

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

**2.00PM - 21 JULY 2004**

**COUNCIL CHAMBER**  
**TOWN HALL HOVE**

**MINUTES**

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

Co-opted Members : Mr J Small, Conservation Areas Advisory Group.

**Adam Trimingham: Retirement**

Before proceeding to the formal business of the Sub-Committee the Chair wished to place on record his best wishes to Adam Trimingham of "The Argus" newspaper on his forthcoming retirement, as this would be the last meeting of the Planning Applications Sub-Committee which he would be attending. The Chair paid tribute to his professionalism and objective reporting over a number of years. Councillor Mrs Theobald responded reiterating these comments on behalf of the Conservative Group. Councillor Watkins responded in suitable terms on behalf of the Liberal Democrats.

The Development Control Manager echoed these comments on behalf of officers.

**PART ONE**

**31. PROCEDURAL BUSINESS**

**31A Declarations of Substitutes**

31.1 Substitute Councillor      For Councillor

Councillor Allen

Councillor Forester

**31B Declarations of Interest**

31.2 Councillor Carden (the Chair) declared that he had a prejudicial interest in Application BH2004/01042/FP, The Rise, Portslade, by virtue of his position on the Board of Governors of Portslade Community College, stating that he would vacate the Chair and would leave the meeting during consideration of the

application and would take no part in the discussion or voting thereon. Councillor Mrs Theobald would take the Chair during consideration of this item.

31.3 Councillors Allen, Older, Tonks and Watkins declared an interest in Application BH2004/01641/FP, The War Memorial, Old Steine. Councillors Older, Tonks and Watkins had been approached by veterans regarding provision of the railings and had helped to facilitate the scrutiny process. Councillor Allen had been Chair of the War Memorial Scrutiny Panel.

31.4 The legal adviser to the Sub-Committee advised that where Members had a direct pecuniary interest they should leave the meeting during consideration of the item and should take no part in the discussions or voting thereon.

### **31C Exclusion of Press and Public**

31.5 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.

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

## **32 MINUTES**

32.1 **RESOLVED** - That the minutes of the meeting held on 30 June 2004 be approved and signed by the Chair.

## **33 TO RECEIVE ANY PETITIONS FROM WARD COUNCILLORS**

### **Petition : Proposed Development The Rise, Portslade (BH2004/01042/FP)**

33.1 Having declared an interest in this item the Chair Councillor Carden (one of the Local Ward Councillors) vacated the Chair for this item and in the absence of the remaining Ward Councillor for the ward, as an exception to protocol, Mr Page presented a petition on behalf of local residents to Councillor Mrs Theobald who would be Chairing during consideration of this application. The petition was presented in the following terms :

"We the undersigned strongly object to the current proposals to develop this site on the grounds of loss of valuable open space, the fact that the proposed development will be totally out of character with the adjoining neighbourhood, the impact on the adjoining proposed National Park, and the fact that the proposed access is dangerous and totally inadequate to serve this development"

(750 signatures).

33.6 **RESOLVED** – That the contents of the petition be noted and received.

**34. TO RECEIVE AND CONSIDER A NOTICE OF MOTION PROPOSED BY COUNCILLOR TAYLOR AND SECONDED BY COUNCILLOR WILLIAMS RELATIVE TO TETRA TELECOMMUNICATIONS EQUIPMENT INSTALLED ON TOP OF THEOBALD HOUSE, BRIGHTON**

34.1 The Committee considered a Notice of Motion submitted by Councillors Taylor and Williams relative to Tetra telecommunications equipment installed on top of Theobald House in the following terms : -

“This Council notes :

That “Tetra” telecommunications equipment has been installed by contractors 02 Airwave on top of Theobald House, a Council owned block of flats adjacent to Brighton Station.

That no planning permission or landlords consent was granted for this installation.

That 02 Airwave continued with installation work, despite being asked not to by Council legal officers.

That following expressions of deep concern over the possible adverse health impacts from Ward councillors, residents and others this Council announced on May 7 it was taking steps to require the removal of the equipment.

This announcement was in the form of a press release in which Councillor Simon Burgess is quoted “We’re taking steps to get the equipment removed. It’s surprising a company of this stature has walked in and installed this equipment without the right consent - particularly given public anxiety about these masts.”

This Council further notes its disappointment to learn that the decision requiring removal has now been reversed, and therefore resolves :

- That officers are instructed to proceed with the original intention to secure the removal of the equipment as soon as possible.
- To request that such important reversals of policy are announced in public following a defined, accountable and clear decision making process, and with specific reasons given for the change.”

34.2 The Development Control Manager explained that the Notice of Motion was also due to be considered at the meeting of the Policy and Resources Committee to be held later that afternoon. The Sub-Committee had no locus in this matter as the equipment that had been installed in this case did not require planning permission and could be carried out as ‘permitted development’; as such no prior approvals had been required from the Local Planning Authority. As the installation had been erected on a Council owned building the matter should be dealt with by the Policy and Resources Committee on behalf of the Council as

the landowner.

34.3 **RESOLVED** – That the Committee receive and note the contents of the Notice of Motion set out above.

#### **UPDATE ON DECISIONS DELEGATED TO OFFICERS**

35.1 The Development Control Manager stated that she had no updates to give at the present time. In answer to questions however, she agreed to ascertain the current position in respect of Tesco stores, Palmeira House, 82 Western Road, Hove and to provide a detailed update to Members as soon as she was able to do so.

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

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

36.1 **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>
BH2004/00232/FP Street	Councillor Mrs Theobald	Land between 38 – 50 Carlyle
BH2004/01189/FP	Councillor Tonks	23 Coombe Rise, Saltdean
*BH2004/01573/FP/FP Manager	Varndean College	Development Control

\* The Development Control Manager referred to the above application which was due to be considered at the next scheduled meeting of the Sub Committee and considered that it would be beneficial if Members carried out a site visit prior to considering the application.

[**Note** : Item 38 sets out the full list of future site visits].

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

##### **Application BH2004/01638/FP, 174 Surrenden Road, Brighton**

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

37.2 The Planning Officer explained that the property was a detached two-storey dwelling house. The house was set back from and lower to Surrenden Road with a wide grass verge with trees, providing a fairly secluded area. The road was characterised by two storey houses, many of which had been extended in various ways. It was considered that the proposals did not

adversely affect the amenity of adjoining neighbours and that the design of the extension and dormer did not detract from the area. Approval was therefore recommended.

37.3 Councillor Tonks stated that he considered the application acceptable and that it would have little effect on either of the neighbouring houses. Councillor Pennington had concerns regarding the height of the proposed extension. Councillor Norman considered that the proposed extension would have a severely detrimental impact on the kitchen window of no.172 and was too high. Councillor Hyde was in agreement, overall she thought the extension was of a good design and that the dormer was attractive, but considered the structure to be too high and that it would be more appropriate if the structure respected the footprint of the existing conservatory.

37.3 The Planning Officer explained that it was not considered that any demonstrable harm would result from the proposals. Councillor Paskins referred to apparent anomalies between the depth of the building indicated on the plans and during the course of the site visit the previous day. The Planning Officer explained that this matter had been carefully checked and proposed distances/depths/heights were as indicated on the plans.

37.5 **RESOLVED** – That the Council is minded to grant Planning Permission subject to the receipt of no further objections and to the conditions and informatives set out in the report.

[Note: Councillor Norman wished his name to be recorded as having voted that the application be refused.]

#### **Application BH2004/01546/FP, “Next”, Churchill Square**

37.6 The Planning Officer explained that this application had been withdrawn by the applicants.

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

#### **Application BH2004/01003/FP, Land Adjacent to 18 Tichborne Street**

37.8 The Planning Officer referred to the site which comprised a vacant plot of land located on the eastern side of Tichborne Street.

37.9 The Planning Officer explained the scheme as innovative and unashamedly modern in its construction techniques and appearance. Modular in design, each flat was a lightweight prefabricated structure purpose-made in Slovenia and fitted together on site to form a coherent block centred around the heavy core service area. Construction time on site was therefore minimal. Each unit would benefit from its own private balcony and would have outward opening feature V-shaped windows; all services would be housed within the building. To avoid an over-dominance in the street, the top floor level of the building was set back from the front and rear building lines.

37.10 Councillor Older queried whether or not the application would now comply with Policy HO3, the Planning officer confirmed that the application met the requirements of HO3 as amended. The requirement to meet Policy HO13, that all new residential dwellings be built to lifetime homes standards would be addressed in the sustainability statement which was a requirement of grant of permission.

37.11 Councillor Paskins queried whether provision of the cycle and refuse storage facilities could be problematic if the land required for these fell outside the ownership of the applicants. The Planning Officer stated that confirmation had been received from the applicants that all of the land required was within their ownership.

37.12 Councillor Pennington considered that the character of the area was mixed and that the application was acceptable. Councillor Mrs Theobald considered that in view of the close proximity of the application site to the North Laine Conservation Area the building was too modern, too tall and ugly in its appearance, was out of character with the surrounding area, un-neighbourly and was not sustainable.

37.13 Councillor Older referred to the concerns of the Conservation and Design Team, although Councillors Paskins and Allen considered that the modern design of the building was interesting and appropriate to its proposed location. Councillor Paskins considered that as this architect had submitted a number of innovative proposals it would be of interest to Members of the Sub-Committee if a visit could be arranged to a completed scheme. The Development Control Manager considered that the dwelling currently under construction at the junction of Vere Road / Ditchling Road which incorporated a Sedum roof would be appropriate but that this site was not sufficiently progressed at present.

37.14 **RESOLVED** - That the Council is minded to grant Planning Permission subject to the submission of a sustainability statement and daylighting assessment; consideration of any further representations; the applicant entering into a Section 106 Agreement to ensure that the development is car free and to the conditions and informatives set out in the report.

#### **Application BH2004/01244/FP, 28A Dyke Road Avenue**

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

37.16 The Planning Officer explained that it was proposed to subdivide this former coach house to form two dwellings, one with access from The Beeches and the other from Dyke Road Avenue. No additions to the building were envisaged.

37.17 Mr Pye spoke on behalf of objectors to the scheme. Mr King spoke in support of the application on behalf of the applicants. Councillor Mrs Norman spoke as a local Ward Councillor setting out her objections to the proposed scheme, particularly in relation to the disruption to elderly residents which would result from cutting through the cul-de-sac to The Beeches.

37.18 Councillor Mrs Theobald whilst not opposed to the conversion of the property, did not consider that it was appropriate for The Beeches to be used for access / egress to one of them. Councillor K Norman was in agreement that the proposed access was detrimental to neighbouring properties and was unacceptable. Councillor Hyde considered the application was acceptable if an alternative access way was provided.

37.19 In answer to questions regarding alternative access, the Development Control Manager explained that if a common access way was used, rather than having access to one of the dwellings from The Beeches, access to one of the properties would need to pass through the garden of the westerly house which would severely compromise its amenity and privacy. The proposed access from The Beeches would give access to one dwelling only. It was therefore considered it would generate minimal additional traffic.

37.20 In answer to questions by Councillor Older, the Development Control Manager confirmed the Sub-Committee could add a condition to restrict the use of the access/egress from The Beeches by the easterly dwelling on the site. However, should any future applications be made which would require further access / egress from The Beeches they would need to be considered on their merits.

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

#### **Application BH2004/01260/FP, Knoll Primary School, Stapley Road**

37.22 The Planning Officer explained that the application formed part of a larger package of measures resulting from the merger of the Knoll Infant and Goldstone Junior Schools. The application before the Sub-Committee followed approval of an outline planning application for 27 residential houses on 21 January 2003. A reserved matters application BH2004/01576/RM had also been submitted but was undetermined. The new application for 30 units had a similar density and layout to that of the surrounding area. In addition, the applicant had agreed to fund improvements to open spaces in the vicinity.

37.23 As the application broadly complied with the outline approval and relevant policies and, issues such as land and water contamination would be subject to conditions and the provision of affordable housing and the improvement of recreation / play space provision secured by legal agreement; the application was recommended as 'minded to grant'.

37.24 Councillor Watkins referred to the observations of the Traffic Manager that all of the on-site roads were wheelchair accessible and that disabled parking facilities would be provided adjacent to those blocks where fully wheelchair accessible accommodation was to be provided. In answer to questions from Councillor Mrs Theobald, the Planning Officer explained that the sum to be provided for recreation would be used to provide improved recreational activities in the nearby Knoll Recreation Ground.

37.25 **RESOLVED** - That the Council is minded to grant Planning Permission subject to the completion of a Section 106 Obligation to secure 12 units of affordable accommodation and a contribution towards improvements to existing recreation / play space, a percent for art contribution, and to the conditions and informatives set out in the report.

**Application BH20904/01042/FP, The Rise, Portslade**

37.26 The Planning Officer explained that the application related to land at The Rise on the edge of downland and the site was allocated as a housing site in the Second Deposit Draft of the Local Plan. The amended application before the Sub Committee was for 40 affordable two storey homes and 2, one bedroom flats. The main issue for consideration was the appropriateness of the layout having regard to the proposed development of the remainder of the college site for a nursery, the effect on neighbouring amenity, the effect on the adjacent open countryside and downland and highway safety.

37.27 As the site was allocated for housing on the Draft Local Plan there were therefore no objections to the principle of the development, which would bring forward much needed affordable housing to the City. The design of the site had been changed since the original submission reducing the height of the buildings to two storey from a mix of three and four storey and, dwelling numbers from 47 to 40 to reflect local concerns. The amended design would form a better transition at the edge of the urban area to adjacent downland and would not affect neighbouring amenity. There was strong support from the Traffic Manager to the proposal to introduce a Home Zone, the principles of which he explained to the Sub-Committee. It was therefore recommended that Planning Permission be granted.



37.28 Mr Page spoke on behalf of objectors to the scheme referring to their concerns (set out in the petition containing some 750 signatures) regarding loss of amenity and detrimental impact on the setting of the nearby downland and the proposed national park. Objectors considered the proposal represented over-development of the site and would introduce additional traffic hazards into an area where the road structure was already inadequate for the existing traffic flows. Mr Barnes of Morgan Carn Partnership spoke on behalf of the applicants in support of their application. He explained that amendments had been made in order to address the objections raised and that the development would provide housing for key workers e.g. teachers, health workers and it would not be to the detriment of the surrounding area, including the proposed national park. The proposed dwellings were sympathetic to the appearance to those in the area and the development would be configured in such a way as to be fully wheelchair accessible.

37.29 Councillor Wells whilst generally welcoming the scheme referred to the number of objections received and to concerns regarding lack of sustainability of the site and traffic concerns. The Planning Officer explained that the development was required to be fully sustainable and was innovative in that it would be designated as a "Home Zone". The Traffic Manager explained that as part of the Home Zone measures would be instigated to ensure that speeds that were kept to 10mph; this would be the subject of a full safety audit which would be required before work commenced on site.

37.30 Councillor Paskins referred to the applicants intention that dwellings should attain a "good" eco standard considering that it would be more appropriate for a "very good" or "excellent" to be aspired to. The applicant's agent explained that some sustainability aspects of the scheme were affected by the topography of the site but that they would be taken on-board as part of the detailed development plan for the site.

37.31 Councillors Pennington and Watkins welcomed the inception of a Home Zone at this location and received confirmation regarding details of the signage which would be erected at the entrance to the development indicating that it was a Home Zone and that vehicular traffic did not have precedence over pedestrians and cyclists. In answer to questions by Councillor Wells the Planning Officer explained that the proposed density was comparable with that of existing developments in the vicinity.

37.32 Councillor Hamilton referred to his original concerns regarding the height of the development and was pleased to note that all buildings would now be of no more than two storey's in height and considered that this was acceptable. He referred to the petition stating that he had been informed that some of those signing it had been under the misapprehension that the application still related to the earlier scheme or that the envelope of the site was larger than was in fact the case. In response to questions regarding access onto the downs he was informed that the existing footpath would be retained and, that the development would not be visually intrusive on the downs.

37.33 The Sub Committee voted unanimously in favour of the application.

37.34 **RESOLVED** - That the Council is minded to grant Planning Permission subject to the submission of a satisfactory Transport Statement and to the conditions and informatives set out in the report.

[**Note** : Having declared a prejudicial interest in the application the Chair Councillor Carden vacated the Chair and left the meeting during consideration of this item. He took no part in the discussion or voting thereon. Councillor Mrs Theobald took the Chair during consideration of this application].

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

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

37.36 The Planning Officer explained that the application site related to a long established builders storage yard and that the proposal was for the erection of 11 business units. The main issues were the sustainability of the site for employment generating use, the effects on neighbouring amenity, the street scene, highway and transport issues. Whilst it was noted that there was public opposition to the development of the site for an employment use, such a use would accord with the provisions of the emerging development plan framework. Subject to suitable conditions there should be no adverse effects on neighbouring residential amenity. Several objections had been made on traffic grounds, but these concerns were not shared by the traffic engineer who had raised no objections. Therefore the application was recommended for approval.

37.37 Mr Mullen spoke on behalf of objectors to the scheme. Mr Fagg spoke in support of the application on the applicants behalf explaining that following refusal of a housing scheme under delegated authority this application was now placed before the Sub-Committee for their consideration. Councillors Bennett and Mrs Brown spoke as local Ward Councillors also setting out their objections to the proposals and referring to the overwhelming support of local residents for a housing scheme on the site which was considered to be far more in keeping with the character of the surrounding residential area.

37.38 Councillor Wells considered that notwithstanding the established use for the site, that a residential development would be far more in keeping with the surrounding area as well as being in accord with what was acceptable to local residents. Councillors Allen, Hyde and Older considered it regrettable that Members had not had the opportunity to consider the application for housing on the site as they considered this to be far more in keeping with the surrounding area. Councillor Mrs Theobald concurred in this view considering the proposed development was too bulky, she also questioned the need for office accommodation at this location bearing in mind that there were a number of vacant small scale office developments across the City. Councillor Hamilton sought clarification regarding the planning history of the site and whether formal permission for the existing use had ever actually been granted. He was of the view that if it had not and the site had continued in the current use for a number of years that it was debatable whether that use would be granted in a residential area now.

37.39 The Development Control Manager explained that whether or not the site had originally been obtained the existing use was none the less the lawful established use and the application before Members should be considered on that basis.

37.40 Councillor Norman stated that he considered the site to be most suited to small scale housing.

37.41 Councillor Pennington concurred with the officer's recommendations considering that the existing established use should be retained.

37.42 On a vote of 6 to 3 with 3 abstentions the application was refused.

37.43 **RESOLVED** - That Planning Permission be refused by the Council on the grounds that the proposed use is detrimental to the character and appearance of the area and is contrary to Policy QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

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

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

**Application BH2004/0059/FP, 1 & 3 Bear Cottages, Lewes Road, Brighton**

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

37.45 The Planning Officer explained that the application was for redevelopment of the existing industrial premises to provide offices and 26 units of affordable housing which, although of high density was considered appropriate for the site.

37.46 Councillor Mrs Theobald sought clarification regarding amenity space to be provided as part of the development and as the contribution for recreation. The Planning Officer explained that amenity space would be provided within the development in the form of a courtyard at ground level and one roof top space, plus individual balconies. The contribution for recreation was likely to be applied used at Saunders Park which was nearby.

37.47 Councillor Mrs Theobald considered that the proposed development was one storey too high the density was too great and that it was overpowering in its appearance on the neighbouring street scene, she also had concerns regarding the fact that no parking provision was proposed, particularly for the disabled and considered that the configuration of the site gave poor access for deliveries and could be problematic for access by the emergency services. Councillor Wells also expressed concern regarding the lack of parking provision. In answer to questions by Councillor regarding marketing of the property for an alternative commercial use, the Planning Officer explained that the site had been marketed for some time but that no interest had been shown in relation to established use.

37.48 Councillors Tonks and Watkins welcomed the proposed development. Councillor Paskins considered that it represented an acceptable use of an awkwardly shaped site but requested that as Saunders Park had benefited from provision for recreation from other nearby schemes which had already received approval (Preston Barracks site), that if necessary these monies could be used to fund other alternative nearby provision. The Planning officer agreed to investigate this matter further.

37.49 Councillor Older queried the rationale of providing french windows at balcony level which were permanently fixed shut and obscurely glazed, but notwithstanding this generally welcomed the scheme, particularly as the office accommodation was to be provided on the Lewes Road frontage with housing accommodation to the rear.

37.50 **RESOLVED** - That the Council is minded to grant Planning Permission subject to a Section 106 Agreement to secure a) all the residential units as "affordable", b) a financial contribution of £10,700 towards setting up a car club and c) £31,300 towards the provision and / or maintenance of existing, open recreation space in the vicinity of the site, and subject to the conditions and informatives set out in the report.

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

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

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

37.52 The Planning Officer explained that the Environmental Health Officer considered that any adverse effects of odour / noise could be mitigated by requiring the applicant to submit a scheme for the sound insulation of odour control equipment and a scheme for the fitting of odour control equipment to the building prior to commissioning the unit. Conditions to this effect would be included within conditions of grant. The visual impact of the proposals was limited as the extract vent was positioned at the rear of the building and would not be obvious when viewed from Marine Drive.

37.53 Councillor Older considered the application to be confusing in that when the site visit had taken place the previous day the premises had been observed in use associated with a sandwich making business which did not necessitate the use of equipment requested by the application. The Planning Officer explained that the use referred to was associated with a prospective leaseholder and that the application had been lodged by the freehold owner, the application placed before the Sub-Committee had therefore to be considered on its merits.

37.54 Councillor Hyde expressed grave concern regarding potential loss of amenity and noise nuisance which would be suffered by the neighbouring property which had a small garden immediately adjacent to the application site. The garden was accessed from french doors from the main living area which she considered would be severely affected by the proposed activity. Councillors Paskins and Tonks concurred in this view considering that a noise nuisance would result from the proposed use as there were no nearby premises generating similar noise; unless a totally silent running system could be installed a nuisance would result.

37.55 On a vote of 7 to 5 (5 votes being abstentions), the application was refused.

37.56 **RESOLVED** - That Planning Permission be refused by the Council on the grounds that the proposed ducting would be likely to result in undue noise and disturbance to adjacent residents contrary to policies ENV.45 of the Brighton Local Plan and Policy SU10 of the Brighton & Hove Local Plan second deposit draft.

[**Note 1** : On a vote of 7 to 5 (5 of the votes cast being abstentions) the application was refused].

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

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

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

37.58 The Planning Officer explained that the primary considerations were privacy, amenity, character and scale of the development. As the existing dwelling was located on backland it was not considered that there would be any significant impact on the street scene. It was not considered that the extended house would dominate the plot and as such would not constitute over development. The design was also considered to be in keeping with the existing dwelling's design and matching materials would be used for the addition. The original proposal had been amended and in addition a condition could be attached to any permission to ensure that the existing conifer hedge was protected to ensure that the privacy of neighbouring was respected.

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

#### **(ii) DECISIONS ON MINOR APPLICATIONS LIST DATED 21 JULY 2004**

37.60 The recommendations of the Director of Environment were agreed with the exception of those reports in parts (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 PLANS LIST (MINOR APPLICATIONS) DATED 21 JULY 2004**

37.61 There were none.

#### **(iv) OTHER APPLICATIONS**

**Application BH2004/01433/FP, 46 Fernwood Rise, Patcham**

37.62 The Development Control Manager recommended that consideration of the application be deferred pending receipt of accurately amended plans. Plans detailing amendments made had been sought from the applicants, but those subsequently submitted still appeared to contain a number of inaccuracies.

37.63 **RESOLVED** - That consideration of the above application be deferred pending receipt of further amended plans.

**Application BH2004/01641/ FP, The War Memorial, Old Steine, Brighton**

37.64 The Planning Officer explained that the application for a bow-topped metal railing was intended to deter people from taking short cuts over the memorial and to present a physical barrier to prevent vandalism and misuse which had been a cause of ongoing concern amongst organisations representing ex-servicemen. The application had been made following the scrutiny process carried out by the "War Memorial Railings Scrutiny Panel".

It was noted that the railings were to be of powder coated steel which was intended to make them more weather resistant and would preserve their appearance for longer. Although the new railings were higher than others located in this part of the Old Steine they were considered appropriate in view of the need to safeguard the War Memorial and were therefore considered to be acceptable.

37.65 Notwithstanding that he had declared an interest in the matter, Councillor Allen responded to the views expressed by CAAG stating that he considered it regrettable CAAG did not take part in the earlier public consultation process explaining that overwhelmingly the consultation and evidence provided to the Scrutiny Panel had supported the need to provide a physical barrier sympathetic to the setting of the Grade 11 Listed Building, and the Valley Gardens Conservation Area in general, to ensure that the memorial and water area representing the fallen servicemen of the combined allied forces of both World Wars, were properly respected.

37.66 Mr Small explained that CAAG had been consulted at the point at which the planning application was prepared rather than as part of any earlier broader brush consultation process that had taken place, their comments related solely to the proposed design and setting within the conservation area. He reiterated CAAG's concerns regarding the appearance of the proposed railings which would in their view detract aesthetically from the intended open setting of the structure and associated memorial gardens whilst not necessarily preventing entry into the enclosure.

37.67 Councillors Mr Theobald and Older whilst generally supportive of CAAG's views and of the need to respect the setting and street scene of a conservation area, considered that in this instance the significant concerns of individual war veterans and the umbrella organisations representing them were valid. Councillor Pennington enquired whether a temporary time limited permission could be granted but this was not considered practicable.

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

**Application BH2004/01503/FP, 27 & 27A Sackville Road, Hove**

37.69 The Planning Officer explained that in determining this application for the proposed extension and alterations to the optometrist practice and residential flats consideration had been given to the potential impact upon neighbouring amenity and on the character and appearance of both the dwelling and the Old Hove Conservation area in which it was situated. The proposed single storey rear extension would be of the same depth and height upon the shared boundary as that at the neighbouring property. Due to its height materials and depth, although the proposed extension would block daylight from the high level windows in its northern elevation as this was not the only source of daylight as the conservatory had rear facing windows and a clear roof, notwithstanding that there would be an effect on neighbouring amenity this was not considered sufficient to warrant refusal of the application.

37.70 Mrs Baxter spoke as an objector to the scheme setting out her grave concerns regarding loss of amenity which would result from loss of light to her conservatory which was in use as a main living area and from potential noise nuisance which could result from use of the neighbouring conservatory as a waiting room for the optometrist practice.

37.71 Members considered that it would appropriate to defer consideration of the application pending a site visit.

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

**Application BH2003/03726/ FP, 56, 56A, 58, 58A Brunswick Street East, Hove**

37.73 The Planning officer explained that Planning Permission was sought for the demolition of the existing garages and the construction of a terrace of three two storey properties. Each of the properties would have two bedrooms with refuse storage to be provided at the front and cycle storage to the rear of the properties.

37.74 Councillors Paskins and Watkins queried the provision of cycle storage to the rear and, the Planning Officer explained that on balance this was considered the most appropriate location. Having clarified the appearance and location of the bin storage areas, Members requested that the feasibility of setting back the entrance doorways to allow these to be screened be explored.



The Planning Officer agreed that this would be done.

37.75 **RESOLVED** - That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report. Officers to explore further with the applicants the possibility of recessing the front entrance doorways in order that adequate screening may be provided to the waste bin storage area.

**Application BH2004/01189/FP, 23 Coombe Rise, Saltdean**

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

**(v) TREES**

**DECISIONS**

**BH2004/01543/TPO/F, 4 Attree Drive, Brighton**

37.77 Councillor Allen considered that the tree caused a detrimental loss of light to 4 Attree Drive and should be removed. However, it was explained that it was considered that the current problems of overshadowing and loss of light could be addressed by lopping and pruning the crown of the tree. On a vote Members agreed permission to fell the tree be refused.

37.78 **RESOLVED** - That permission to fell the tree which is the subject of the following application be refused for the reasons set out in the report.

**DELEGATED**

37.79 **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 21 January 2002].

**38. SITE VISITS**

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

**APPLICATION**

**SITE**

**SUGGESTED BY**

BH2004/00232/FP

Land between 38 – 50 Carlyle

Street	Councillor Mrs Theobald		
BH2004/01189/FP	Councillor Tonks	23	Coombe Rise, Saltdean
BH2004/01503/FP	Councillor Watkins	27&27a	Sackville Road
*BH2004/01573/FP	Development Control Manager	Varndean	College

\* The Development Control Manager referred to the above application which was due to be considered at the next scheduled meeting of the Sub-Committee and considered that it would be beneficial in Members carried out a site visit prior to considering the application.

### **Future Site Visits To Implemented Schemes**

BH2001/00481/FP	'Earthship', Stanmer Park	Councillor Watkins
*BH2004/	New dwelling Vere Road / Ditchling Road	Councillor Paskins

38.2 The Development Control Manager stated that given that there were a number of these outstanding, the feasibility of organising a separate visit to concentrate solely on completed schemes would be explored.

## **39. PROGRESS ON CURRENT APPEALS**

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

## **40. APPEALS DECISIONS**

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

## **41. LIST OF APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

The meeting concluded at 6.15 pm

Signed

Chair

Dated this

day of

2004