

BRIGHTON & HOVE CITY COUNCIL
PLANNING APPLICATIONS SUB-COMMITTEE

2.00PM - 9 JUNE 2004

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Co-opted Members: Mrs J Turner, Disabled Access Advisory Group (DAAG)

COMPLAINT DEALT WITH BY THE STANDARDS BOARD FOR ENGLAND AND WALES

Before proceeding to the formal business of the meeting, the Solicitor to the Sub-Committee issued a brief statement detailing a recent decision of the Standards Board for England and Wales relating to an allegation made against the chair of the Committee that he had acted improperly in not declaring an interest at a meeting of the Shoreham Port Authority on which he sat by virtue of his appointment as an appointee of Brighton & Hove City Council. The Standards Board had found that the allegations were unfounded, that the capacity in which Councillor Carden sat on the Port Authority was clear and unequivocal, that he had sought proper legal advice regarding this and that no impropriety had taken place.

11. PROCEDURAL BUSINESS

11A. Declarations of Substitutes

11.1 There were no substitutes.

11B. Declarations of Interest

11.2 Councillor Mrs Theobald declared a direct personal interest in Application BH2004/00914/FP, 5 Wayland Heights by virtue of the fact that she lived in a neighbouring property. Councillor Mrs Theobald left the meeting during consideration of this item and took no part in the discussions or voting thereon.

11C. Exclusion of Press And Public

11.3 The Sub-Committee considered whether the press and public should be excluded from the meeting during consideration of any of the items contained in the agenda, having regard to 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) of the Local Government Act 1972.

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

12. MINUTES

12.1 Councillor Mrs Theobald referred her comments regarding the removal of an Elm tree in stating that she would check the precise details and take the matter with the relevant officer directly. Councillor Older referred to her comments relating to the provision of a plaque commemorating the site of the former Sea House Hotel (Applications BH200400435/FP and BH2004/00437/CA). Councillor Older explained that it was her understanding that a blue plaque could not be provided (Paragraph 6.5 of the minutes refers), as English Heritage had exclusive use of blue plaques, but that she would be writing to the developer to seek to ensure that a suitable plaque would be provided on completion of the development.

12.2 **RESOLVED** - That the minutes of the meeting held on 19 May 2004 be approved and signed by the Chair as a correct record of the proceedings.

13. PETITIONS

13.1 No petitions were received.

14. UPDATE ON DECISIONS DELEGATED TO OFFICERS AT PREVIOUS MEETINGS

14.1 The Development Control Manager referred to the report prepared by the Solicitor to the Committee detailing changes to the protocol for Members' site visits - this had been approved by the Sub-Committee's parent Environment Committee and a formal report setting out proposed changes was to be considered at the next scheduled meeting of full Council. Copies of the protocol for Public Speaking, incorporating the changes agreed by the Sub-Committee, including clarification that Ward Members were, except in exceptional circumstances (where a decision could be made at the Chair's discretion), expected to provide the same notice of their intention to speak as other public speakers was laid round the table for information.

14.2 The Development Control Manager referred to Application BH2004/00395/FP, 51 Tongdean Avenue for which retrospective permission

for a covered swimming pool and associated covered walkway had been refused at the meeting of the Sub Committee held on 19 May 2004. In the light of that decision Members were requested to agree that an Enforcement Notice be served to secure the removal of the unauthorised works.

14.3 RESOLVED - That the verbal report be noted and that approval be given to the service of an Enforcement Notice and taking of any other action as deemed expedient in respect of Application BH2004/00395/FP, 51 Tongdean Avenue as referred to in Paragraph 14.2 above.

[**Note 1:** It was noted that having declared an interest in this application when considered at the meeting on 19 May 2004 Councillor Carden had vacated the Chair during consideration of this item, had left the meeting and had not been present during any of the discussion or voting thereon. Councillor Pennington had been in the Chair. Having not been party to any of the original discussions Councillor Carden took no part in the above discussions.]

[**Note 2:** Having abstained regarding the original vote in respect of the above application, Councillors, Pennington, Forester and Hamilton did not discuss this item. Having originally voted that the application be refused Councillors Hyde, K Norman, Older, Paskins, Mrs Theobald, Tonks, Watkins and Wells were in agreement that the proposed enforcement action should be taken.]

15. TO CONSIDER THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

15.1 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>
BH2004/01020/FP Hyde	6 Vallensdean Cottages, Portslade	Councillor
BH2004/01070/FP Theobald	51 Wilbury Avenue	Councillor Mrs
BH2004/01217/FP	Coniston Court 36-65 Holland Road	Councillor Carden

[**Note:** Item 17 sets out a full list of future site visits.]

16. PLANS LIST - 9 JUNE 2004

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

Application BH2004/01147/LB, Embassy Court, King's Road, Brighton

16.1 The Planning Officer referred to observations received from English Heritage that although they welcomed the proposal, there were concerns that no assessment could be made in respect of the flue extracts without additional information being provided in respect of these. The Officers recommendation was therefore changed from "Minded to Grant", in so far as the final decision would be taken by GOSE, to minded to grant "subject to the receipt of satisfactory detailing of and justification for, the flues."

16.2 Councillor Pennington whilst welcoming and supporting the application was of the view that in order to prevent a proliferation of satellite dishes that if / when dishes were removed they should not be replaced, particularly as it was noted that a cable facility was to be provided. The Development Control Manager confirmed that a condition to this effect could be added to any permission. Councillor Watkins whilst concurring in this view stated that it should be ascertained, however, that satellite was no longer required (it had originally been placed there for the benefit of Sudanese residents as their only access to programmes in their mother tongue language). It was agreed that this would be done. Councillors Mrs Theobald and Watkins also made reference to the plastic waste pipes appearing in one of the site photographs requesting that these should be removed and replaced by ones of more suitable material as was to be used for pipe work elsewhere within the building.

16.3 Councillors Mrs Theobald and K Norman made reference to the trial areas to be painted and in particular to the yellow paint work to be provided to the fenestration . In answer to questions, the Development Control Manager explained that in the absence of an accurate archive detailing the precise colour scheme originally used, the applicants and Council officers would be liaising with the Twentieth Century Society and other relevant groups to ensure that when the works were completed the building had an appearance sympathetic to its period and to its prominent seafront setting.

16.4 **RESOLVED** - That the Council is minded to grant Listed Building consent subject to referral to GOSE and to the receipt of satisfactory details, illustrating the effects of the positioning of flue vents to the rear elevation and to details of and justification for the proposed flues and, the conditions and informatives set out in the report. Additional conditions to be added relating to the removal and non re-instatement of satellite dishes and replacement of the existing plastic waste pipes referred to in Paragraph 16.2 above.

Application BH2004/00526/FP, 43-45 Norway Street, Portslade

16.5 The Planning Officer referred to a further letter received on behalf of the Vale Park Residents Association requesting that a condition be added requiring modern robust sound proofing appropriate to deal with

on going noise nuisance to neighbours as a result of refrigeration units and other machinery operating on site 24 hours per day. They had also reiterated their earlier request that a site visit take place.

16.6 The Planning Officer also referred to the fact the application had been deferred twice previously in the light of Members concerns regarding noise nuisance and other disturbances at the site seeking that these be addressed. However, as the application before the Sub-Committee related solely to permission being sought to remove a personal condition attached to the 2000 permission, all other conditions of that original permission would remain in force.

16.7 Councillor Hamilton expressed his disappointment that the application had been deferred twice because of concerns regarding noise and other nuisance emanating from the site but that these issues did not appear to have been addressed. He considered that the appropriate notices should be served and the existing planning conditions rigorously enforced in response to the number of noise complaints and evidence suggesting that noise emanating from the site was well above agreed/acceptable levels. He had requested that officers carry out independent checks on noise, but had to date received no satisfactory response. As existing conditions were not being complied with they needed to be enforced. Councillor Hamilton also referred to the correspondence of the Vale Park Residents Association which had detailed reference to specific problems relating to the site and had also set out suggestions regarding how these might be mitigated.

16.8 The Development Control Manager confirmed that although the application before the Sub-Committee related specifically to removal of the personal condition that as all other aspects of the permission were valid and enforceable, she would request officers to investigate the issues raised as an urgent planning enforcement matter and to brief Councillor Hamilton on the matter. Councillor Mrs Theobald agreed with the points raised by Councillor Hamilton stressing that if all other conditions applied that they ought to be adhered to.

16.9 **RESOLVED** - That Planning Permission be granted by the Council for the removal of condition 6 of BH2000/00196/FP in order to allow the permission to enure for the benefit of others, other than Doric (UK) Ltd subject to the informatives set out in the report.

[Note: Councillors Hamilton and Wells wished their names to be recorded as having voted against the application. Councillor Older abstained.]

Application BH2004/00885/FP, "The Barley Mow" Public House, 92 St George's Road, Brighton

16.10 It was noted that the application site had been the subject of a site visit. The Planning Officer explained that the existing yard was ancillary to the public house use and confirmed that planning permission was not required for a sitting out area per se.

16.11 Councillor Turton spoke as a local Ward Councillor indicating his concerns, those of his fellow Ward Councillor, Councillor Gill Mitchell, and of local residents regarding intensification of use and an increase in noise disturbance that had resulted. He also referred to the concerns of the Kingscliffe Society, who had pointed out that the problem had grown around the residents rather than being one that existed when they took up occupancy of their homes.

16.12 Councillor Tonks stated that having visited the site he considered that the use was appropriate and referred to the fact that a letter of support had been received and that the Environmental Health Team had no records of complaints.

16.13 Councillor Paskins expressed concern that if permission was granted measures should be undertaken to ensure that the structure was soundproofed. The Chair explained that he did not think it likely that the structure, which was of wood and canvas construction, could be effectively soundproofed. Councillors Forester and Watkins considered that one means of ameliorating any potential noise nuisance would be to apply a condition to ensure that no amplified or live music should be audible within the yard area. Councillor Forester considered that additionally no microphones or loudspeakers should be used in this area. Councillor Mrs Theobald echoed the concerns of other Members regarding potential noise nuisance and was anxious that all possible measures were put into place to reduce the potential noise nuisance particularly as it was noted that those rooms located nearest to the yard were bedrooms.

16.14 **RESOLVED** -That Planning Permission be granted by the Council subject to the addition of a condition to ensure that no amplified or live music is either played or audible within the rear yard area and that there should be no use of microphones or loudspeakers in this area. This condition to be applied in order to seek to safeguard the amenities of adjoining residents.

Application BH2003/03698/OA, Land Adjacent Falmer Station Goods Yard

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

16.16 The Planning Officer explained that this outline application which had also been the subject of an Environmental Impact Assessment was considered appropriate for this site, which had difficulties of access from the adjacent A27 trunk road. It was not desirable to significantly increase

the volume of traffic using the present access to Falmer Station and had become evident that it would not be possible to provide an acceptable alternative vehicular access, which made the site impractical for 'hitech' industrial purposes. The proposed use complemented the 'academic corridor' allocation within the local plan. It would be serviced from the main campus which overcame concerns regarding traffic generation which could result from any other use of the site.

16.17 Councillor Mrs Theobald considered that whilst use of the site for a student halls of residence was welcome, the arrangements for picking up and dropping off, particularly at the start end of terms were inadequate as were the five on site parking spaces which were available solely for use by disabled students. Councillor Mrs Theobald also requested a contribution for sport and recreation be sought, as well as a percentage for art as part of the Section 106 Agreement. Councillor Tonks referred to the scheme which in his view provided an excellent use for the site and innovative design solutions to potential problems of noise disturbance and overlooking. He considered that the fact that the site was virtually car free and was serviced from the main campus in order to overcome concerns regarding traffic generation were very welcome and would remove some of the pressures students placed on affordable housing accommodation from elsewhere across the City. Councillor Forester was in agreement that it would be inappropriate to have a large on-site parking facility, but also referred to the need to encourage the provision of a sustainable drainage system which could also help to maintain the site's landscaping.

16.18 Councillor Paskins considered that the proposed development represented a good use of the land urging that the development should be as sustainable as possible and that the use of "grey" water drainage and use of solar power should be fully investigated. It would also be very useful if real time bus information could be provided at a central location within the new building.

16.19 Councillor Hyde agreed with Councillor Mrs Theobald's concerns regarding the inadequate number of car parking spaces considering that some of the 450 cycle parking places could be converted and that the issue of access for on site delivery also needed to be addressed. Councillor Older sought assurances regarding alternative uses of the site should this application fail to come to fruition, but the Development Control Manager explained however that Members should only judge the application that was before them on its merits.

16.20 Mrs Turner (DAAG) requested that the site should be fully accessible and stated that the dimensions of flats for use by disabled students needed to be such to allow for the turning circle for a wheelchair. The Development Control Manager stated that officers would discuss the level to which the site could be made fully accessible with the applicants and any other adaptations that might be possible, including access to the

platforms of nearby Falmer Station which was used extensively by students. Councillor Pennington was in agreement that given 400 additional students were to be accommodated at the site that a "marker" needed to be made now regarding the facilities that Members would wish to be provided within the detailed application. He considered that it was important to examine the feasibility of reconfiguring access to the railway station. Councillor K Norman suggested that the service road could be used at the beginning/end of term. However, the traffic engineer responded that the University was anxious to avoid use either of the service road which was set aside for use by the emergency services or of undertaking any measures which would result in any additional traffic in Station Approach. Staggered parking would be set aside at the University campus and it was intended that students living on site should avail themselves of this facility.

16.21 **RESOLVED** - That the Council is minded to grant outline Planning Permission, subject to clarification whether this application constitutes a "departure" from the provisions of the Development Plan, and a Section 106 Agreement or Undertaking to secure:

- a) A transport statement, including an agreement to undertake improvement works to mitigate any disbenefits of the development;
- b) A detailed noise assessment study, including an agreement to implement subsequent recommendations / made by the Local Planning Authority to safeguard the amenities of the buildings occupants;
- c) Contributions towards Percent for Art and an accessible bus stop with real time bus information display;

And to the conditions set out in the report.

Application BH2004/00794/FP, 2 Newlands Road, Rottingdean

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

16.23 The Planning Officer explained that this application had been withdrawn by the applicant. However, an appeal was currently lodged against non-determination of an identical application (BH2003/00793/FP) at this site. Members were therefore requested to give their views on the scheme and to indicate what decision they would have been minded to make had they had the opportunity to determine the application. As the views of any speakers could be deemed instrumental in arriving at that decision they were therefore afforded the opportunity to address the Sub-Committee.

16.24 Councillor Mears spoke as a local Ward Councillor setting out her concerns and those of local residents and of Rottingdean Parish Council. Mr Fenn spoke on behalf of the applicants in support of the scheme.

16.25 Members were in agreement that the application should be refused and several expressed their disappointment that an appeal had been lodged on the grounds of non-determination and that the earlier application had not come before the Sub-Committee for determination.

16.26 However, Councillors Mrs Theobald and Hyde were of the view that the grounds for refusal on the grounds of lack of affordable housing were too narrow and considered the application should also be refused on the grounds that its scale, mass and design being such they represented over-development and would be overly dominant within the surrounding street scene. Councillor Hyde was also of the view that loss of the existing building would represent the loss of an award winning family home and as such should be resisted. Councillor Hyde also demurred from the view that the development would not result in traffic increase which could constitute a highway safety hazard considering that the neighbouring roads were not easily capable of handling the extra traffic, which would in her view represent a highway safety hazard.

16.27 **RESOLVED** - That the Sub-Committee be minded that had Members been afforded the opportunity to consider the above application, that the Planning Permission would have been refused by the Council for the following reasons:

1. The proposal does not make any provision for affordable housing and therefore is contrary to policy HO2 of the Brighton & Hove Local Plan Second Deposit Draft which states that 40% of residential units within the scheme of 10 residential units or more shall be "affordable", as defined in the Plan ;
2. The density of the proposed development would be of too great a density, was out of keeping with the area, and would be detrimental to the character of the adjoining conservation area ;
3. Represented the loss of a family home ; and
4. Would cause a significant increase in traffic which would have a detrimental impact on the area.

Informative:

1. This decision is based on amended drawing nos. TA1093/01 Rev A, 1093/02 Rev A, 1093/03 Rev B, 1093/04 Rev B, 1093 / 05. 1093/06, 1093/07 Rev A and revised Design Statement and Sustainability Statement submitted on 19 May 2004.

[**Note 1** : On a vote of 10 to 2 with 2 abstentions Members voted that had they had the opportunity to vote on the application they would be minded to refuse it. On a Vote of 8 to 2 with 2 abstentions Members voted that that the additional reasons set out below should be added].

[**Note 2** : Councillor Hyde proposed that the above application should also have been refused on the additional grounds set out in nos 2 to 4 above. This was seconded by Councillor Mrs Theobald].

[**Note 3** : On a vote Councillors Forester, Hyde, K Norman, Older, Paskins, Mrs Theobald, Watkins and Wells voted that the application would have been refused, any refusal letter to include the additional reasons set out in nos 2 to 4 above. Councillors Carden (Chair) and Pennington voted that these conditions should not be added. Councillors Hamilton and Tonks abstained. On a vote of 8 to 2 with 2 abstentions Members recorded that they would have been minded to refuse the application on all of the grounds set out in nos 1 to 4 above inclusive].

Application BH2004/00880/FP, Land R/o 8-10 Bankside

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

16.29 Councillor Watkins made reference to a letter received by Members by those acting on behalf of the applicant's agents which was aggressive and threatening in its tone and, which contained a number of inaccuracies. Councillor Hyde stated that the applicants had not made a positive contribution to the proper consideration of their application by behaving in such a confrontational way.

16.30 The Chair in acknowledging Members comments also explained that Members would consider and decide the application on its planning merits alone.

16.31 Councillor Mrs A Norman spoke as a local Ward Councillor objecting to the proposed scheme referring to her concerns and those of other objectors that notwithstanding the decision of the Planning Inspector at appeal, in their view, the application constituted over-development and was visually out of keeping with the area. Access and egress from the site could also represent a potential traffic hazard.

16.32 Mr Brett spoke on behalf of the applicants referring to the decision made by the Planning Inspector at appeal. All of the issues originally referred by the Inspector had now been satisfactorily addressed to ensure that the character of the area would not be harmed.

16.33 Councillor K Norman stated that in his view the proposed site was inappropriate for erection of a dwelling house by virtue of its design and the gradient of the site. He also referred to the concerns of the traffic manager that the parking area was too small to allow vehicles to turn around. This would result in vehicles reversing either onto or off the highway which could prove hazardous. Councillor Forester considered that notwithstanding the earlier decisions of the Planning Inspectors (although the views of the two Inspectors did not appear to be consistent), she considered the building to be of very poor design for this steeply sloping site, it relied on using a large volume of concrete to keep it in situ

and had not sought to use sustainable materials. The design of the dormer windows was also disappointing; if these had come before Councillors as an extension to an existing house the Sub-Committee were likely to have refused it. Councillor Paskins concurred in this view.

16.34 Councillor Mrs Theobald considered that if built the development would provide an ugly, poorly designed house, a very poor quality scheme with no garden, and should be refused. Councillor Hyde referred to the problems of access to the site and to the problems experienced during the course of the site visit, she was also concerned at the potential loss of amenity to other residents in Bankside due to overlooking.

16.35 **RESOLVED** - That Planning Permission be refused by the Council as being of poor design which constituted over-development of site and failed to protect the character of the area or of the amenity of neighbouring residents. Access to/from the site was poor and represented a traffic hazard.

[**Note 1:** On a vote of 5 to 4 with 3 abstentions Members voted that the application should be refused.]

[**Note 2:** Councillor Norman proposed that the application should be refused on the grounds set out above. This was seconded by Councillor Hyde.]

[**Note 3:** On a vote Councillors Hyde, K Norman, Older, Paskins and Mrs Theobald voted that the application should be refused. Councillors Carden (Chair), Hamilton, Pennington and Tonks voted that the application should be granted. Councillors Forester, Watkins and Wells abstained. On a vote of 5 to 4 the application was refused.]

Application BH2004/01235/FP, Waterhall Playing Fields, Waterhall Valley, Brighton

16.36 It was noted that this application had been the subject of a site visit prior to the meeting. The Planning Officer explained that the applicants had agreed to delete the proposed floodlight columns to the east side of the pitch. The revised scheme would include 6 new columns to light the new synthetic pitch with lamps back hung on 3 columns to light pitch 4. Recycled materials would be used wherever possible in construction of the pitch. The funding offered from the Rugby Football Union (RFU) was aimed at funding facility development and improvements at community rugby clubs to ensure financial inability and the ability to serve the local population. The application had been backed by documentation indicating how, why and where funding would be invested.

16.37 Mrs Fitzgerald spoke as an objector to the scheme on behalf of the Friends of Waterhall, stressing their concerns regarding the parking

provision available on site and the surfacing to the access road and car park. Mrs Fitzgerald also expressed concern regarding potential detriment to the glow worm population, badgers, owls and other wildlife which could result from light spillages from the site. The perimeter fence, proposed to be 5m, was also considered to be too high. Mr Henderson spoke on behalf of the applicants referring to the extensive research that had been carried out to ensure there was minimal light spillage from the site and that flora and fauna were not negatively affected. The improved facilities would provide an enhanced facility for use by all sections of the local community. Referring to increased numbers using the site Mr Henderson explained that most of these would be arriving at the site either on foot or in minibuses rather than by individual vehicles.

16.38 Councillor Pennington whilst welcoming the application referred to problems associated with flooding and sewerage at the site requesting that an informative or condition be added to ensure that these issues were addressed.

16.39 Councillor Watkins referred to the height of the proposed fence stating that the precise height required needed to be ascertained. As the site was not currently accessible by public transport he hoped that the bus company could be encouraged to service the site.

16.40 Councillor Hamilton welcomed the application and considered that because the site was large and open in its overall aspect and that measures had been undertaken to mitigate any light spillage, that the proposals would not be unduly detrimental to the setting of the surrounding downland. He was, however, of the view that the surface of the access road was very poor and required resurfacing. In answer to questions the applicant stated that these areas were in the Council's ownership and that the Development Control Manager stated that she would approach the Property Services Section to see what measures could be undertaken to improve these surfaces.

16.41 Councillor Paskins expressed concern regarding potential light pollution particularly the overall effects from the existing lighting that was to remain in situ when combined with the pitches that were to benefit from the additional new lighting. She considered that what was proposed would represent an unacceptable overall percentage increase.

16.42 Following discussion Members formed the view that it would be appropriate for the fencing to be of 4m rather than 5m in height.

16.43 **RESOLVED** - That the Council is minded to grant planning permission subject to the receipt of further satisfactory information and revised details; to the provision of a fence of 4m rather than 5m which would still maximise its ball retention and security merits and to the conditions and informatives set out in the report.

Application BH2004/ 00914/FP, 5 Wayland Heights

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

16.45 Councillor Mrs A Norman spoke as a local Ward Councillor as an objector to the scheme setting out the concerns of local residents who had concerns regarding the scheme which they considered would result in residents of neighbouring properties being subjected to substantial overlooking, loss of light and a significant increase in noise levels.

16.46 Councillor K Norman enquired regarding the appearance of the proposed acoustic fence seeking confirmation regarding how it would block out any potential noise nuisance. The Development Control Manager explained that the distances between the properties was such that an acoustic fence was not deemed necessary by officers. Councillor Norman considered that a bungalow would be more in keeping with the configuration of the site. Councillor Hyde concurred in this view considering that the proposed development would seriously impact on neighbouring properties in Wayland Avenue. Councillor Watkins referred to those trees protected by TPOs and to the need to ensure that they were not undermined by any on site works. Councillor Older also referred to the orchard. It had not been possible to gain access to that area of the site during the site visit and she hoped that arrangements would be made to ensure that the Arboriculturist had proper access to the site.

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

[**Note** : Having declared an interest in the above application Councillor Mrs Theobald left the meeting and took no part in the discussion or decision in respect thereof.]

(ii) DECISIONS ON MINOR APPLICATIONS LIST DATED 9 JUNE 2004

16.48 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 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 9 JUNE 2004

Application BH2004/01266/OA, Rear Garden, Highmead, London Road, Patcham

16.49 The Planning Officer stated that it was considered that the site outside the developed area and as such was not allocated as a housing site in the emerging Brighton and Hove Local Plan Second Deposit Draft. PPG3 and policies within the adopted Structure Plan and emerging Local Plan sought to encourage the best use of urban land and to avoid the unnecessary development of sites outside urban areas. The proposal would therefore represent unsustainable development and prejudice the council's efforts to maximise the use and reuse of urban sites, refusal was therefore recommended.

16.50 Mr Clay the applicant spoke in support of his application referring to other similar applications which had been permitted in the vicinity and to the fact that the proposed bungalow was intended for use by the applicants family and would be located in virtually the same position as a bungalow which had been located on the site in the past. the development would replace derelict buildings currently on site.

16.51 Councillor Pennington referred to other applications that had been allowed on plots (some of them smaller) within metres of the application site, he did not consider that to in fill the gap between plots in this way represented over development or that the proposed bungalow would have a detrimental effect on neighbouring properties. He considered that the application should be granted. Councillors Hamilton and Tonks concurred in this view referring to a letter of support received from one of the Ward Councillors.

16.52 Councillor Mrs Theobald considered that the various appeal decisions some of which had found in applicants favour and some of which had not did not in her view set a precedent either way. As this application if granted would represent development north of the bypass which was contrary to existing Council Policy, it should be refused as it could set a precedent for further future development. The Development Control Manager confirmed although this area had originally been designated as suitable for housing in the Brighton Borough Local Plan this had not been carried forward into the Second Deposit Draft Local Plan where there was a presumption against such development, to allow the application could set a precedent. Councillor Mrs Theobald stated that if granted a condition should be added to ensure that the building was a bungalow of no more than one storey in height

16.53 Members having considered the application formed a consensus view that the application should be granted.

16.54 **RESOLVED** - That Planning Permission be granted by the Council as the application represents an acceptable use of an infill site which is acceptable for use as building land. This decision is not contrary to policy in that the Second Deposit Local Plan had yet to receive approval. Permission is for a single storey bungalow any extension into the roof or provision of roof dormers shall not be allowed under permitted development and an application would need to be made for Planning Permission should such works be required in future.

[**Note 1:** On a vote of 7 to 5 it was agreed that the application should be granted.]

[**Note 2:** Councillor Pennington proposed that the application should be granted on the grounds set out above. This was seconded by Councillor Tonks.]

[**Note 3:** On a vote Councillors Hamilton, Hyde, K Norman, Pennington, Tonks, Watkins and Wells voted that the application should be granted. Councillors Carden (Chair), Forester, Older, Paskins and Mrs Theobald voted that the application should be refused. Therefore on a vote of 7 to 5 the application was approved.]

(IV) OTHER APPLICATIONS

Application BH2004/00456/FP, 6 Selborne Road

16.55 The Planning Officer explained that whilst the summer house was not considered to be likely to have a detrimental impact on the residential amenity of neighbouring properties in terms of overlooking and overshadowing, that this would not outweigh the excessive bulk that would be created or its failure to preserve and enhance the visual amenities of the Conservation Area.

16.56 Mr Prince spoke on behalf of the applicant in support of the proposed scheme explaining the measures that had been taken to ensure that the structure was of a sympathetic appearance and materials. The roof would not be of metal construction painted dark green, as set out in the report but would be of a woven Onduline material. Mr Prince also explained that the structure was intended to replace two existing

structures in the same location, both of which were of a very dilapidated condition and would be demolished in order to erect the summer house which would occupy no greater area than the existing structures.

16.57 Councillor Hyde proposed that it would be beneficial to defer consideration of the application pending a site visit and this was agreed by the majority of Members of the Sub Committee.

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

Application BH2004/00739/FP, 5B Cambridge Grove

16.59 The Planning Officer referred to the amended scheme which was now considered to be acceptable in terms on its impact on the setting of the main listed building, rear garden of 34 Cromwell Road and habitable rooms facing the proposed conservatory.

16.60 Mrs Peak spoke as an objector to the proposed scheme detailing the arrangement of her garden and habitable rooms which would face and be overlooked by the conservatory and to the detrimental effect in her view, the proposed structure would have. Mr Fassam the applicant spoke in support of his application referring to the measures that had been undertaken in seeking to ameliorate any possible overlooking or loss of privacy.

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

Application BH2004/01217/FP, Coniston Court, 36-65 Holland Road, Hove

16.62 Members were of the view that it would be beneficial for consideration of this application to be deferred pending a site visit.

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

Application BH2003/02004/FP, Goodwood Court, Cromwell Road, Hove

16.64 The Planning Officer displayed a photo montage indicating that although there had been reduction to the additional storey proposed on the side wing fronting Palmeira Place the scheme was still considered visually overbearing on the street scene.

16.65 Ms Jones spoke as an objector on behalf of local residents who considered that the design was too bulky and would be detrimental to the character of the Conservation Area.

16.66 **RESOLVED** - That Planning Permission be refused by the Council for the following reason:

1. The proposed penthouse apartment fronting Palmeira Place would by virtue of its size, bulk, design and prominence in the street scene represent an unsightly feature detrimental to the visual amenities of the building and fail to enhance the character and appearance of this part of the Willett Estate Conservation Area. The proposal is therefore contrary to policies BE1 and BE8 of the Hove Borough Local Plan and QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

Informative:

1. This decision is based on drawing nos. C1900/P3/SKO1, C1900/1, C1900/4 submitted on 13 June 2003; C1900/P3/SKO2 submitted on 19 August 2003; and C1900/11 submitted on 17 September 2003.

[**Note:** Councillor Pennington wished his name recorded as having voted that the application should be approved.]

Application BH2004/00852/FP, 9 Nizells Avenue, Hove

16.67 Councillor Paskins referred to the fact that facilities for buggy storage did not appear to have been included and she considered that an informative to that effect should be added. Councillor Mrs Theobald considered that the facilities proposed for such a large number of children were inadequate and that the application should therefore be refused.

16.68 **RESOLVED** - That the Council is minded to grant Planning permission subject to a Section 106 Obligation to secure the submission and implementation of a travel plan, a management plan for the outside play area to the conditions and informatives set out in the report and to the addition of an informative requesting that space be provided for storage/parking of buggies.

[**Note:** Councillor Mrs Theobald wished her name to be recorded as having voted that the application be refused.]

Application BH2004/01070/FP, 51 Wilbury Avenue, Hove

16.69 Members considered that it would be beneficial for consideration of the application to be deferred pending a site visit.

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

Application BH2004/01159/FP, 30/31 Station Road

16.71 The Planning Officer explained that the proposed extension was of a poor design which would create an overbearing and overly dominant. The increased height of the property and extension was also considered to be likely to have a detrimental impact on neighbouring amenity in terms of overshadowing. The application was therefore recommended for refusal.

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

1. The proposal would not only represent an overdevelopment of the site to the visual detriment of the surrounding area, by reason of its scale, height and excessive bulk relative to the surrounding properties but would also represent a poor design by virtue of the lack of alignment and symmetry on the proposed rear elevation. The proposal would therefore constitute an incongruous, overbearing and unsightly feature, contrary to policies BE1 of the Hove Borough Local Plan and QD1, QD2 and QD3 of the Brighton & Hove Local Plan Second Deposit Draft.
2. The proposal represents an unneighbourly form of development, detrimental to the amenity of neighbouring occupiers due to the increased bulk of the property resulting in overshadowing and loss of privacy from the balconies at the second and third floor level. Furthermore the increased bulk created by the extensions will create an oppressive sense of the enclosure for members of the public using the footpath linking Station Road and Gordon Road. The proposal is therefore contrary to policies BE1 of the Hove Borough Local Plan and Qd1, QD2, QD3 and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.
3. The proposal is contrary to the objectives of current policy, as there is no provision made for refuse storage and secure cycle storage. The proposal is therefore contrary to policies BE1 and TR16 of the Hove Borough Local Plan and TR12 and SU2 of the Brighton & Hove Local Plan Second Deposit Draft .

Informative:

1. This decision is based on drawing nos. GA/0400/100, GA/0400/101, GA/0400/102, GA/0400/150, GA/0400/110, GA/0400/111, GA/0400/112, GA/0400/113, GA/0400/114, GA/0400/151 and SK/0400/000 submitted on 8 April 2004.

Application BH2004/00975/FP, 37 Vale Road, Portslade

16.73 The Planning Officer confirmed that the applicants had spoken to the Chairman of Vale Park Residents Association and had confirmed that the windows would be kept closed and the proposed double doors

reduced to a single fire door which would be kept closed whilst the machinery was in operation. It was proposed that an additional Condition 5 be added to address this issue.

16.74 **RESOLVED** - That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report. An additional Condition 5 be added requiring doors and windows of the extension to be kept closed at all times whilst machinery was in operation. If a single rather than double door was to be provided details to be submitted and further condition added to any approvals.

Application BH2004/ 01020/FP, 6 Vallensdean Cottages, Portslade

16.75 Members were of the view that it would be beneficial for consideration of the application to be deferred pending a site visit.

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

Application BH2004/00894/FP, Westows, Unit A, School Road, Hove

16.77 The Development Control Manager recommended that consideration of the above application be deferred to enable the applicant to formulate proposals in an attempt to overcome the objections. Members of the Sub-Committee concurred with that view.

16.78 **RESOLVED** - That consideration of the above application be deferred in order to enable further information to be submitted.

Application BH2004/00819/FP, "The Clyde Arms" Public House, 25 Bristol Gardens, Brighton

16.79 Mr Sinclair spoke on behalf of objectors referring to the potential overlooking that would result from the proposals. Councillor Turton spoke as a local Ward Councillor supporting residents concerns regarding potential overlooking and that the proposal would result in over-development of the site.

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

1. The proposed development would, by reason of excessive height, scale and massing, relate unsympathetically to the character and appearance of existing development in the locality, and would adversely affect the setting of the adjacent Kemp Town Conservation Area and grade I listed buildings in Sussex Square. The proposal would therefore be contrary to policies ENV1, ENV3, ENV22 and ENV33 of the Brighton Borough Local Plan and QD1, QD2, QD3, QD4, HE3 and HE6 of the Brighton and Hove Local Plan Second Deposit Draft.

2. Limited on-site car parking provision is proposed and the development of 14 flats in this location would result in significant on-street parking in the vicinity of the site, increasing difficulty in parking in an already heavily congested area and interference with the free flow and safety of traffic. The proposal would therefore be contrary to policies TR9 and TR44 of the Brighton Borough Local Plan and TR1, TR2, TR, TR17 and HO6 in the Brighton and Hove Local Plan Second Deposit Draft.
3. The proposal would, by reason of excessive height and close proximity to existing residential properties, be unduly overbearing and result in a sense of enclosure and loss of outlook and privacy to the occupiers of those properties. The proposal is therefore contrary to policies ENV1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
4. The proposed development does not make any provision for affordable housing, contrary to policy HO2 of the Brighton and Hove Local Plan Second Deposit Draft which seeks to secure a minimum of 40% affordable units of schemes of 10 units or over.

Informatives:

1. This decision is based on drawing numbers 000, 001, 002, 100, 220, 221, 222, 223, 230, 231, 232 submitted on 15 March 2004.
2. There is an apparent lack of natural lighting and ventilation to the proposed basement bedroom, and the applicant is advised that the total area of the window must be at least 1/10th of the floor area of each room, and the openable section of the window must be at least 1/20th of the floor area of the room to comply with the requirements of the Housing Act. For information regarding the Housing Act contact the Council's Private Sector Housing team on 293155.

Application BH2004/ 01072/FP, 2a Eley Crescent, Rottingdean

16.81 The Planning Officer explained that there appeared to be some confusion regarding exactly what the current application related to, for instance objections had been received relating to an additional storey being built onto the structure, although this had not been applied for. The application was for retrospective permission for a single storey storeroom which was attached to the approved and constructed disabled persons extension. The storeroom has no external windows or doors as access was gained through a trap door within the extension, therefore there has been no loss of privacy or increased overlooking.

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

Application BH2004/00978/FP, 32 Buxton Road, Brighton

16.83 The Planning Officer referred to representations received from the applicants in support of their application indicating that it had not been possible to develop the roof area of the property without raising the roof, indications had been provided of how minimal the proposed alteration would be and letters of support from neighbouring properties had also been provided. Although there had been similar development within the area each application needed to be considered on its individual merits as the application was contrary to the SPG on Roof Alterations and Extensions and relevant local plan policies it was therefore recommended for refusal.

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

1. The proposed dormer by virtue of its design, size and positioning to the rear elevation of this property is considered excessively large and out of keeping with the house and detrimental to the area and street scene in general, contrary to policies ENV.1, ENV.3 and ENV.5 of the Brighton Borough Local Plan and QD1 and QD14 of the Brighton & Hove Local Plan Second Deposit Draft and Supplementary Planning Guidance Note 1: Roof Alterations and Extensions.
2. The proposed rooflights by virtue of their number and positioning to the front elevation are considered to overdominate the roof slope and create a cluttered effect that is visually detrimental to this property and the street scene in general, contrary to policies ENV.1, ENV.3 and ENV.5 of the Brighton Borough Local Plan and QD1 and QD14 of the Brighton & Hove Local Plan Second Deposit Draft and Supplementary Planning Guidance Note 1: Roof Alterations and Extensions.
3. The proposed increase in the roof height would unbalance this pair of semi-detached houses and detract from the unity of their design. This is detrimental to the character and appearance of these properties and the streetscene in general and is contrary to policies ENV.1, ENV.3 and ENV.5 of the Brighton Borough Local Plan and QD1 and QD14 of the Brighton & Hove Local Plan Second Deposit Draft along with the Supplementary Planning Guidance Note 1: Roof Alterations and Extensions.

Informative:

1. This decision is based on drawing no 027-03/1 and accompanying location plan submitted on 25 March 2004.

Application BH2004/01275/FP, 4 Belton Close, Brighton

16.85 Councillor Older queried whether or not it was permissible for any satellite antenna to be installed within a Conservation Area, as it was her understanding that these were never permitted. The Development Control Manager clarified that this was not the case and that any application was judged on its merit and against the Council's policies. In this instance given its location to the rear of the property the dish was not considered detrimental to the amenities of neighbouring occupiers, nor would there

be any visual intrusion to the front streetscape, it was therefore recommended that permission be granted.

16.86 Councillor Pennington confirmed that he had visited the site and that the dish was not visible from the front at all, however, he had noticed that building works appeared to be taking place to the rear of the property and it was agreed that investigations would take place to ascertain the precise nature of these works.

16.87 **RESOLVED** - That temporary permission be granted by the council subject to the conditions and informatives set out in the report.

(iv) TREES

DECISIONS

16.88 **RESOLVED** - 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 report:

BH2004/01407/TPO/F, Park Crescent Gardens, Brighton

BH2004/01439/TPO/F, 14 The Rotyngs, Rottingdean

BH2004/01214/TPO/F, 8 Varndean Holt, Brighton

16.89 Councillor Pennington referred to the references given within the reports stating that it would be useful if brief explanations of the abbreviations relating to the works to be carried out and confirmation of whether or not trees were to be replaced could be included in future reports. Other Members were in agreement that such information would be useful and it was agreed that this would be included.

DELEGATED

16.90 **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.]

[**Note 2:** A list of 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 of 16 January 2002.]

17. SITE VISITS

17.1 **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>
BH2004/00456/FP	6 Selborne Road	Councillor Pennington
BH2004/00739/FP	5B Cambridge Grove	Councillor Watkins
BH2004/01217/FP	Coniston Court 36 - 65 Holland Road	Councillor Carden
BH2004/01020/FP	6 Vallensdean Cottages, Portslade	Councillor Hyde
BH2004/01070/FP	51 Wilbury Avenue	Councillor Mrs Theobald

18. PROGRESS ON CURRENT APPEALS

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

19. APPEAL DECISIONS

19.1 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.

20. APPEALS LODGED

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

The meeting concluded at 6.00 pm.

Signed

Chair

Dated this

day of

2004