

BRIGHTON & HOVE CITY COUNCIL

PLANNING APPLICATIONS SUB-COMMITTEE

2.00PM – 30 JUNE 2004

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Co-opted Members: Mrs. J Turner, Disabled Access Advisory Group.
Apologies were received from Mr Small, Conservation Areas Advisory Group (CAAG).

PART ONE

21. PROCEDURAL BUSINESS

21.A Declarations of Substitutes

There were none.

21.B Declarations of Interest

21.2 Councillor Carden (the Chair), declared a personal interest in Application BH2004/01020/FP, 6 Vallensdean Cottages, Portslade, by virtue of the fact that a distant relation lived in a neighbouring property, but he had not discussed the application with the person concerned nor expressed a view in respect thereof and did not consider the interest prejudicial. Councillor Tonks declared a personal interest in respect of tree Application BH2004/01682/TPO/F, by virtue of his position as a governor of Falmer High School. It was agreed that his interest was such that it did not preclude him from being present during consideration of the application.

21.3 The Development Control Manager referred to Application BH2004/01325/FP stating that one of the Council's Planning Officers was a local resident and had objected to the application. However, the Officer concerned had not been involved in processing the application, or the preparation of the report to be considered by the Sub-Committee.

21.C Exclusion of Press and Public

21.3 The Committee considered whether the press and public should be excluded from the meeting during the 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.

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

22. MINUTES

22.1 The Development Control Manager referred to Paragraph 16.10 of the minutes in respect of Application BH2004/00885/FP. "The Barley Mow" Public House, 92 St. George's Road, Brighton suggested that additional wording be added to the end of the sentence, in order to clarify the position.

Now to read :

"The Planning Officer explained that the existing yard was ancillary to the public house and confirmed that planning permission was not required for its use as a sitting out area in connection with the public house per se, but that planning permission was required for the timber structure and retractable roof cover which were the subject of the application."

22.2 Councillor Wells referred to Paragraph 16.2 stating that the comments attributed to Councillors Mrs. Theobald and Watkins relating to suitable traditional materials being used for pipe work/ replacement pipe work in respect of Application BH2004/011147/LB, Embassy Court, King's Road, Brighton had in fact been made by him.

22.3 Councillor Mrs. Theobald enquired whether enforcement action had been taken in respect of Application BH2004/00395/FP, 51 Tongdean Avenue, as it had come to her notice that on site works appeared to be continuing. The Development Control Manager explained that enforcement officers had advised the owner that should the works continue he was proceeding entirely at his own risk. Enforcement Notices were under preparation and would be served in the near future.

22.4 **RESOLVED** - That the minutes of the meeting held on 9 June 2004 as amended be approved and signed by the Chair.

23. PETITIONS FROM WARD COUNCILLORS

23.1 Councillor K Norman presented a petition containing 23 signatures on behalf of local residents expressing their objections in respect of application BH2004/01309/FP, Land adjacent, 14 Varndean Gardens. It was noted that this application was due to be considered on the Plans List.

23.2 The petition was in the following terms :

"We the undersigned object to the above proposal, deeming the design not in

keeping with the neighbourhood. Furthermore, the disparate positioning within the plot will cause over-shadowing on No.12 by virtue of its proximity (0.5m) to the joint boundary." (23 signatures).

23.3 **RESOLVED** – That petition and its contents be noted and received.

24. UPDATE ON DECISIONS DELEGATED TO OFFICERS

Members Training

24.1 The Development Control Manager explained that a series of training workshops were being organised which were designed to be interesting and informative for Members of the Sub Committee as follows:

Tuesday 20 June	12 noon to 1.30pm	Design for Disability	Gordon Allen
Tuesday 31 August	4.00pm to 5.30pm	Design Issues from the Architects Perception	Mile Lawless (LA Architects)
Tuesday 21 December	4.00pm to 5.30pm	Sustainability Construction & Design	Professor Andrew Miller

24.2 The Development Control Manager referred to the site visit that had taken place in respect of the implemented scheme at 1A Connaught Road in Hove, whilst the building was nearing completion. It was understood that the building was now completed and that the show flat was open. If individual Members wished to visit the site the appropriate arrangements could be made either direct with the Developer or via the Planning Officers.

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

24.3 The Development Control Manager referred to Paragraph 16.40 of the minutes in respect of the above application stating that further investigation had revealed that notwithstanding that the access road and car park was in the Council's ownership in view of the Rights of Way vested with the rugby football club they would be responsible for approximately 80% of any resurfacing costs. The Club would be written to in the light of this information and their views sought regarding whether or not they would be prepared to fund such improvements.

Application BH2004/00852/FP, 9 Nizell's Avenue, Hove

24.4 The Development Control Manager advised that subsequent advice had been received that implementation of a travel plan and management plan for the outside play area could be required by condition rather than sought through a Section 106 Obligation and that these were now required to

be met as a condition of grant of Planning Permission by the Council.

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

25. SITE VISITS

25.1 **RESOLVED** – That the following site visits be undertaken by the Sub-Committee prior to determining the application s:-

<u>APPLICATION</u>	<u>SITE</u>	<u>SUGGESTED BY</u>	
BH2004/00591/FP	1&3 Bear Cottages, Lewes Road	Councillor	Mrs. Theobald
BH2004/01096/FP	259 Goldstone Crescent	Councillor Mrs. Theobald	
BH2004/01574/FP	57 Marine Drive	Councillor Hyde	
BH2004/01463/FP	39 Crescent Drive North	Councillor Wells	

* Councillor Norman requested and it was agreed that a site visit should take place prior to consideration of Application BH2004/01638/FP, 174 Surrenden Road.

[Note Item 27 sets out a full list of future site visits].

26. PLANS LIST - 30 JUNE 2004

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

Application BH2004/ 01089/FP - East Slope Car Park Refectory Road and West Car Park, University of Sussex

26.1 The Planning Officer referred to the scale, massing and proposed design of the building by reference to a model. He confirmed that since the report had been written the sustainability consideration and possibility of further reducing on-site parking provision had been explored more fully. An Environment Impact Assessment was to be undertaken and as part of that a full study of greywater use and re-use of rainwater would be carried out.

26.2 Councillor Mrs. Theobald commended the scheme as being of a good design, although she considered that the parking provision was limited bearing in mind that a number of the post graduate students were likely to access the site by car. Councillors Forester and Wells also welcomed the development but considered that it would be appropriate to examine the feasibility of providing a percentage for sport rather than a percentage for art element to the scheme.

26.3 **RESOLVED** - That Planning Permission be granted by the Council subject to clarification of outstanding issues relating to parking and sustainability and to

the conditions and informatives set out in the report.

Application BH2004/00591/FP - 1 and 3 Bear Cottages, Lewes Road

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

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

Application BH2004/01236/RM - Brighton Station Site , Plots L - M

26.6 The Planning Officer explained that the application before the Sub-Committee related to the approval of the three outstanding reserved matters for Blocks L-M on the Brighton Station Site. Subject to further minor amendments, the proposals would fulfil the requirements of relevant planning policies and supplementary planning guidance notes and would result in the exemplary development that the Council was seeking on the site.

26.7 Councillor Paskins was pleased to note that the development had regard to the sustainability checklist but was disappointed that the need for energy efficiency seemed to have been only partially met, noting that overall the station site was required to achieve 40% savings. Councillor Paskins was also of the view that rather than a "Car Club", it might be appropriate to consider implementation of a "Cycle Club" as part of the Travel Plan associated with the site. Councillor Older referred to the model displayed considering that it had failings in that it was built on a flat perspective and did not indicate the steep sloping nature of, or changing levels across the site. She considered that there was a danger of the site becoming developed in a piecemeal way. Councillor Mrs Theobald concurred in this view considering that perspectives indicating the street scene in its totality would have provided a valuable tool for Members.

26.8 Councillor Watkins referred to the positive references by the Architects Panel to the design being 'bland' and to the same reference being less positive when applied to the site by English Heritage. Councillor Forester agreed that the design was bland, in that the style of the proposed building would not result in a 'landmark' building, however, she considered it sat well within its proposed setting. In answer to questions it was noted that the keyblock paving referred to would be provided to the inner courtyard area of the site.

26.9 Councillor Wells considered that the proposal would represent an improvement to the current condition of that part of the site. In answer to further questions by Councillor Paskins regarding sustainability of the site, the Planning Officer explained that all of the on-site developments would be required to meet and contribute towards on-site overall energy efficiency savings of 40%.

26.10 **RESOLVED** - That the Council is minded to approve reserved matters in respect of plots L - M subject to the receipt of satisfactory amended drawings

showing revisions to the basement parking area and access ramp, ground floor pedestrian access, potential future additional cycle parking, annotation of hard landscaping and further details of the kitchen flue and to the condition and informatives set out in the report.

Application BH2004/00456/FP, Garden Flat, 1 Selborne House, 6 Selborne Road, Hove

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

26.12 The Planning Officer explained that the determining issues in respect of this application related to whether or not the proposed summerhouse would have a detrimental impact on neighbouring properties and whether the proposal preserved or enhanced the character of the Willett Estate Conservation Area in which the property was located. Samples of the proposed roofing material were displayed.

26.13 Councillor Wells considered that the proposed summerhouse was acceptable in principle but considered that the proposed structure was too large and overly dominant. Councillor Mrs Theobald concurred in that view also expressing concern at potential damage to the tree resulting from the base for the structure being built up to the roots of the tree.

26.14 **RESOLVED** – That Planning Permission be refused by the Council for the following reason:

(1) The proposed summerhouse and shed would not enhance the character and appearance of the Willett Estate Conservation Area by reason of its excessive size and bulk. The proposal is therefore contrary to policies BE1 and NE8 of the Hove Borough Local Plan and QD1, QD2, QD14, QD27 and HE5 of the Brighton & Hove Local Plan Second Deposit Draft.

Informatives

1. This decision is based on drawings and photographs submitted on 27 January 2004 and the additional information submitted on 20 May 2004.

Application BH2004/00739/FP - 5 B Cambridge Grove

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

26.16 The Planning Officer explained that two previous proposals (in respect of the proposed conservatory) had been considered likely to result in overlooking of the garden area and rooms of neighbouring properties. However, the revised proposal now placed before the Sub-Committee would have a parapet at the edge of the vinery structure, which together with the setting back of the conservatory from the parapet edge, and the restriction of use of the intervening space should ensure that overlooking would be minimised. It was

therefore recommended that the Planning Permission be granted.

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

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

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

26.19 Mrs. Agnew spoke as an objector to the scheme setting out objectors concerns regarding overshadowing, noise disturbance and lack of amenity. Councillor Meegan spoke as a local Ward Councillor setting out his objections to the proposed scheme. He considered that the proposed building given the differing levels of the site, would be higher than the neighbouring block for which approval to an additional storey had been given at appeal and considered that this application should not therefore be judged in the context of the appeal decision. He also referred to the detrimental effect the noise nuisance caused by the building works could have on elderly residents although recognising that this was not deemed to be a material planning consideration.

26.20 The Solicitor to the Sub-Committee referred to issue of noise and to the location of bedrooms, bathrooms and kitchens in relation to the flats that would be beneath the three new flats, stating that these were not material planning considerations. In referring to the Inspector's decision at appeal in respect of the neighbouring block she explained that whilst all applications should be considered on their merits this did constitute a material consideration.

26.21 Councillors' Mrs Theobald and Older considered that the application should have been considered under the Council's Tall Buildings Strategy. Councillor Hyde was of the view that the Sub-Committee should be able to take the view that the block would be higher than the neighbouring one and should take account of the need to protect the amenity of local residents particularly those already living in this block.

26.22 The Development Control Manager confirmed that the urban characterisation study had yet to be prepared and that the Tall Building Guidance was not an overriding consideration in this case. Whilst each application need to be considered on its merits it should be considered in the context of other relevant applications (i.e. the neighbouring block) and this should be taken account of by Members in reaching their decision.

26.23 Councillor K Norman considered that the Sub-Committee should not be placed in a 'straightjacket' by decisions of the Planning Inspectorate particularly when these were not supposed to constitute the setting of a precedent. The Solicitor explained that where any application was refused by Members and the Planning Inspectorate subsequently overturned that decision at appeal there was a risk of costs being awarded against the Council if they were deemed to have acted unreasonably. Councillor Hyde expressed the

view that Members overriding consideration should be whether or not an application was considered acceptable rather than fear of costs.

26.24 In view of the fact that the additional floor was to be set back and would not overshadow the floor beneath, Councillor Pennington considered the application to be acceptable. Councillor Mrs Theobald considered that the three proposed flats would be contrary to the need to ensure that the disabled were not discriminated against by virtue of the fact they could not be reached by a lift, had no balcony or outside space and would be of smaller dimensions than the other flats within the block.

26.25 On a recorded vote the application was refused.

26.26 **RESOLVED** - That Planning Permission be refused by the Council on the grounds that the proposed development would be detrimental to the amenities of local residents and to the character and appearance of the street scene; the development would therefore be contrary to policies QD1 and QD27 of the Hove Borough Plan Second Deposit Draft.

[**Note 1** : On a vote of 8 to 4 Members voted that the applications should be refused.]

[**Note 2** : Councillor Older proposed that the application should be refused on the grounds set out above. This was seconded by Councillor Hyde. On a vote Councillors Forester, Hyde, K Norman, Older, Paskins, Mrs Theobald, Watkins and Wells voted that the application should be refused. Councillors' Carden (Chair), Hamilton, Pennington and Tonks voted that the applications should be granted. On a vote of 8 to 4 the application was refused.]

Application BH2004/01070/FP – 51 Wilbury Avenue Hove

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

26.28 Mr Brown and Mr Bailey spoke as objectors to the scheme setting out their concerns regarding overlooking, loss of privacy and the loss of a family home. Mr Fenn spoke on behalf of the applicants. Councillor Meegan spoke as a local Ward Councillor setting out his concerns particularly at the loss of a high quality family dwelling house.

26.29 Councillor K Norman concurred with the views put forward by objectors to the scheme considering that this proposal represented over-development of the site and would set a further precedent in removing a family home at this location.

26.30 Several objectors had referred to the potentially high profits to be made by developers for demolition of properties which then had higher density flats erected on the site. The Solicitor to the Sub-Committee explained categorically that this was not a planning issue. Councillors Mrs Theobald, Wells and Older concurred with the objectors' view consideration that the application before

them had little design merit when compared to the existing dwelling house, requesting that the characterisation study be brought forward to an early date. Councillor Hyde considered that there should be a moratorium on such applications until that time. A mixture of dwelling types should be retained rather than to allow a proliferation of flats/apartment dwellings where this was to the detriment of the character of the urban townscape as in this instance.

23.31 **RESOLVED** – That Planning Permission be refused by the Council on the grounds that the proposal would not only constitute an over-development of the site and would be out of character with the surround area but would also result in the loss of a family home. The development would therefore be contrary to policies QD2, QD27 and HO3 of the Brighton & Hove Local Plan Second Deposit Draft.

[**Note 1** : On a vote of 6 to 3 with 3 abstentions Members voted that the application should be refused.]

[**Note 2** : Councillor Mrs Theobald proposed that the application should be refused on the grounds set out above. This was seconded by Councillors Wells. On a recorded vote Councillors Hyde, K Norman, Older, Mrs Theobald, Watkins and Wells voted that the application should be refused. Councillors' Carden (Chair), Forester and Tonks voted that the application be granted. Councillors' Hamilton, Paskins and Pennington abstained. On a vote of 6 to 3 with 3 abstentions the application was refused.]

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

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

26.33 Notwithstanding that public speakers who had registered to address the Sub-Committee were not in attendance their concerns were referred to. The Planning Officer stated that it was his view that the addition of a further dwelling in the form of the continuation of the terrace would be visually acceptable. Whilst the application site was located in a sensitive position on a slope, with significant changes in level all around the site, it was considered that the proposal would not affect the amenities of the neighbouring properties nor result in a cramped over-developed appearance. It was therefore recommended that planning permission be granted.

26.34 Councillor Mrs Theobald referred to the existing cottages and to the existing outbuilding, which would have to be demolished, considering that this was regrettable. The Planning Officer reiterated the views set out in the report however that the existing cottages whilst contributing to the character of the area had no intrinsic architectural merit. In the case of the outbuilding it was understood to be in a very dilapidated condition. As the building was not listed, planning permission would not be required for its demolition.

26.35 Councillor Older expressed concern regarding apparent confusion regarding the actual age of the outbuilding considering that had its true age

been established it might have been possible for it to have been saved. Councillor Mrs. Theobald considered it regrettable that this building had been allowed to fall into its current state of disrepair also considering that the proposed building should be set back from the retaining wall. If the rear wall was removed it should be required that the flint wall should either be reinstated or made good in matching materials. Councillor Hamilton concurred in this view and it was agreed that an Informative relating to the flint wall should be added. He also referred to the fact that an outbuilding at the site had already been demolished.

26.36 **RESOLVED** – That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the addition of a further Informative relating to the flint retaining wall to the rear of the property.

Application BH2004/01094/FP, Builders Yard, 259 Goldstone Crescent

26.37 Members considered that it would be beneficial for consideration of the application to be deferred pending a site visit. Councillor Paskins requested that a sustainability statement accompanied the application when it came back before the Sub-Committee for consideration.

26.38 **RESOLVED** – That consideration of the above application be deferred pending a site visit.

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

26.39 The Planning Officer referred to a period of intense negotiation which had taken place following the previous deferral of the application and to the fact that the Chair, both Deputy Chairs and Officers had visited the site late in the evening prior to this meeting in order to ascertain the level of any noise nuisance first hand.

26.40 Mrs. Ullah spoke on behalf of objectors. Ms. Field spoke on behalf of the applicants in support of their application apologising for any previous noise nuisance and setting out measures proposed to ameliorate these difficulties e.g. banning any who caused noise or other nuisance. Councillor Kemble spoke as a local Ward Councillor setting out his concerns and referring to measures proposed by the applicants in order to address the concerns of neighbours and local residents.

26.41 The Planning Officer explained that as a result of the detailed discussions that had taken place it was now proposed contrary to the recommendation set out in the report that a further temporary consent be granted to expire on 31 December 2004. The conditions of the previous consent would apply but would be amended to relate to 4 rather than 5-a-side football as was now proposed. The hours of use would also be amended to require all matches to finish by 9.45pm with the premises to be vacated by 10pm on Monday to Saturday, with matches to be finished by 5.45pm and the premises vacated by 6pm on Sundays.

26.42 Councillor Mrs Theobald confirmed that the site visit had been very helpful and had been instrumental in helping to balance the concerns of residents whilst acknowledging the valuable footballing facility provided by the premises. Councillor Hyde considered that proper use of the dedicated parking available on site could be instrumental in addressing problems and also referred to the need to ensure that potential litter emanating from the site be properly controlled. Councillor Forester welcomed the potential compromise which appeared to have been reached. Councillor Pennington considered that issues of noise and other nuisance had resulted from the fact that the building had not been purpose built but considered that the proposed management plan put forward by the applicant could go some way to addressing these problems.

26.43 **RESOLVED** – That a further temporary Planning Permission be granted by the Council to expire on 31 December 2004. Conditions to be the same as those relating to the previous consent but need to be amended to relate to 4, rather than 5-a-side football; the hours of use to be amended to require all matches to finish by 9.45pm and the premises to be vacated by 10pm on Monday to Saturday; with matches to be finished by 5.45pm and the premises vacated by 6pm on Sundays.

(ii) **DECISIONS ON MINOR APPLICATIONS LIST DATED 30 JUNE 2004**

26.44 The recommendations of the Director of Environment were agreed with the exception of those reports in Part (iii) and (vi) 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 PLAN LIST (MINOR APPLICATIONS) DATED 30 JUNE 2004**

Application BH2004/01309/FP, Land Adjacent to 14 Varndean Gardens

26.45 Mrs North spoke as an objector to the scheme setting out the concerns of local residents regarding this application which in their view represented a total over-development of the site and was unneighbourly particularly in respect of the detrimental impact it would have on No. 12. Councillor Mrs Norman spoke as a local Ward Councillor objecting to the scheme referring to the concerns of residents set out in their petition. (Item 23.1 above refers).

26.46 In answer to a question by Councillor Pennington regarding the minimum gap between buildings and fireproofing measures to be undertaken the Planning Officer confirmed that these were not considerations in respect of the Planning Application. Councillor Older considered the proposed design was confused and that the external staircase represented an eyesore. Councillor Paskins was concerned that building had been reoriented closer to No. 12, but that no rationale for this had been given. Councillors Mrs Theobald and Hamilton considered that the scheme as currently presented was far more detrimental to neighbouring properties, particularly No. 12 than that for which approval had previously been given and that it should therefore be refused.

On a vote Planning Permission was refused.

26.47 **RESOLVED** – That Planning Permission be refused by the Council on the grounds that the proposed development would fail to take account of the prevailing character of the local area, particularly in regard to the spacing between buildings. The development would, furthermore, constitute an over-development of the site which would have an overbearing affect on the amenities of adjacent properties, particularly that at No. 12 Varndean Gardens. The development is therefore contrary to policies QD2 and QD7 of the Brighton and Hove Local Plan Second Deposit Draft.

[**Note 1** : On a vote of 8 to 3 with 1 abstention the application was refused].

[**Note 2** : Councillor K Norman proposed that the application be refused on the ground set out above. This was seconded by Councillor Wells. On a recorded vote Councillors Hamilton, Hyde, K Norman, Older, Paskins, Mrs Theobald, Watkins and Wells voted that the application be refused. Councillor Carden (Chair), Pennington and Tonks voted that the application be granted. Councillor Forester abstained. The application was therefore refused].

Application BH2004/01579/FP, Ridgeland House, Dyke Road

26.48 Mr. Cotterell spoke on behalf of the applicants explaining that the proposed Panel antennas all met ICNIRP requirements and that all necessary documentation had accompanied the application. Councillor Meegan Spoke as a local Ward Councillor and Councillor Mallender spoke as a neighbouring Ward Councillor. Both expressed their objections to other proposals, which in their view represented a proliferation, and over intensification of this use at the site which was unsuitable in a densely populated residential area. Reference was also made to perceived health risks associated with such equipment.

26.49 Councillor Pennington stated that there were no proven health risks in respect of such installations, that Government Guidance on the subject was clear and unequivocal and that much of the concern of the general public was attributable to scare mongering.

26.50 Councillor Paskins requested to know where the beam of maximum intensity was situated bearing in mind the close proximity of two schools to the site. The applicant referred to the ICNIRP certificate which had accompanied the application. Councillor Paskins considered that in the absence of details regarding the precise point at which the beam of maximum intensity fell Members should adopt a precautionary approach. Councillor Pennington was of the view that even where there was an aggregation of masts where they collectively fell within permitted limits he did not consider that a health risk could be identified.

26.51 Councillor Hyde considered that the accumulative effect of a proliferation of masts could be damaging and that the full potential risks had in her view yet to be properly researched.

26.52 The Solicitor to the Sub-Committee cited a recent High Court Judgement where the Judge had found against a local authority where mast applications had been refused on health grounds. The view of the Environmental Health Officer with regard to concerns about health and safety, was referred to ; the Government's advisers, the National Radiological Protection Board, (NRPB) had issued guidelines on maximum levels of exposure to radio frequency or RF radiation emitted from base stations. The guidance was based on levels of RF radiation known to cause thermal, or heating effects in body tissues, or effects on the central nervous system and perception. The balance of evidence to date suggested that exposures to RF radiation below NRPB guidelines did not have an adverse effect on the health effect of the general population.

26.53 It was also explained that telecommunications operators also had a duty under the Health and Safety at Work Regulations 1992 to ensure that their work activities, which would include operation of their apparatus, did not present a risk to employees and the general public. The practical effect of the combination of the NRPB guidelines and the health and safety legislation should therefore be that people were not exposed to the levels of RF radiation known to cause effects on health.

26.54 It was therefore considered that the development would not be prejudicial to health or a nuisance in accordance with environmental health legislation, there may be, however, possible noise disturbance from the electrical equipment installed inside the 'associated cabinet'. If permission is granted, a soundproofing condition is required.

26.55 Notwithstanding the advice of the Solicitor to the Sub-Committee Members were of the view that the proposed installations would be overly dominant and when combined with the existing equipment located on this building, and would represent an eyesore which would be detrimental to the visual amenity of the surrounding area. A recorded vote was taken and Members were of the view that the application should be refused on these grounds.

26.56 **RESOLVED** – That Planning Permission be refused by the Council on the grounds that the proposed development would result in an excessive and intrusive volume of telecommunications – related equipment located on this building, which would be detrimental to the visual amenities of the surrounding area. The development is therefore contrary to policy QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

[**Note 1** : On a vote of 8 to 4 it was agreed that the application should be refused.]

[**Note 2** : Councillor Tonks proposed that Planning Permission be refused on the grounds set out above. This was seconded by Councillor Wells. On a recorded voted Councillors Hyde, K Norman, Older, Paskins, Mrs Theobald, Tonks, Watkins

and Wells voted that the application be refused. Councillors Carden (Chair), Forester, Hamilton and Pennington voted that the applications be granted. On a vote of 8 to 4 Planning Permission was refused.]

(iv) **OTHER APPLICATIONS**

Applications BH2004/00584/FP, Parking Space 11, Parochial Mews, Princes Street, Brighton

26.57 Mr. Virk Spoke in support of his application. Councillor Burgess spoke as a local Ward Councillor stating that whilst he understood that the parking space was to be used by a local resident, he had concerns regarding potential difficulties in controlling use of the space when it was being used by a non-resident freeholder. There were also concerns regarding the potential for further parking spaces to be sold off in the future.

26.58 In answer to questions the Planning Officer explained that no residents had been disadvantaged by the sale of the spaces as each flat had at least one allocated space. The Planning Officer suggested that the permission to use the space should be tied to the use by the applicants' address thus ensuring that the space could only be used by this identified local address. In answer to questions the Solicitor to the Sub-Committee explained that by conditioning use of the space in this way, if the property was sold subsequently, the space could then be sold on, but as the condition would remain attached to that property any use would be retained within the locality.

26.59 **RESOLVED** – That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the addition of a condition tying the use to the applicants address, 2 St. James's Place.

Application BH2004/01574/FP, 57 Marine Drive, Rottingdean

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

26.61 **RESOLVED** – That consideration of the above application be deferred pending a site visit.

Application BH2004/01462/FP, 65 Meadow Close, Rottingdean

26.62 In answer to questions regarding the pillar to be erected on site, the Planning Officer confirmed that the structure would be open i.e. it could be walked through and around and that any request to 'infill' this area at a future date would be likely to require Planning Permission.

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

Application BN2004/01474/FP, 9 The Vale, Ovingdean

26.64 The Planning Officer confirmed that the scale and character of the

proposed extension was consistent with the existing dwellings' architecture. The garage and terrace would be set well back from the roadway. As the balcony fronted the road there would be no intrusion into private back garden areas and the street scene was characterised by open front gardens. The privacy of the living areas of the neighbouring property (No. 8) had already been compromised to a certain extent due to the triple aspect floor to ceiling windows that had been fitted to the front of the dwelling. However, it was considered that by erecting a trellis fence to the depth of the balcony, on the shared boundary this would minimise any perceived visual intrusion and would not have an adverse effect on the daylighting or street scene for No. 8. On this basis the application was recommended for approval.

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

Application BH2004/01463/FP, 39 Crescent Drive North, Woodingdean

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

26.67 **RESOLVED** – That consideration of the above application be deferred pending a site visit.

Application BH2004/01409/FP, 47a Downs Valley Road, Woodingdean

26.68 In answer to questions, the Planning Officer confirmed that the land on which the site was located was sufficiently larger to accommodate the proposed extension without potential loss of privacy to either the North or South elevations. The design was in keeping with the existing and therefore the character and appearance of the current property would not be adversely affected. The proposed scheme met the requirements of the relevant Local Plan Policies and supplementary guidance and it was therefore recommended that it be approved.

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

Application BH2004/01325/FP, Land R/O Springfield Road, Brighton

26.70 Mr. Thompson spoke as an objector to the application referring to the concerns of neighbouring residents that access/egress to the proposed garage would be restricted thus contravening highway safety requirements given the lack of turning area on the site. The proposal would also introduce noise, fumes and disturbance from motor vehicles into quiet private garden areas, was totally out of keeping with the area and could also result in overshadowing of neighbouring gardens.

26.71 Councillor Pennington enquired whether or not any adjacent green spaces were available for turning purposes but was informed that this would not be possible as this area densely vegetated. Councillor Pennington stated that he was aware of other garages where vehicles had to reverse out onto the highway and that he did not consider it would be problematic at this location. Councillor Mrs. Theobald was of the view that the application should be refused on the grounds set out and also that any such structure should be in line with the adjacent house.

26.72 **RESOLVED** – That the Planning Permission be refused by the Council for the following reasons:

(1) The proposed development, by way of increased activity at the rear of the property would be harmful to the amenities enjoyed by the occupiers of adjoining properties in terms of noise pollution and disturbance. This would be contrary to Policy ENV.1 of the Brighton Borough Local Plan and Policy QD27 Second Deposit Draft.

(2) For the means of access to the proposed garage, the driveway does not meet highway safety standards in terms of the lack of a turning area on a drive of this length. This would prevent vehicles from entering and leaving the site in a forward gear, which would be a highway hazard and contrary to Policy TR Safe Development (new policy) of the Brighton & Hove Local Plan Second Draft..

[**Note** : Councillors Pennington and Wells wished their names recorded as having voted that the proposed development was considered acceptable].

Application BH2004/01418/FP, 49A Buckingham Road

26.73 The Planning Officer confirmed that the proposal which had been revised was considered acceptable and would have no adverse effect on the listed building, the West Hill Conservation Area or the amenity of adjoining occupiers. Approval was therefore recommended. Approval had already been given to a parallel Listed Building application under the Director's delegated powers as no objections had been received.

26.74. **RESOLVED** – That the Council is minded to grant Planning Permission subject to receipt of satisfactory amended plans, no further additional objections being received and to the conditions and informatives set out in the report.

Application BH2004/01452/FP, 19 Marlborough Place

26.75 The Planning Officer explained that this application had been withdrawn by the applicant.

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

Application BH2004/00202/FP, R/O 21 – 22 Queen's Road

26.77 Councillor Older referred to her earlier concerns that the dormer windows should be removed in order to prevent overlooking of the cottages situated opposite the site. The Planning Officer stated however, that the major concern expressed by Members when deciding to defer consideration of the application following their meeting on 7 April had been to effect amendments which would result in setting the property back so that it followed the alignment of the building located to the north. This had been done and other amendments made and the application was therefore recommended for approval.

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

[**Note** : Councillors K. Norman, Older and Mrs. Theobald wished their names to be recorded as having voted that the application be refused].

Application BH2004/00459/CA, R/O 21-22 Queen's Road

26.79 **RESOLVED** – That Conservation Area Consent be granted by the Council subject to the conditions set out in the report.

[**Note** : Councillors K. Norman, Older and Mrs. Theobald wished their names to be recorded as having voted that the application be refused].

Application BH2004/01545/FP, 2 and 2A Upper Gardner Street, Brighton

26.80 The Planning Officer confirmed that the actual application address was 2 and 2A Upper Gardner Street not No1 as set out on the Plans List.

26.81 Councillor Paskins expressed concern regarding the instances where Planning Permission was granted for live work units, following which subsequent approvals were sought for other use. This seemed to occur regularly. The Planning Officer explained that in this instance the ground floor of the building would continue to be used for employment purposes. Councillor Pennington stated that he was familiar with the location and that the use proposed would be appropriate in this stance.

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

Application BH2004/00877/FP, Vacant Plot between nos. 7 and 13 Upper Gardner Street, Brighton

26.83 The Planning Officer explained in answer to questions that the proposed finishes to the exterior of the buildings would be in keeping with those used elsewhere in the street.

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

Application BH2004/01433/FP, 46 Fernwood Rise, Brighton

26.85 The Planning Officer recommended that consideration of this application be deferred pending resolution of matters relating to apparent discrepancies on the drawings received.

26.86 **RESOLVED** – That consideration be deferred pending confirmation of queries regarding the submitted drawings.

Application BH2004/01182/FP, 15 Glen Rise

26.87 The Planning Officer referred to a letter in support of this scheme which had been received from the applicants referring to measures undertaken to ensure that the development was not unneighbourly.

26.88 Mr Hunt spoke as an objector the scheme indicating his concerns regarding potential overlooking and to reduction of light which would result from the proposed development which when considered in conjunction with works already carried out at the property which in his view represented over-development.

26.89 The Planning Officer explained the means by which the current proposal differed from previous proposals which had been refused on the grounds that the proposed extensions would be harmful to the amenities of neighbouring occupiers. The rear extension would replace an existing conservatory at the rear of the dwelling approximately 5.3m in depth. Other details of the proposed building works as set out in the report were also referred to by the Planning Officer. He explained that concerns with regard to the area adjacent to the first floor at the rear of the building being used as a balcony, with resultant loss of privacy could be controlled by condition.

26.90 Councillor Older referred to the area adjacent to the first floor rear considering that if it was not going to be used as a 'sitting out' area the proposed french window style windows were inappropriate. The Planning Officer explained that the full length windows would be non-opening. Several Members also referred to the fact that the drawings did not show the height or context of adjoining buildings considering that this was an omission and would have been of assistance to them.

26.91 Councillor K Norman considered that the proposals represented gross

over-development of the site which would seriously impact on neighbouring properties, particularly No. 13. These views were shared by Councillors Hyde and Mrs Theobald.

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

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

Application BH2004/01399/FP, 82 Peacock Lane

26.93 The Planning Officer confirmed that since preparation of the report revised drawings had been received showing a smaller gable.

26.94 **RESOLVED** – That Planning Permission be granted by the Council subject to the condition and formatives set out in the report.

Application BH2004/01225/FP, Garages at 25 First Avenue

26.95 The Planning Officer referred to the retrospective application for use of two lock-up garages for storage of flowers stating that for the reasons set out in the report it was considered that the proposal would not harm the amenities of neighbouring occupiers, provided that the suggested conditions were met.

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

Application BH2004/01181/LB, 18 & 19 Palmeira Square

26.97 The Chair referred to a letter which had been received from a public speaker wishing to object to the proposal stating that he was unable to attend to address the Sub-Committee. All objections received had been set down in the report. The Planning Officer's advice had also been set out, that the sole considerations were the effects of the proposal on the character and appearance of the Listed Building. Planning Permission was not required as the use of the building had not been changed and the works were internal.

26.98 The proposed works were relatively minor in nature and had been amended on the advice of the Conservation Officer. Comments made in respect of the use of the premises could not be assessed in an application for Listed Building Consent, which sought to protect the character and appearance of the building. It was therefore recommended that Listed Building Consent be granted.

It was noted that the objector's letter had been received less than 24 hours prior to the meeting and as such had not been referred to on the late list but had been laid before Members.

26.99 **RESOLVED** – That Listed Building Consent be granted subject to the

conditions and informatives set out in the report.

Application BH2004/01284/FP, 36 Tongdean Road, Brighton

26.100 The Planning Officer referred to the previously refused application stating that the new application complied with the 45° guideline and that any overshadowing or loss of light would not be significant and that the application was therefore recommended for approval.

26.101 Mrs. Dahmen spoke on behalf of objectors to the proposed scheme referring to loss of light and amenity which in her view would result from the scheme. Mrs. Hepburn spoke on behalf of the applicants in support of their application.

26.102 In answer to questions the Planning Officer explained that the extension would be approximately 1 metre from the boundary which was marked by a hedge which was generally of 1.8 metres in height.

26.103 Councillor Paskins stated that she was unable to equate the proposed building depth with the site dimensions as observed when Members of the Sub-Committee had visited the site previously. Councillor Tonks expressed his support for the scheme which would preserve a family house and had sought to address objectors concerns. Councillor Pennington stated that although he had originally objected to the scheme he found the present application acceptable.

26.104 Councillor Hyde sought confirmation regarding additional light that would be afforded to No. 34. The Planning Officer was unable to quantify this but was able to confirm that this would be improved and that the window referred to was in any event a secondary one. Councillor K Norman was of the view that this scheme did not represent any improvement on the previously refused application and continued to represent an over-development of the site and should be refused.

26.105 **RESOLVED** – The Planning Permission be granted by the Council subject to the conditions and informatives set out in the report.

Application BH2004/01457/FP, R/O 49 Glebe Villas, Hove

26.106 The Planning Officer explained that the proposal was in accordance with the policies of the development plan, it offered the opportunity to provide a dwelling designed to cater for the needs of a disabled person and their family. The impact to traffic and the amenity of neighbouring properties was limited and as such the application should be approved.

26.107 Mr. Spratling spoke as an objector to the application considering that the site should not be treated as a brownfield one and that increased traffic would be detrimental and could be in conflict with user of the local day nursery.

26.108 Councillor Mrs. Theobald referred to the observations of Mrs. Turner DAAG that given the dearth of purpose built accommodation for the disabled and their families, that this application should be welcomed. Councillor Hyde considered the proposed dwelling to be of an excellent design and considered that in view of the existing walls, trees and shrubbery that no overlooking would result.

26.109 Councillor Older sought clarification regarding whether the terms of the permission could specify that the property had to be used as a mobility bungalow. The Planning Officer explained however, that if a 'disabled' buyer could not be found, the property could be marketed as a family dwelling house. Councillor Forester noted that it was a now legal requirement that all new buildings had to meet disabled/wheelchair access through Building Regulations. Therefore the only consideration for this new dwelling should be whether or not the site and design was acceptable.

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

URGENT ITEM

CONSULTATION RESPONSE TO ADUR DISTRICT COUNCIL REGARDING THE INSTALLATION OF 3 ANTENNAE ON AN EXISTING PYLON WITH GROUND CABINETS IN COMPOUND – PLAYING FIELD REAR OF DOWNSWAY AND WEST OF SIDEHILL DRIVE, SOUTHWICK (APPLICATION SW/48/04/TP)

By reason of the following special circumstances, the Chair was of the opinion that this item should be considered at the meeting as a matter of urgency because of the deadline for receipt of this Council's response to the consultation fell prior to the next scheduled meeting of the Sub-Committee.

26.111 Members were requested to consider the consultation response in respect of a Planning Application, submitted to Adur District Council, to install 3 antennae (at 15 metres in height) on an existing electricity pylon with ground cabinets in a compound. The electricity pylon was located immediate to the west of Sidehill Drive (for copy see minute book).

26.112 The Planning Officer explained that the primary issue relating to this proposal was the visual impact of the proposed antennae on the surrounding area. The application related to an existing electricity pylon 39m high; the 3 antennae would be positioned directly onto the lattice structure 15 metres about ground level, each with a height of 1.6 metres. It was considered that, given the scale and height of the existing pylon, the proposed antennae would not be unduly intrusive or cause harm to the character or appearance of the surrounding area sufficient to justify a refusal. The associated equipment would be positioned away from the pylon against a backdrop of trees and not considered likely to harm the character and appearance of the area. It is therefore concluded that this Council has no valid planning grounds to object to the application

26.113 It was noted in answer to questions that Brighton & Hove City Council's Estate Manager had advised that the land on which this was situated was in the ownership of Brighton & Hove City Council and that landlords consent for this development was unlikely to be forthcoming.

26.114 **RESOLVED** – That the Planning Applications Sub-Committee raise no objection to the application.

(v) **TREES**

DECISIONS

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

BH2004/01682/TPO/F, Falmer High School, Brighton

BH2004/01613/TPO/F & BH2004/01766/TPO/F, "The Pines, Ovingdean Road, Brighton

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

BH2004/01175/TPO/F, Land backing onto 117 Stanmer Villas, Hollingdean, Brighton

BH2004/01686/TPO/F, Wick Hall, Hove

BH2004/01176/TPO/F, 4 Blackthorn Close, Brighton

DELEGATED

26.116 **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 January 2002].

27. SITE VISITS

27.1 **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>
BH2004/00591/FP	1 & 3 Bear Cottages, Lewes Road	Councillor Mrs Theobald
BH2004/01096/FP	259 Goldstone Crescent	Councillor Mrs Theobald
BH2004/01574/FP	57 Marine Drive	Councillor Hyde
BH2004/01463/FP	39 Crescent Drive North	Councillor Wells

* Councillor Norman requested and it was agreed that a site visit should take place prior to consideration of Application BH2004/01638/FP, 174 Surrenden Road

28. PROGRESS ON CURRENT APPEALS

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

29. APPEAL DECISIONS

29.1 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.

30. APPEAL LODGED

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

The meeting concluded at 8.10pm

Signed

Chair

Dated this

day of

2004