was totally out of keeping with the surrounding area. In respect of Application BH2003/03442/FP, land west of Redhill Close in referring to the unsuitability of the site for the proposed development she had also stated that she considered the land far more suited for a recreation/ sport use than for residential development.

160.3 **RESOLVED** – That subject to the foregoing amendments the minutes of the meeting held on 25 February 2004 be approved and signed by the Chair as a correct record of the proceedings.

## **161. PETITIONS**

### **Petition: Application BH2003/03058/FP, Former Hoseidon Besson Premises, Gordon Road, Portslade**

161.1 The Sub-Committee considered a petition presented by Councillor John (relating to application BH2003/03058/FP, Former Hoseidon Besson Premises) in the following terms:-

“We the undersigned call upon the Planning Committee of Brighton & Hove City Council to refuse the above-mentioned planning application, which we consider as an overwhelming intensive development of the site, for the following reasons:

1. Excessive height and over-density of housing development.
2. Inadequate parking provision and goods vehicle access.

3. Impact on the already overloaded sewage system.
4. Community safety concerns for existing and future local residents in the area."

(291 signatures)

161.2 Councillor John was present, but as the application was the subject of a report on the Plans List, agreed to speak when the application was considered.

161.3 **RESOLVED** - That the petition be received and its contents noted.

**Petition: Application BH2004/00212/FP, "Ruston", Withdean Avenue, Brighton**

161.4 The Sub-Committee considered a petition presented at Council on 11 March 2004 by Councillor Mrs Drake in the following terms:

"We the undersigned, object to the Planning Application concerning development of "Ruston", Withdean Avenue for the following reasons:

- A block of three storey flats will not be in keeping with the area
- The roof line will be higher than surrounding buildings
- The building will overshadow thirteen private residences
- It will be detrimental to the character of the area
- Withdean Avenue is unable to support the resulting increase in traffic
- Access in Withdean Avenue needs to be kept free as garages from houses in Tivoli Crescent North open on to it". (91 signatures)

161.5 Councillor Mrs Norman was in attendance in respect of the petition but as the application was the subject of a report on the Plans List, agreed to speak when the application was considered.

161.6 **RESOLVED** - That the petition be received and its contents noted.

**162. CONSULTATION RESPONSE TO ADUR DISTRICT COUNCIL REGARDING PROPOSED EXTENSION TO TESCO, HOLMBUSH CENTRE, SHOREHAM-BY-SEA**

162.1 The Sub-Committee considered a report of the Director of Environment advising Members of a planning application to extend the Tesco store at the Holmbush Centre, Shoreham-by-Sea and seeking endorsement of the response sent by officers (for copy see minute book).

162.2 The Planning Officer corrected the number of car parking spaces referred to in Paragraph 3.1 of the report and confirmed they related to the total number of shared car parking spaces available for use by both Tesco and Marks and Spencer customers. Councillor Mrs Theobald stated that the existing car parking was often full during busy shopping periods and also

expressed concern at the increase in the number of non food products to be sold. Mrs Turner stated that DAAG Members had expressed concern regarding the availability of disabled parking and the fact that the Marks and Spencer Café was not welcoming for the disabled, particularly wheelchair users as the seating was very cramped and tables and chairs were very close together, making access very difficult; she hoped that these points could be taken on board.

162.3 **RESOLVED** – (1) That the Sub-Committee note the proposals in respect of Tesco, Holmbush Centre, Shoreham-by-Sea;

(2) Endorse the letter sent by officers objecting to the proposal on the grounds set out in Section 4 of the report;

(3) Officers be given delegated powers to respond directly to Adur District Council on transport and traffic implications, once the Transport Assessment has been received.

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

163.1. The Development Control Manager also referred to the recent Planning Delivery Grant and indicated that it was intended to further improve the Council's planning services. It was also hoped that the equipment/facilities available to service the Planning Applications Sub-Committee could be improved and that discussions would take place to that end.

163.2 The Development Control Manager referred to Application BH2003/03342/FP, relating to an extension at 36 Tongdean Road, Hove explaining that an Appeal Hearing was to take place in respect of this application on 15 September 2004. Members who had voted against the Officers' recommendation would be contacted in the near future as to their availability to attend. A hearing date of 12 October had also been set in respect of the refusal of Application BH2003/02061/FP, Surrenden Lodge, Surrenden Road, Brighton for additional flats at roof level and Members who had voted against grant of planning permission would also be contacted in the near future.

163.3 The Development Control Manager confirmed in respect of Tesco stores, Palmeira House, 82 Western Road, Hove that Enforcement Notices were being served that day. Members were pleased to note the action taken.

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

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

164.1 **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>
BH2004/00202/FP	Land r/o 21-22 Queen's Road	Councillor Paskins
BH2004/00459/CA (Implemented Scheme) (CAAG)	Land r/o 21-22 Queen's Road Flats above Former Debenhams Building, Western Road	Councillor Paskins Mr Small

[Note: Item 166 sets out a full list of future site visits.]

**165. PLANS LIST APPLICATIONS, 17 MARCH 2004 (SEE MINUTE BOOK)**

**(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY**

**Application BH2004/00101/TA - Land adjacent A23 London Road opposite 8 Brangwyn Way**

165.1 It was noted that Members had viewed the site during the course of their site visits the previous day. The Planning Officer displayed photographs indicating the location of the proposed monopole and explained that it would be of a total height of 10m including its shroud. The applicants had provided information to indicate that they had sought but been unable to find a suitable alternative location. An existing monopole was located to the south close by, and given the proliferation of other street furniture it was considered that this would not be detrimental to the surrounding street scene. An ICNIRP certificate had been provided and it was recommended that it be determined that prior approval was not required.

165.2 Mr Lothian spoke representing objectors to the scheme referring to the high number of objection letters (over 250), expressing the concerns of local residents, not least regarding the ugly and overly dominant appearance of the proposed monopole, health issues and to decisions taken by other local authorities.

165.3 Mr Henderson spoke on behalf of the applicants explaining that the application would form part of the network across Brighton and Hove, in response to high demand for mobile phone usage, that an ICNIRP certificate had been provided which met government requirements in respect of health, that it had not been possible to find an alternative location but that the pole had been sited as far as possible away from dwelling houses, schools, etc.

165.4 Councillor Pidgeon spoke as a local Ward Councillor echoing the concerns raised by Mr Lothian and other local residents considering that the proposed location was completely inappropriate given its close proximity to houses and local schools and in view of its appearance.

165.5 In answer to questions, Mr Henderson explained that details of the beam of maximum intensity could be extracted from the supporting paperwork provided to the Council but not in the form requested by officers. The area covered by any base station depended on the topography/density extent of use in any given area and a field strength plan had been provided. It was not possible to locate cabinets and other associated equipment below ground and it was also not possible to share the newer, slimmer, generation of masts with other operators without making them taller and broader which would make them more obtrusive.

165.6 Councillor Mrs Theobald referred to the land on which it was intended to erect the mast stating that she believed that it was in the ownership of Brighton & Hove City Council and that she believed that a decision had already been taken that the Council would not erect masts on its own land, she also made reference to the appearance of the proposed pole which in her view was ugly and completely out of keeping with the surrounding residential development, these comments were echoed by Mr Small (CAAG). Councillors Hyde and Paskins referred to their disappointment that the specific details of the beam of maximum intensity had not been provided as requested. Councillors Tonks and Watkins referred to the need for operators to "share" facilities wherever possible and to the potential for increased radiation where there were a cluster of masts in any given locality.

165.7 Mrs Turner (DAAG) referred to her concerns for the health of vulnerable pupils and the equipment used at the nearby Patcham House Special School.

165.8 The Development Control Manager and Legal Adviser to the Sub Committee re-iterated their previous advice that whilst local planning authorities could consider perceived risks to health as a material planning consideration, in this instance a certificate had been provided confirming that the proposed installation confirmed to ICNIRP guidelines concerning emissions. Therefore, according to Central Government Planning Policy Guidance Note 8 - Telecommunications - if such a compliance notice accompanied an application it was not necessary for local authorities to pursue health concerns further. Notwithstanding this the authority's Environmental Health Officer had considered the proposal, relevant legislation and advice and had concluded that no objection could be raised on the grounds that the development could be prejudicial to health or a nuisance. The danger of future litigation raised by the public speaker was not relevant, given that the Council would have had regard to all current legislation at the time its decision had been made. The decisions of

other local authorities were also not relevant as the Sub-Committee were charged with deciding each individual application on its own merits. In answer to questions regarding possible deferral of the decision, the Development Control Manager stated that should the application not be determined within a 56 day period, it would be deemed that permission was not required and the development could therefore proceed.

165.9 A number of Members remained of the view that the proposed monopole would be unsightly and would be overly dominant within the surrounding street scene.

165.10 **RESOLVED** - That prior approval for installation of the proposed slimline monopole at the above location be refused and that Planning Permission for the development be refused on the grounds that the proposed monopole would not only be unsightly and located in an area where there are other masts and other street furniture in the near vicinity, but by virtue of its height be visibly obtrusive in the surrounding area, contrary to policies ENV1 and ENV26 of the Brighton Borough Local Plan and QD23 of the Brighton & Hove Local Deposit Plan Second Draft.

[**Note 1:** Councillor Mrs Theobald proposed that the application required prior approval, this was seconded by Councillor Hyde. On a vote Councillors Hyde, K Norman, Older, Paskins, Mrs Theobald, Tonks, Watkins and Wells voted that prior approval was required Councillors Carden (Chair), Forester, Hamilton, and Pennington (Deputy Chair) voted that prior approval was not required. On a vote of 8 to 4 it was determined that prior approval was required ].

[**Note 2:** Having voted that prior approval was required the Sub-Committee then considered whether the application should be granted or refused. Councillor Mrs Theobald proposed that the application be refused, this was seconded by Councillor Hyde. On a vote Councillors Hyde, K Norman, Older, Paskins, Mrs Theobald, Tonks and Watkins voted that the application be refused. Councillors Carden (Chair), Forester, Hamilton and Pennington (Deputy Chair) voted that the application should be approved. On a vote of 8 to 4 the application was refused.]

#### **Application BH2004/00274/FP - Endeavour Site, 90-96 Preston Road**

165.11 The Planning Officer explained that the element of affordable housing to be provided on the site was nearing completion. The revised proposal before the Sub Committee had sought to address concerns raised previously and had significantly reduced the impact of the building from that of the sixteen storey tower which had been the subject of an earlier, withdrawn, application.

165.12 Councillor Allen spoke as a Local Ward Councillor and was of the view that following further consultation with local residents a compromise

had been found and he felt able to give the revised scheme a guarded welcome. Notwithstanding that underground parking was to be provided on site he was of the view that parking issues still did need to be very carefully addressed in order to ensure that any additional parking pressures particularly onto Springfield Road were mitigated as far as possible.

165.13 Councillors K Norman, Paskins and Older referred to the proposed green finish to the render of the building and requested details as to the precise shade to be used. It was also queried whether this would also be the colour of the ceramic tiles to be used in the communal entrance areas at ground floor level. The Planning Officer responded that precise details of the colour to be used would need to be submitted to comply with conditions but that it was intended this would be the same as that of the ceramic tiles. The tiles were to be provided at ground floor level in order to be graffiti proof and easily maintained.

165.14 Councillor Older also referred to the Roman Villa which was located on site and to the need for this to be sensitively treated during the preparatory works and, also whether this would build a delay into the site development. The Development Control Manager explained that it was intended that these issues, along with detailing of external finishes, would be addressed as planning conditions, which would normally be dealt with as part of the Scheme of Delegation to Officers and would not need to come back to the Sub-Committee.

165.15 Councillor Mrs Theobald stated that she did not consider that the proposed floodlighting to the building which could in her view be harsh and overly dominant was appropriate, particularly as it was intended to satisfy part of the percentage for art element of the scheme. Members referred to the close proximity of Preston Park and to the need to provide some Section 106 contribution for sport. Mrs Turner (DAAG) referred to the need to provide facilities which were available for use by the disabled. In answer to questions regarding allocation of disabled parking on site (12%), the Planning Officer explained that this would be allocated on an identified needs basis.

165.16 Councillors Hyde and Paskins referred to references which had been made to potential susceptibility of the site to flooding and to the need for this to be addressed. Councillor Paskins expressed disappointment that the opportunity had not been taken to utilise a grey water system. Councillor Paskins also requested that the wording of the conditions should be amended to require an eco homes rating of "excellent" only.

165.17 Mr Small (CAAG) referred to the proposed fenestration stating that no indication had been given regarding how the windows were intended to open, or the positioning of their openings. The Development Control Manager confirmed that this could be added to the conditions if permission were granted.

165.18 **RESOLVED** - That the Council is minded to grant Planning Permission subject to a Section 106 Obligation and the conditions set out in the report, with an amendment to the conditions to ensure that an eco homes "excellent" level is required and to request details of how windows are to be opened.

**Application BH2004/00148/FP - 4B Preston Park Avenue**

165.19 It was noted that this application had been the subject of a site visit prior to the meeting. The Planning Officer referred an earlier application which had been refused on the grounds that an additional dwelling to the side of the existing house would be inappropriate to the adjoining Edwardian property and harmful to the character and appearance of the Preston Park Conservation Area. The revised application sought permission only to build a new two-storey house, four-bedroom house in the rear garden. An illustrative model had been provided indicating how the building would be sited within the existing garden space.

165.20 In answer to questions the Planning Officer explained that the roof of the building would not be accessible for use as roof terrace and the walls visible at ground level and above would have a rendered surface. Condition 8 had been amended to ensure that glazing to the north and east facing elevations would be obscure glazed and fixed shut. It was noted that any permission would be "Minded to Grant" as revised drawings were still awaited.

165.21 **RESOLVED** – That the Council is minded to grant Planning Permission subject to the conditions set out in the report.

**Application BH2004/00212/FP - Ruston, Withdean Avenue**

165.22 It was noted that this application had been the subject of a site visit prior to the meeting, at which time number 8 Hazeldene Meads had also been visited. Details of further representations received were given. The Planning Officer explained that the application sought consent for the redevelopment of a single house to provide 8 flats. Despite considerable objection the scheme was considered to comply with Policy and was considered to be acceptable. Amended Plans had now been received and the Officer's recommendation was therefore to "grant".

165.23 Mr Porter spoke on behalf of objectors to the scheme referring to concerns of residents regarding damage to the roots of well established trees, intrusion and loss of privacy to neighbouring properties.

165.24 Councillor Mrs Norman spoke as a local Ward Councillor objecting to the proposed development outlining the objections to the scheme set

out in a petition containing 92 signatures (Item 161(a) set out above refers) and, her objections to the scheme .

165.25 Mr Turner , the agent spoke in support of the application, referring to measures that had been undertaken to address neighbours concerns and to ensure that the design was sympathetic to its setting and that adequate screening was provided.

165.26 Councillor Mrs Theobald considered that the proposed development was unacceptable given the weight of local objection to it and, was in agreement with objectors that it was out of scale with the neighbouring properties and represented over development of the site, she was also concerned that the root systems of mature trees could be irreparably damaged. Councillor K Norman echoed these concerns stating that the proposed building would be dominant and was completely out of character with the scale of buildings in all of the neighbouring roads.

165.27 **RESOLVED** – That Planning Permission be granted by the Council subject to the conditions set out in the report.

[**Note:** Councillor's Hyde, K Norman, Older and Mrs Theobald wished their names to be recorded as having voted against the proposal].

**Application BH2003/03058/FP - Former Hoseiden Besson Premises, Gordon Road, Portslade**

165.28 It was noted that this application had been the subject of a site visit prior to the meeting. Details of further representations received were given. It was also recommended that Condition 6 should seek clarification regarding the nature of the proposed cycle storage units prior to commencement of the development.

165.29 Mr Collier spoke as an objector to the scheme on behalf of the Vale Park Residents Association outlining the many concerns of objectors in respect of the proposed scheme. These included concerns that the number and scale of properties proposed would overwhelm neighbouring properties and were completely out of scale with the smaller scale of houses in the surrounding area. Concerns were also raised regarding potential damage to sewerage and other pipe work which could result given the scale of the proposals as was susceptibility for the site to flood and potential conflict with delivery vehicles to 7 Symbister Road and the nearby Tesco Store, insufficient on site parking and insufficient turning space for large vehicles.

165.30 Mr Naylor spoke on behalf of the applicants in support of the scheme, which in their view had sought to address concerns raised by residents and others and would provide much needed housing on a derelict brown field site.

165.31 Councillor John spoke as a local Ward Councillor objecting to the proposed development amplifying on the objections to the scheme as raised by objectors and in the petition containing 291 signatures (Item 161 (b) set out above refers) and, her objections to the scheme which would result in over development of the site. Councillor John was concerned that there had been insufficient consultation with local residents and that the grave concerns expressed by Southern Water regarding excess ground water which if discharged to the foul sewer could lead to flooding of downstream properties did not appear to have been adequately addressed.

165.32 Councillor Hamilton stated that he considered that the application represented over-development and over massing of the site. He referred to the other concerns raised by objectors to the scheme and by Councillor John stating that he considered them entirely valid. In addition he did not consider that adequate demonstration had been given that the site was redundant for its established industrial use. No supporting evidence had been given that the site had been unsuccessfully marketed for its established use, he did not consider that support for the proposed development by the Council's Economic Development Unit was of itself sufficient to confirm that the site was redundant. Councillor Hamilton referred to a recent decision of the Sub-Committee whereby this had been contributory factor in permission being refused. Overall he considered that there were far too many loose ends and that the scheme as presented was not suitable to its proposed location and should be refused. He considered that the time limited nature of Housing Association funding for part of the site had been a "driver" in putting the application (albeit an unsuitable one), forward at this point in time .

165.33 Councillor Watkins was in agreement with the comments made stating that a number of issues appeared to remain unresolved. Mrs Turner (DAAG) expressed concern regarding the apparent absence of a wheelchair charging/storage area.

165.34 The Planning Officer referred to the comments made stating that the conditions applied in respect of ground water and traffic management on and around the site and overall management of the site were not untypical for the type of development proposed and that a view had to be taken regarding the established use which could generate additional traffic/noise and what was proposed. On balance the application was considered acceptable.

165.35 **RESOLVED** – That Planning Permission be refused by the Council on the grounds that the height and density of the proposals represented over development of the site. Drainage, parking issues and provision for the

disabled had not been adequately addressed and it had not been demonstrated that the site was redundant for its established use.

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

#### **Application BH2003/03056/FP - 8 Downside, Hove**

165.36. It was noted that the application had been the subject of a site visit prior to the meeting. The Development Control Manager referred to additional information received during the course of the site visit the previous day, indicating that the plans submitted by the applicant could contain inaccuracies. Attempts to contact the applicants agents had proved unsuccessful and it was therefore recommended that consideration of the application be deferred pending clarification of these additional matters. Some Councillors considered that the application should be determined as it was before the Sub-Committee. However, the Development Control Manager was of the view that it would be unsafe to proceed without first clarifying the validity of the additional information received.

165.37 **RESOLVED** – That consideration of the application be deferred for the reasons set out above,

[**Note:** A vote was taken and on a majority vote it was agreed that consideration of the application be deferred pending clarification of the information referred to above.]

#### **Application BH2003/03174/FP - Linwood House, Roedean Way, Rottingdean**

165.38 The Planning Officer confirmed that whilst there was no objection in principle to a development of higher density than those typically found in the area, the main reason why properties in this area of Brighton had not been converted into multiple occupancy or redeveloped might be due to a restrictive covenant, which restricted development of sites to a single dwelling only. However, a restrictive covenant was not a material planning consideration. It was considered that a flat redevelopment, in principle, would not cause demonstrable harm to the character or appearance of the locality.

165.39 Mr Koneki spoke as an objector to the scheme on behalf of the Roedean Residents' Association, stating that objectors considered the proposed development would be overly dominant and would be out of

keeping with the detached family houses which were integral to the character of the area.

165.40 Mr Turner of Turner Associates spoke as the architect in support of the scheme, detailing the elements of the proposed scheme. In answer to questions of Mr Small, CAAG, he explained that the application as submitted had sought to take on board the concerns of the Architects' Panel. In answer to questions by Councillor Forester, Mr Turner explained that some but not all kitchens and bathrooms would have natural daylight.

165.41 Councillor Mears spoke as Local Ward Councillor objecting to the scheme, which she considered was driven by considerations of profitability rather than design and which was considered to be overly dominant, was of too great bulk and would be detrimental to the character of the locality. Councillor Mears also expressed concerns regarding the restrictive covenant which had originally been imposed for good reasons in order to protect the integrity of the neighbourhood and to maintain its use for family houses. The massing and density was considered to be too great. She also made reference to the need to respect the archaeological sensitivity of the site.

165.42 Councillor Hyde stated that she considered the proposed blocks to be of a "Swiss chalet" design which was completely at variance with the scale and design of the neighbouring family dwelling houses. She considered it inappropriate for the existing covenant to be sold and for the Council to make a financial gain from such sale. She also considered that the covenant had been imposed in order to protect the character of the area and should not be removed, to do so could set an unfortunate precedent. She considered the proposed development was contrary to Policies QD2 and QD4 and to the sections of the Brighton & Hove Local Plan relating to the Built Environment.

165.43 Mr Small (CAAG) asked whether the revised application had been reconsidered by the Architects' Panel and whether it had confirmed that its concerns had been addressed. The Development Control Manager confirmed that as the Architects' Panel only met approximately every six weeks and had a finite capacity to consider applications, it had not been possible to resubmit the application to the Panel prior to its coming before the Sub-Committee, but that the latest amended plans had sought to address the Panel's comments. The existence of a covenant and whether or not monies were to be paid for its surrender were not material planning considerations and had played no part in nor influenced the recommendations contained in the report.

165.44 Mrs Theobald expressed concern that it was still unclear whether or not the points raised by the Architects' Panel had been addressed. She did not feel that the restrictive covenant should be disregarded. She considered that the proposed development was of too high density, was

out of keeping with the surrounding area and could obscure sea views, she also considered that any car parking should be located to the side or behind the development rather than in front of it. Councillor Paskins stated that she considered it would be useful to have a site visit and the Chair suggested that this should be voted upon.

165.45 Following a vote it was agreed that consideration of the application should be deferred pending a site visit.

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

**(ii) DECISIONS ON MINOR APPLICATIONS LIST DATED 17 MARCH 2004**

165.47 The recommendations of the Director of Environment were agreed with the exception of those reported in parts (iii) and (iv) below and items deferred for site visits as set out in the agenda items below and following the Plans List.

**(iii) DECISIONS ON MINOR APPLICATIONS WHICH VARY FROM THE RECOMMENDATIONS OF THE DIRECTOR OF ENVIRONMENT AS SET OUT IN THE PLANS LIST (MINOR APPLICATIONS) DATED 17 MARCH 2004**

**Application BH2004/00047/FP - Christian Outreach Centre, North Street, Portslade**

165.48 The Planning Officer referred to the previous decision of the Sub-Committee to defer consideration of the application pending submission of further information regarding the beam of maximum intensity and the proximity to schools, business premises and residential housing. Whilst no further information had been submitted, the applicants had drawn attention to the documents already submitted which accorded fully with commitments that the telecommunications industry had made.

165.49 Councillor Hyde stated that whilst in her view a differentiation could be made in that the application would not be located in a predominantly residential area, she still considered it regrettable that details of the beam of maximum intensity had not been provided and did raise concerns as to why the applicant did not feel able to comply with this request. Councillor Tonks referred to the cumulative effect of this mast in addition to those already existing at the site and considered that they represented an over proliferation and would be visibly obtrusive. These views were echoed by a number of other Members of the Sub-Committee.

165.50 Councillor Pennington considered that as the application had been accompanied by all the required ICNIRP certificates that it was acceptable and should be granted.

165.51 **RESOLVED** - That approval for the erection of 3 pole mounted antennas on the roof of the building be refused on the grounds that the proposed monopole would not only be unsightly and located in an area with a large number of masts in the near vicinity, but by virtue of its height be visibly obtrusive in the surrounding area, contrary to policies ENV1 and ENV26 of the Brighton Borough Local Plan and QD23 of the Brighton & Hove Local Deposit Plan Second Draft.

[**Note:** Councillor Tonks proposed that the application be refused on the grounds set out above. This was seconded by Councillor K Norman. On a vote Councillors K Norman, Older, Mrs Theobald, Tonks, Watkins and Wells voted that the application should be refused. Councillors Carden, Forester and Pennington voted that the application should be granted. Councillor Hyde abstained. Councillors Hamilton and Paskins were not present during consideration of this item. On a vote of 6 to 3 the application was refused.]

#### **Application BH2003/03242/FP – 17 Westbourne Villas, Hove**

165.52 The Planning Officer explained that retrospective approval was sought for the conversion of the ground floor flat into three self-contained studio flats. Approval had previously been given (Application BH2003/02936/FP) for a two-bedroom unit, however, this had been converted into three self-contained bedsit units.

165.53 Councillor Mrs Theobald considered that the units represented an over-development of the site, also resulted in over-density and provided a very poor standard of accommodation. Councillor Wells and other Members of the Sub-Committee concurred in this view and following a vote it was agreed that the application should be refused.

165.54 **RESOLVED** – That retrospective Planning Permission be refused by the Sub-Committee on the grounds that it represented over-development and provided a very poor standard of accommodation.

[**NOTE:** Councillor Mrs Theobald proposed that the application be refused on the grounds set out above. This was seconded by Councillor Wells. On a vote Councillors Hyde, K Norman, Older, Mrs Theobald and Wells voted that the application should be refused. Councillors Carden, Forester, Pennington and Tonks voted that the application should be granted and Councillor Pennington asked that it be noted that an officer's presentation had not been requested. Councillor Watkins abstained. Councillors Hamilton and Paskins were not present during consideration of this item. On a vote of 5 to 4 the application was refused.]

**(iv) OTHER APPLICATIONS****Application BH2004/00026/OA - Land Between Bromleigh and Sunnybank, Braypool Lane**

165.55 The Planning Officer explained that the additional information requested to show that a bungalow or chalet bungalow could be satisfactorily accommodated on the site without an adverse impact on neighbouring dwellings and trees had now been received and therefore the recommendation was now to grant rather than minded to grant. Reference was made to the appeal decision in regard to a proposal to erect a single dwelling house between "Charmcot" and "Guisboro", Braypool Lane (Application BH2002/00946/OA) which was a material consideration, where the Inspector had found in favour of the appellants noting that the Council did not appear to have adopted a consistent approach to recent planning applications for residential development in Braypool Lane.

165.56 Mr Griffin spoke as an objector to the scheme, referring to the site's location north of the A27 Bypass and to the detrimental effect the proposals could have on local ecology, rare bird species and damage to the root system of well established neighbouring trees, as well as loss of privacy and overlooking of surrounding properties.

165.57 Councillor Mrs Theobald referred to the fact that this parcel of land had been sold cheaply at auction, with the proviso that it could not be built upon and that the Council's policy that no dwellings be built north of the Bypass should be respected and enforced. Notwithstanding the Inspector's decision, she was of the view that the application should be refused. Councillor Watkins concurred in that view. Councillor Older enquired regarding whether it was a bungalow or chalet bungalow that was intended for the site.

165.58 The Planning Officer confirmed that the application was for outline permission only and that the building would be of a single storey although it would be possible to provide accommodation within the roof. Councillor Hamilton enquired whether it was possible to remove rights of permitted development. The Development Control Manager confirmed that this could be done and under those circumstances any future owner would need to seek planning permission if they wished to utilise the roof space.

165.59 Councillor Watkins stated that he would vote against the application as in principle he was opposed to the precedent that would be set should the building be permitted at this location.

165.60 **RESOLVED** – That Outline Planning Permission be granted subject to the conditions set out in the report and to the removal of all permitted development rights.

[**NOTE:** Councillors Older, Mrs Theobald and Watkins requested that it be recorded that they had voted against the application.]

#### **Application BH2004/00110/FP - Land R/0 49 Mackie Avenue, Patcham**

165.61 The Planning Officer referred to the site which in Officers view represented an over development of the site which would result in “town cramming”. Although the applicant had indicated their intention to make the bungalow suitable for a wheelchair disabled occupier it was not considered that this outweighed these other considerations in respect of impact on the area.

165.62 Ms Flower spoke in support of the application as the applicants agent reiterating the willingness of the applicant to make the dwelling and garden fully wheelchair accessible and to enter into a Section 106 Obligation if appropriate in order to satisfy this.

165.63 In answer to questions by Councillor Watkins the Development Control Manager stated that it would be difficult to condition a Section 106 Obligation in this way given that a Housing Association would need to agree to act in partnership in this way and to enter into the necessary covenants. Councillor Mrs Theobald stated that she considered that the application site was a small plot which would suffer overlooking and that the proposed dwelling represented over-development of the site.

165.64 **RESOLVED** - That the application be refused for the reasons set out in the report.

#### **Application BH2004/00266/FP - 80 Edburton Avenue, Brighton**

165.65 It was noted that consideration of this application had been deferred at the meeting of the Sub-Committee on 25 February 2004 in order to enable further discussions to take place between planning officers and the applicant to facilitate submission of acceptable amendments. The Planning Officer explained that notwithstanding that further discussions had taken place with the applicant, a resolution had not been reached which would give the applicant the additional space required and which Officers could recommend for grant. The applicant had therefore requested that his original application go forward for consideration unamended.

165.66 Councillor Allen spoke as a local Ward Councillor in support of the application commending the high standard of work already carried out at the property which was sympathetic to its age and setting, explaining that the proposed works to the rear of the property would not be visible from Edburton Avenue.

165.67 Councillor Wells stated that he considered the proposals to be acceptable. Councillor Older whilst considering that the application appeared to be reasonable that it would nonetheless set a precedent should the application be agreed and that planning guidance existed for a reason and should be respected. Councillor Pennington stated that the applicant had a right of appeal and that if an appeal was lodged a Planning Inspector could consider whether or not he regarded refusal appropriate.

165.68 **RESOLVED** - That Planning Permission be refused by the Council for the reasons set out in the report .

#### **Applications BH2004/00202/FP & BH2004/00459/CA - Land r/o 21-22 Queen's Road, Brighton**

165.69 Members were of the view that it would be appropriate to defer consideration of these applications pending a site visit.

165.70 **RESOLVED** – That consideration of these applications be deferred pending a site visit.

#### **Application BH2004/00167/FP – 52 Bramble Rise**

165.71 Councillor K Norman requested that a condition be applied to the permission to ensure that the adjoining shared driveway was not blocked during the course of the building works. However, the Planning Officer explained that conditions could only be applied relating to a completed development, and not the management of works carried out up to that point.

165.72 **RESOLVED** - That Planning Permission be granted by the Council subject to the conditions set out in the report.

#### **Application BH2003/03262/OA – 2A Wilbury Gardens, Hove**

165.73 The Planning Officer explained that the proposal would include the demolition of the existing double garage alongside 2 Wilbury Gardens and expansion of the site into the rear gardens of 13 and 15 Wilbury Gardens. It was considered that in principle the development of a new dwelling in this location could be supported, subject to approval of reserved matters in

respect of siting, design, external appearance, means of access and landscaping.

165.74 Councillor Mrs Theobald stated that whilst she accepted the principle of a new dwelling house on the site, she did not consider the proposed design to be acceptable. Councillor K Norman agreed stating that he considered a 'pastiche' traditional design which would sit more happily within the context of the surrounding street scene and would be preferable to the modern building shown on the illustrative drawings.

165.75 The Planning Officer confirmed that as the application before the Sub-Committee was for outline permission all of the reserved matters referred to would need to be submitted before building works could start.

165.76 **RESOLVED** – That Outline Planning Permission be granted by the Council subject to the conditions set out in the report.

#### **Application BH2004/00054/FP – The Chalk Pit, Mile Oak Road, Portslade**

165.77 The Chair explained that given the close proximity of the site to a Site of Nature Conservation Importance (No 22 Oakdene) which included an established badger habitat, he had sought assurances as to whether the neighbouring setts were in use as he was concerned regarding the detrimental effect to wildlife any intensification of current site activity could have. He had received reassurances that there had been no recent badger activity and that the overall ecology of the area could be preserved.

165.78 **RESOLVED** – That Planning Permission be granted by the Council subject to the conditions set out in the report.

#### **Application BH2004/00024/FP – 38-42 Brunswick Street West, Hove**

165.79 The Planning Officer stated that notwithstanding the previous refusal, the current application was recommended for approval as the existing employment floorspace would be upgraded and split into smaller, easier to let better suited to the needs of small businesses, although there would be some overall loss of floorspace. The provision of residential flats would enable improvement works to be carried out to the existing premises. Traffic concerns would be addressed by the proposed Condition 7. The comments received from CAAG and their regret that the building would not be demolished were noted but needed to be balanced against the need to develop the site in a sustainable way.

165.80 Councillor Watkins referred to the curved roofs to the new flats on the top of the building querying how they would fit in to the street scene of the surrounding Conservation Area and asked for confirmation whether the bicycle storage areas would also be located at the upper floor

accommodation. The Planning Officer confirmed that bin and bicycle storage facilities would be provided in line with Council policies but that the cycle facilities could not be located other than at housing level.

165.81 Councillor Hyde requested detail regarding roofing materials to be used and the Planning Officer confirmed that samples were required to be submitted as part of the conditions of planning permission. Mr Small (CAAG) stated that CAAG's preference would be for similar roofing and other external materials to be used as at the nearby Golden Lane site.

165.82 **RESOLVED** - That Planning Permission be granted by the Council subject to the conditions set out in the report.

#### **(v) TREES**

#### **DECISIONS**

165.83 **RESOLVED** - That Permission to fell the tree which is subject of the following application be approved as set out in the report:

BH2004/00544/TPO/F - 6 Wanderdown Drive, Brighton

#### **DELEGATED**

165.84 **RESOLVED** – That details of the applications determined by the Director of Environment under delegated powers as set out in the report be noted.

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

165.85 **RESOLVED** - That the decisions of the Director of Environment, on other applications using her 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.]

[**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.]

#### **166. SITE VISITS**

166.1 **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>
BH2004/ 00202/FP	Land r/o 21-22 Queen's Road	Councillor Paskins
BH2004/00459/CA (Implemented Scheme) (CAAG)	Land r/o 21-22 Queen's Road Flats above Former Debenhams Building, Western Road	Councillor Paskins Mr Small
BH2004/00432/FP	Toilets, Queen's Park	Councillor Carden
BH2004/00281/FP Control	Brighton Rugby Club Waterhall	Development Manager

**167 PROGRESS ON CURRENT APPEALS**

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

**168. APPEAL DECISIONS**

168.1 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.

**169. APPEALS LODGED**

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

The meeting concluded at 6.50pm

Signed

Chair

Dated this

day of

2004