

# **BRIGHTON & HOVE CITY COUNCIL**

## **PLANNING APPLICATIONS SUB-COMMITTEE**

**22 SEPTEMBER 2004**

**2.00PM**

**COUNCIL CHAMBER, HOVE TOWN HALL**

### **MINUTES**

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

Co-opted Members: Mrs J Turner, Disabled Access Advisory Group (DAAG); Mrs Montford, Conservation Advisory Group (CAG).

### **PART ONE**

#### **63. PROCEDURAL BUSINESS**

##### **63A. Declarations of Substitutes**

63.1 There were none.

##### **63B. Declarations of Interest**

63.2 The Chair, Councillor Carden declared a personal interest in Application BH2004/02199/OA, Land at 479 Mile Oak Road, Portslade. He explained that the applicants were known to him but that he had not discussed any aspect of the application with them and would therefore remain in the Chair during discussion of this item. Councillor Mrs Theobald declared a personal interest in respect of Application BH2004/01213/FP, St George's Church, St George's Road by virtue of the fact that the proprietors of the existing nearby post office were known to her stating that she had decided that she would vacate the room during discussion of this item and would take no part in the discussion or voting thereon. Councillor Mrs Theobald also declared an interest in Application BH2004 /01780/FP, Dragons Health Club Hove by virtue of the fact that she was a Member stating that she would leave the meeting during consideration of the item and would take no part in the discussion or voting thereon.

##### **63C. Exclusion of Press and Public**

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

63.6 **RESOLVED** - That the press and public be excluded from the meeting during consideration of item 73.

#### **64. MINUTES**

64.1 Councillor Norman referred to Paragraph 58.66 of the minutes relative to tree Application BH2004/02513/TPO/F, 2 Colebrook Road. The tree was still in situ and appeared to be alive following the decision to defer work pending a visit by the Arboriculturist and himself. However, to date he had not been contacted regarding this matter. The Development Control Manager apologised and undertook to contact the arboricultural team again to request that they ensure that Councillor Norman was contacted in respect of this matter in the near future.

64.2 **RESOLVED** - That the minutes of the meeting held on 1 September 2004 be approved and signed by the Chair as a correct record of the proceedings.

#### **65. PETITIONS**

65.1 A petition was presented by Councillor Jayne Bennett on behalf of residents of the Goldstone Crescent area. The petition was in the following form: -

" I / We the residents of the area, support the planning application for 8 family houses on the Builders Yard Site, Goldstone Crescent as it is in keeping with the surrounding residential area and will generate less traffic." (100 signatures).

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

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

66.1 The Development Control Manager reported that following the decision of the Sub Committee to defer consideration of Application BH2004/01693/OA, Reservoir Site, Freshfield Road, Pankhurst Avenue a meeting had taken place with the applicant. They had been reluctant to amend their application but following discussion had agreed to consider

whether or not they would be prepared to include a community facility within the development and their response was awaited.

66.2 The Development Control Manager explained that as agreed by the Sub-Committee at its last meeting Officers had negotiated further revisions with the applicants to extend the areas of white-painted wall and to reduce that of the slate in respect of Application BH2004/01717/FP, 2 College Mews. Following receipt of acceptable amended plans Planning Permission was likely to be issued under officers' delegated powers in the near future.

66.3 The Development Control Manager confirmed in respect of Application BH2004/02302 /AD, Community Base, 113 Queens Road that it had been confirmed that it would not be possible to make consent personal to the applicants and that it had therefore been granted minus that condition.

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

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

67.1 **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>
BH2004/02118/FP	25 Braeside Avenue	Councillor Mrs Theobald
Implemented Scheme	Corner Ditchling Road/Vere Road	Development Control Manager

#### **68. PLANS LIST APPLICATIONS, 22 SEPTEMBER 2004 (SEE MINUTE BOOK)**

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

##### **Application BH2004/02394/FP, 90-96 Preston Road**

68.1 It was noted that a site visit had taken place to the implemented part of the site prior to the meeting.

68.2 The Planning Officer explained that the revised application before the Sub-Committee related to the undeveloped (western) part of the "Endeavour" site. No objections had been received and the revised proposal was of similar scale, massing and design to the partially implemented scheme on the site.

68.3 In answer to questions by Councillor Norman the Development Control Manager explained that all of the proposed units would be in shared ownership and that the Housing Association would always have first option to "buy back". Mrs. Turner (DAAG) enquired regarding allocation of disabled units, given that there was a dearth of suitable accommodation across the City. The Solicitor to the Sub-Committee responded that allocation rights would be in accordance with the terms of the existing Section 106 Agreement.

68.4. Councillors Mrs Theobald and Hyde welcomed this mixed Housing Scheme which provided an opportunity to address an affordable/shared housing need for those in key occupations and considered that more should be done to promote this as a housing option. Both considered however that there was too little on-site parking. Councillor Watkins expressed concern that the Council should seek to ensure that the blocks were brought within the Council's recycling scheme, but was informed that this did not apply to blocks of flats and that this was not within the Council's control. Councillor Watkins considered this regrettable and that schemes to encourage optimum recycling in high-density dwellings should be supported.

68.5 The Development Control Manager confirmed that the number of on-site parking spaces to be provided would be the same as that set out in the earlier consent.

68.6. **RESOLVED** - That the Council is minded to grant Planning Permission subject to the receipt of satisfactory revised plans and subject to a Section 106 Obligation or a variation of the existing Obligation to secure a contribution towards open space improvements, a percent for art contribution and the establishment of a car club for residents, a green travel plan and to secure highway improvements and other transport initiatives and subject to the conditions and informatives set out in the report.

[**NOTE:** Councillors Norman, Mrs Theobald and Wells wished their names to be recorded as having voted against the application].

**Application BH2004/02407/FP, Land to the rear of 98 & 100 Hallyburton Road, Hove**

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

68.8. The Planning Officer explained that the application for the erection of 4 two bedroom terraced houses with parking to the rear of Nos. 98 and 100 Hallyburton Road and a new driveway to the west of the dwelling at No 100. Although it constituted backland development the site would not prejudice surrounding amenity on account of the location of the DHSS

building to the west and railway to the south nor would it harm the amenity of residential properties to either side. There were no objections on highway safety grounds and it was therefore recommended that Planning Permission be granted.

68.9 Councillors Older and Tonks noted that the proposals fell within the range of 30-50 dwellings per hectare. Councillor Tonks welcomed the development, but Councillor Mrs Theobald considered it to be over-development and that two dwellings would be more appropriate.

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

**Application BH2004/02404/FP, 67 Norway Street, Portslade**

68.11 The Planning Officer explained that retrospective approval was sought for a change of a mixed use B1 (Light Industrial) and B8 (warehousing) use to a mix of B1, B8 and A1 retail. The status of the existing use was the subject of a further application for a Certificate of Lawfulness which had yet to be determined. The site was allocated for employment uses and the loss of land for retail use would contravene policy. Retail policies would preclude retail development on land not allocated for such a use. Information submitted in support of the application neither justified the choice of site having examined all previous alternatives first nor had it attempted to quantify the effect on the viability and vitality of the existing centre. It was also considered that given the existing poor access and manoeuvring area, that a retail use would put additional pressure on the existing provision to the detriment of other commercial users and neighbouring residential amenity. It was therefore recommended that the application be refused.

68.12 Mr Fletcher spoke on behalf of the applicant in support of the application, stressing that a temporary permission would enable the proprietors to seek alternative accommodation, setting out their difficulties in finding alternative accommodation and referring to the mix of retail, manufacturing and storage associated with the site.

68.13 Councillor Hamilton stated that he was fully in support of the officers' recommendations stressing that he was familiar with the location and its close proximity to a large number of residential dwellings which were being detrimentally affected by this use. He is also cited its close proximity to a traffic calming scheme and the negative impact that it could have on this.

68.14 Councillors Hyde and Paskins whilst in broad agreement with the Officers' recommendations considered that it was important that the applicant be given sufficient time (six months) in order to find suitable alternative premises rather than for it to face a "forced" closure and the

job losses/loss of service to the public that it would entail. Councillors Pennington and Mrs. Theobald considered that a period of six months to a year could be appropriate.

68.15 The Development Control Manager confirmed that notwithstanding that the application was retrospective it did not meet the tests set by the Council's own stated policies. Moreover as the applicant had a of appeal could apply for a variation to the existing use in tandem with any enforcement action being taken. In reality the business would not be forced into immediate closure and would be granted a period during which it could either comply with the established use or find alternative accommodation.

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

1. (a) The City is designated as a Priority Area for Economic Regeneration (PAER), the economic regeneration of which is supported by Policy RE7 of RPG9 (Regional Planning Guidance for the South East).
- (b) Policies E5 and E6 of the East Sussex and Brighton & Hove Structure Plan seek to safeguard the existing stock of industrial and commercial premises.
- (c) Policy EM1 of the Hove Borough Local Plan resists the loss of land held for Class B1 and Class B2 use.
- (d) Policy EM1 of the Brighton & Hove Local Plan Second Deposit Draft specifically identifies the site for Class B1 and B2 uses.

The change of use of premises from B1 to a predominantly retail use is contrary to these policies, and the applicant has failed to submit sufficient justification for a departure to these policies in respect of these premises. The change of use is therefore to the detriment of employment generating land within the city, which in turn will threaten its PAER status.

2. The applicant has not demonstrated that a sequential test has been followed in the choice of the site for a retail use, by firstly examining town centre locations, followed by edge of centre location and finally out of centre location. This is contrary to policies S2, S3 and S4 of the Brighton & Hove Local Plan Second Deposit Draft. Furthermore the applicant has failed to demonstrate that the activity does not cause detriment to the viability or vitality of existing established shopping centres, contrary to policy S2.
3. Policy SR3 requires that all new retail development should not, amongst other criteria, increase traffic congestion. The premises have poor

existing parking and unloading areas resulting in congestion on surrounding streets. The addition of a retail element contributes to this effect, giving rise to a loss of amenity to local residents, contrary to policy QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

**Application BH2004/02511/OA, 259 Goldstone Crescent, Hove**

68.17 The Development Control Manager explained that this application was now solely for outline planning permission for 8 dwellings. The Planning Officer explained that following refusal by the Sub Committee earlier in the year of an application for business units (which were considered in line with Council policy), on the grounds that they were out of keeping with the character and appearance with the surrounding residential area, this further application for housing had been made. The applicant had requested that the full application be considered as an outline application. It was not considered that the current application could be supported in principle without justification for the loss of employment land. In addition the design of the housing was considered poor, did little to address the site's street frontage and failed to comply with design and transport policies of the existing and emerging development plan. It was therefore recommended that the application be refused.

68.18 Councillor Brown spoke as a local Ward Councillor in support of the application. Councillor Bennett also spoke in support of the application in her capacity as a Local Ward Councillor.

68.19 Councillor Brown stated that when an application for a commercial use had been considered, Members had been clearly of the view that they would prefer a housing use on the site to a commercial one. Overwhelmingly local residents who had expressed a view had supported the concept of housing on the site which was far more in keeping with the essentially residential character of the surrounding area. Councillor Bennett concurred in this view and referred to the petition that she had presented earlier in the meeting.

68.20 Councillor Older concurred in the view that housing would be appropriate at this site and did not consider that to do so here would set a precedent for the loss of other business/commercial sites elsewhere across the City. Councillor Mrs. Theobald stated that she considered this site was far more suitable for a housing use although she considered that the houses indicated were of poor design and that this should be improved upon.

68.21 Councillor Hamilton considered that it was inappropriate to rigidly seek a light industrial business use for this site as its historical use as a builder's yard pre-dated any recent local plans and was clearly no longer relevant. The existing builder's yard had originally been sited at this location in order for ease of supply of materials to build the surrounding houses which had been built by Cooks. These houses having been built, the associated yard was no longer required and against that backdrop it was inappropriate to perpetuate such a use. Councillor Pennington disagreed, considering that the business use should be maintained and the applicant could appeal a refusal. Councillor Watkins considered it appropriate for outline permission to be given for housing as the precise design, details of materials and other matters could then be the subject of further negotiation.

68.22 Councillor Paskins also considered that a sustainable transport plan should be submitted.

68.23 On a recorded vote of 9 votes to 3 the application was granted.

68.24 **RESOLVED** – That outline planning permission be granted by the Council for the demolition of the existing builders office and workshop buildings and erection of 8 new dwellings subject to the standard conditions relating to the submission of reserved matters concerning details of access arrangements, design, layout materials and landscaping.

[**NOTE 1:** On a vote of 9 to 3 the Sub-Committee voted that the application should be granted].

[**NOTE 2 :** Councillor Mrs. Theobald proposed that the application should be grated and this was seconded by Councillor Wells. Councillors Hamilton, Hyde, K Norman, Older Paskins, Mrs Theobald, Tonks, Watkins and Wells voted that the application should be granted. Councillors Carden (Chair), Forester and Pennington voted that the application should be refused. On a vote of 9 to 3 the application was approved].

#### **Application BH2004/02220/FP, 96 Longhill Road**

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

68.26 The Planning Officer explained that the application (part retrospective) was to add a single dormer window to the rear elevation and two rooflights had also been added to the rear. Although construction of the proposed dormer window had already commenced it was considered that it would not harm residential amenity because of the separating distance between it and neighbouring houses and because it was obscure glazed.



68.27 Councillor Hyde expressed concern that the application could result in significant overlooking of the neighbouring property to the rear particularly if the boundary hedge was to be removed at a future date. In order to ameliorate such problems she proposed that all windows at roof level to the rear should have obscured glazing and should be fixed shut (with the exception of the bathroom window). The Development Control Manager confirmed that Condition 3 of the proposed permission could be amended to this effect. Members were in agreement that this would be appropriate.

68.28 **RESOLVED** – That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the amendment of Condition 3 to ensure that all rear windows at roof level be obscured glazed and fixed shut with the exception of the bathroom window.

[**NOTE:** Councillor Pennington wished his name to be recorded as having abstained from voting in respect of the above application.]

#### **Application BH2004/01263/FP, 28 Marine Drive**

68.29 The Planning Officer stated that the application was to demolish the existing dwelling house and to erect a block of flats up to 6 storeys in height comprising a total of 9 flats associated car parking and bin storage. The application was considered to be finely balanced. The proposal would have an impact on the amenities of adjacent residential properties, however, on balance this was not considered sufficient that planning permission could be withheld. It was not considered that significant traffic generation would result. However there were major concerns regarding the impact the proposal would have on the predominantly low-rise character of Rottingdean due the scale, height and prominent siting of the proposed development in a cliff top location. The application was therefore considered to conflict with local plan policies and supplementary planning guidance and was therefore recommended for refusal.

68.30 Mr Woodhams spoke on behalf of Rottingdean Parish Council setting out their objections to the proposal. Councillor Mears spoke as a Local Ward Councillor setting out her objections. Both considered that the proposed development would be overly dominant and out of keeping with its surroundings.

68.31 Members were in agreement with the concerns of objectors that given the close proximity of the development to the cliff edge and its height when considered in conjunction with well known problems of erosion at the location, it could make the proposal untenable on practical building grounds as well as constituting over-development.

68.32 Given that there appeared to be general agreement that the application should be refused Councillor Mrs. Theobald queried the rationale for the application coming before the Sub-Committee for decision rather than being dealt with under delegated powers. The Development Control Manager explained that as a letter of support had been received as well as objections, in accordance with the Scheme of Delegations the matter had been placed before the Sub-Committee.

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

The Proposal would, by reason of excessive scale, height and siting in a prominent location fail to relate sympathetically to the predominant character of Rottingdean, which is a village comprised of mainly low-rise buildings. The proposal would therefore be contrary to [policies ENV3 in the Brighton Local Plan and QD1, QD2, QD3 and QD4 in the Brighton and Hove Local Plan Second Deposit Draft and approved Supplementary Guidance Note SPGBH15: Tall Buildings and subject to the informatives set out in the report.

#### **Application BH2004/01213/FP, St George's Church, St George's Road**

68.34 The Planning Officer explained that the proposal was to replace a glazed vestibule on the north side of a Grade II listed church to provide a new entrance for the existing community centre in the crypt and most significantly a shop/ post office counter on the ground floor. There was an existing post office at the eastern end of St George's Road although it was understood that the current postmaster was intending to cease his business due to ill health and that it was their intention to vacate the existing site. Current policies required that a replacement post office facility should be located within the retail centre. The design had been amended in response to comments received from conservation bodies, although there were still significant conservation issues arising from the development. Although the application had some merit in that it sought to provide a vital community facility, the applicant had failed to meet all of the criteria of policy SR2. All suitable sites had not been thoroughly assessed and so failed to meet the tests of PPG 6 and local plan policy. The application was not considered to provide a satisfactory addition to the listed building or to respect its architectural character. It was considered that the addition would be an incongruous feature in the street scene, which would fail to preserve the appearance of the conservation area and, was therefore recommended for refusal.

68.35 Dr Cowl spoke on behalf of objectors to the scheme who considered that the proposal would provide an unsympathetic addition to the listed building notwithstanding that it was proposed to remove the existing glazed vestibule on the north side of the building. It would have a negative impact on the setting of the conservation area as would any

signage required to indicate the position of the post office. Whilst not wanting to lose a post office facility objectors remained of the view that other properties were available for use as a post office within existing nearby shopping centres.

68.36 Father Andrew spoke in support of the application which sought, as had previous applications in connection with the wider role of the church, to provide a much needed local based community facility for those in the area with young families or the elderly. The extension which would replace the existing glass vestibule would be of brick and was considered to be far more sympathetic to the fabric of the Grade II listed building. Councillor Morgan spoke as a local Ward Councillor in support of the application stating that in view of the high levels of commercial rent charged no one had come forward to provide a post office at any other location locally. If a post office could not be sited in the Church on the closure of the existing facility the likelihood was that there would no longer be a post office in the locality and that the nearest post office would be some distance away.

68.37 Councillors Tonks and Watkins considered that the application would provide a service to the local community. Councillor Tonks considered that in its proposed location the extension would have a negligible impact on the overall appearance of the building and would complement the community uses (café, nursery) already located within the building. Councillor Watkins considered that this small scale business endeavour should be supported and that the economic reality was that it was unlikely anyone would come forward to staff and run a post office elsewhere in the locality.

68.38 Councillors Paskins and Pennington considered that the proposals would be prominent and incongruous. Councillor Forester, whilst applauding the desire to provide a service for the local community, had deep reservations about the design which she considered was visually unacceptable. Councillor Older considered that there had already been a number of alterations to the fabric of the building to accommodate additional uses and that any further additions should be resisted. Mrs Montford (CAG) considered that the proposed extension would be of a very poor appearance and would be inappropriate and felt that a better location could be found and, that it was also important to ensure that there were individuals prepared to staff any facility, this did not appear to be certain. If a post office could be located in the basement that might be a more acceptable location.

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

1. The applicant has failed to demonstrate that no suitable site can be identified within the existing local centre. The development is therefore

contrary to policy SR2 of the Brighton and Hove Local Plan Second Deposit Draft.

2. The extension by reason of its design and materials detracts from the appearance and character of the adjoining listed building. This is contrary to policies ENV.31 and ENV.33 of the Brighton Borough Local Plan and HE1 and HE3 of the Brighton and Hove Local Plan Second Deposit Draft.
3. The proposal would be a prominent and incongruous feature in the street scene, which fails to preserve or enhance the appearance of the conservation area. This is contrary to policies ENV.22 and ENV.27 of the Brighton Borough Local Plan and Policy HE6 of the Brighton and Hove Local Plan Second Deposit Draft.

Informatives:

1. This decision is based on CMA architects drawing nos. C190.04/001/002/003/004/ 005/006 and 007 submitted on 01/07/2004.
2. In considering this application the following policies have been taken into account:

Brighton Borough Local Plan:

ENV1 – Development  
 ENV3 – Extensions and alterations  
 ENV11 – Advertisements  
 ENV12 – Advertisements in conservation areas  
 ENV22 – Development in Conservation areas  
 ENV27 – Conservation areas  
 ENV31- Listed buildings  
 ENV32 – Change of use in listed buildings  
 ENV33 – Development affecting the setting of conservation area  
 TR33 – Cycling

Brighton and Hove Local Plan Second Deposit Draft:

HE1 – Listed Buildings  
 HE3 – Development within or affecting the setting of a listed building  
 HE6 – Development within or affecting the setting of a conservation area  
 SR2 - New retail development within or on the edge of existing defined shopping centres.  
 QD14 – Quality of development  
 QD27 – Protection of amenity  
 TR12 - Cycle parking

**(ii) DECISIONS ON MINOR APPLICATIONS LIST DATED 22 SEPTEMBER 2004**

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

**(iii) DECISIONS ON MINOR APPLICATIONS WHICH VARY FROM THE RECOMMENDATIONS OF THE DIRECTOR OF ENVIRONMENT AS SET OUT IN THE PLANS LIST (MINOR APPLICATIONS) DATED 22 SEPTEMBER 2004**

68.41 There were none.

**(iv) OTHER APPLICATIONS**

**Application BH2004/02118/FP, 25 Braeside Avenue, Patcham**

68.42 Members considered that it would be beneficial to defer consideration of the application pending a site visit.

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

**Application BH2004/02367/RM, Land Between Charmcot and Guisboro, Braypool Lane**

68.44 The Planning Officer explained that the application before the Sub Committee related to reserved matters in respect of the erection of a detached house (Reserved Matters in relation to planning application BH2002/00946/OA- allowed on Appeal).

68.45 Braypool Lane exhibited a very mixed building style with each dwelling being different in size, height and siting within the plot. Because of this general lack of cohesion, curvature of and distance from Braypool Lane, coupled with vegetation in the area, the dwelling as submitted was not considered to be harmful in design terms to the locality. The design took into consideration the slope of the land and had utilised the lowest part of the site to construct a below-ground storey. The height of the building was no higher than "Charmcot" and was very slightly taller than "Guisboro". The application was therefore recommended for approval. Objections on the grounds that only chalet bungalows could be permitted at this location were based on incorrect information in that no height restriction had been placed on any development when the Planning Inspector had made his decision.

68.46 Mr Ashmore spoke as an objector to the proposed scheme setting out his objections on the grounds of the size and massing of the development and in terms of its impact on the existing Right of Way which rang along its boundary. Mr Slee the applicant spoke in support of his proposal, stating that he did not intend to compromise the Right of Way and would be prepared to negotiate further in this respect.

68.47 Councillors Older and Mrs Theobald stated that they found the site history as set out in the report very confusing, particularly as there were

cross-references to other neighbouring plots. In answer to questions the Planning Officer explained that an application to build a garage was not included within the submitted scheme. The applicant had indicated that he would be happy to resite the proposed garage in order to address the objectors concerns. Councillor Mrs. Theobald confirmed that she did not consider that any properties should be built north of the by-pass and therefore considered the application to be unacceptable.

68.48 The Development Control Manager explained that a full site history had been given in order to facilitate Members understanding of the complex planning history of this site and that of its neighbours. The Solicitor to the Sub-Committee explained that any issues relating to "Rights of Way" across the site or access to parts of it were a private matter and were not a material planning consideration which could be taken account of in determining this application. Members were required to decide it on its planning merits.

68.49 **RESOLVED** - That the reserved matters in respect of the application be approved by the Council subject to the conditions and informatives set out in the report.

[**NOTE:** Councillor Mrs Theobald wished her name to be recorded as having voted against the application].

**Application BH2004/02353/FP, 21A & 23 Market Street & 9,10,11 & 11A Regent Arcade, Brighton**

68.50 The Planning Officer explained that the application before the Sub-Committee related to a desire to create additional retail floorspace (re-submission of refused application BH2004/01292/FP). Now that the design of the shop front was shown (although indicatively only at this stage) it was considered there would be no negative implications of the external shopfront on the wider Conservation Area and adjacent listed building at no 23. The principle of extending the retail floorspace was considered acceptable and the exclusion of the shopfront design meant that the scheme was now considered acceptable. Approval was therefore recommended.

68.51 The Planning Officer referred to two additional letters of objection which had been received and had been circulated to Members.

68.52 Councillors Hyde and Older expressed concern that it should be ensured that the design should be in keeping with the character of the surrounding area. Councillors Forester and Mrs Theobald regretted the loss of the existing pedestrian through way and considered that this could "isolate" those shops located in the eastern end of the arcade. Councillors Norman and Wells also concurred in this view. Councillor Norman referred to the relatively recent remodelling of the existing arcade

which had resulted in there being four entrances. These were now an integral feature of the arcade and he considered that the current configuration should be retained. Councillor Wells enquired whether a condition could be added to any permission to ensure that pedestrian access into the arcade could be retained through the extended shop premises.

68.53 In response, the Solicitor to the Sub-Committee explained that no public right of way existed through the arcade and that it was not therefore possible to condition any pedestrian through way, nor to resist its loss on the grounds that lack of footfall could prove detrimental to other traders.

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

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

#### **Application BH2004/02095/LB, 92 Montpelier Road**

68.55 The Planning Officer explained that the application related to proposed external alterations including the reinstatement of the staircase to the lower ground floor, replacement of tiling to the front path, removal of the partition wall and existing rear conservatory and alterations to windows and doors partly retrospective. The Planning Officer went on to explain that although following negotiations with the Conservation Officer revised drawings had been submitted which were now considered acceptable, because some unauthorised works had already taken place on site, enforcement action was to be taken alongside the decision, to ensure that the unauthorised works were removed and the works carried out were in accordance with what was actually agreed.

68.56 Mrs Montford (CAG) referred to detailed objections which had been lodged by the Montpelier and Clifton Hill Association. A number of their objections did not appear to have been referred to in the reports before the Sub-Committee and she sought clarification regarding whether these had been addressed as part of the enforcement action. The Planning Officer confirmed that if Planning Permission was granted as set out in the Officer's recommendations enforcement action would be taken to ensure the removal of all other works.

68.57 **RESOLVED** - That the Council is minded to grant Listed Building Consent subject to consideration of any further representations, the receipt of amended plans showing the correct existing and proposed first floor window above the door, and the conditions and informatives set out in the report.

**Application BH2004/02093/FP, 92 Montpelier Road**

68.58 **RESOLVED** – That the Council is minded to grant Planning Permission subject to consideration of any further representations, the receipt of amended plans showing the correct existing and proposed front first floor window above the door and to the conditions and informatives set out in the report.

**Application BH2004/02185/FB, 4, 7 & 15-20 Kensington Street**

68.59 The Planning Officer explained that the application for the construction of 10 affordable residential units consisting of 4 houses at 4-7 Kensington Street and 6 flats at 15-20 Kensington Street (resubmission of withdrawn application BH2004/00530/FP) related to a vacant site (nearly 20 years) currently used for parking. The proposal offered a good quality modern infill development on a centrally located brownfield site and would assist in achieving national and local housing targets and relieving pressure for development outside the City boundary. Approval was therefore recommended.

68.60 Councillor Forester enquired whether it would be possible given that the proposed scheme would be car free, to “add” a condition requiring the developer to make a contribution towards the setting up of a Car Club. The Planning Officer responded that it would not be possible to include a condition relating to a Car Club as there were no plans to operate one in that area of the City at the present time. Councillor Pennington was of the view that it could not be ensured that a development would be car free unless a Car Club and associated measures were in place to underpin this. As no condition was proposed disqualifying residents from apply for a residents, parking permit, this could simply push additional vehicles onto the surrounding street.

68.61 The Planning Officer explained that it was not possible to add a condition requiring the setting up of a Car Club at this stage and that none of the neighbouring developments e.g. the Argus Lofts had on-site parking.

68.62 Mrs Turner (DAAG) stated that having examined the floor plans for the proposed units some of which were designed to be fully wheelchair accessible, she considered that the units and access to them appeared to be very narrow. Councillor Mrs Theobald queried the lack of any on-site parking provision particularly as where dwellings were intended to be wheelchair accessible, there was usually associated disabled parking.

68.63 Councillor Hyde sought clarification as to the design as it was referred to both as being of a “traditional” and a “contemporary” design. Plans of the proposed development were displayed and in answer to questions the Planning Officer explained that building was to have a



rendered finish with brick facing to the rear. The roofs would be of slate and the windows would be of grey powder coated aluminium.

68.64 Councillor Paskins expressed concern that the development was anticipated to have a “good” eco homes rating rather than “very good”. She was of the view that the applicants should be required to meet more demanding standards. The Development Control Manager confirmed that a condition could be imposed requiring the windows to be of painted softwood which would potentially reach a higher eco homes standard and that proposed conditions 2 (ii) & (iii) dealt with this. Councillor Forester considered that if the windows were recessed into the building that this would provide “texture” and would improve their external appearance. Councillor Pennington queried whether or not the windows were to be double glazed as this did not appear to be specified on the submitted drawings.

68.65 Several Members considered that it would be appropriate to defer consideration of the application pending further advice from the Traffic Engineer regarding the imposition of a Car Club. A vote was taken, but on the Chair's casting vote it was agreed that the application should be determined.

68.66 **RESOLVED** – That the Council is minded to grant Planning Permission subject to a Section 106 Obligation to ensure that the development is “car free”, receipt of satisfactory amended plans, further information about sustainability issues and the conditions and informatives set out in the report.

[**NOTE:** Councillor Pennington wished his name to be recorded as having abstained from voting].

#### **Application BH2004/01722/FP, Land Adjacent to 20 Gableson Avenue**

68.67 The Planning Officer explained that the proposed application was to demolish the existing garage and to erect a detached dwelling. Due to the slope of the land the house would appear as a single storey at the front and two storey at the rear. Notwithstanding that an application had previously been refused under delegated powers it was considered that the previous reasons for refusal had been overcome and the recommendation was therefore for approval.

68.68 Councillor Norman expressed concern that should the screening hedges be removed at some time in the future a building that was incongruous within the surrounding street scene would be revealed. The Development Control Manager confirmed that a condition could be placed on any permission to ensure that these hedges could not be removed.

68.69 Councillor Mr Theobald considered it was unacceptable that garaging would not be provided in association with the proposed three-bedroom dwelling house and was of the view that additional on-street parking would result. The Planning Officer confirmed that a parking space was to be provided on the site.

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

**Application BH2004/02323/LB, 115 Church Road, Hove**

68.71 The Planning Officer explained that the application related to proposals for internal and external alterations to allow change of use from A1 retail to A3 food and drink use. The proposed alterations to allow the change of use were not considered to have a detrimental impact on the character and appearance of the Listed Building and surrounding Conservation Area and were therefore recommended for approval.

68.72 Mrs Kellner spoke as an objector setting out her concerns on the grounds of overlooking and unneighbourliness, due to noise, litter and odour in close proximity to neighbouring properties. Mr. Cronshaw spoke on behalf of the applicants in support of their application. He confirmed that sound insulation would be installed and that there would be no north facing windows to avoid overlooking of neighbouring residents. Access to the business would be from Church Road only.

68.73 Councillor Older expressed concern that a further eating establishment was to be added to this small row of listed buildings, there were already four such premises and she did not consider that any more such establishments should be permitted in this vicinity. She also considered that a potential seating capacity of 106 in close proximity to residential dwellings was unacceptable. These concerns were echoed by Councillors Hyde, Mrs Theobald and Watkins. Councillors Mrs Theobald and Watkins also considered the loss of a high quality ladies outfitters was to be regretted and that potential problems caused as a result of odours emanating from existing premises, needed to be addressed. Councillor Pennington spoke in support of the application which he considered to be acceptable.

68.74 Councillor Paskins was also concerned at the apparent proliferation of non A1 uses stressing the need for adequate measures to be put into place and rigorously monitored to resolve the existing odour problems. The Senior Environment Health Officer who was present at the meeting explained that there was equipment/measures available to effectively control odour and that she would investigate complaints received further to ensure that measures were put into place to remedy this.

68.75 In answer to queries regarding the level of consultation with neighbours that had been undertaken with local residents the Planning Officer explained that consultation letters had been sent out on 27 July 2004 and that no further letters had been sent as there had been no amendments to the submitted scheme. The proposal did not represent an over-proliferation of this particular use as the mix of uses within the area remained within the range set out in the Brighton & Hove Local Plan Second Deposit Draft.

68.76 **RESOLVED** – That the Council is minded to grant Listed Building Consent subject to the receipt of amended plans in respect of the proposed flue and to the conditions and informatives set out in the report.

[**NOTE:** On a vote Councillors Carden (Chair), Forester, Hamilton, Pennington, Tonks and Watkins voted that the application should be granted. Councillors Hyde, K Norman, Older, Paskins, Mrs Theobald and Wells voted that the application should be refused. On a vote of 6 to 6 the application was granted on the Chair's casting vote].

#### **Application BH2004/02266/FP, 115 Church Road, Hove**

68.77 **RESOLVED** - That the Council is minded to grant Planning Permission subject to the receipt of an amended plan incorporating comments from the Environmental Health Team and to the conditions and informatives set out in the report.

[**NOTE:** On a vote Councillors Carden (Chair), Forester, Hamilton, Pennington, Tonks and Watkins voted that the application should be granted. Councillors Hyde, K Norman, Older, Paskins, Mrs Theobald and Wells voted that the application should be refused. On a vote of 6 to 6 the application was granted on the Chair's casting vote].

#### **Application BH2004/01816/FP, The Hyde, Rowan Avenue**

68.78 The Planning Officer explained that the application sought an extension to the existing development to provide additional flats and a laundry room. It was considered that the design of the extension would be in keeping with the original building and, that two additional flats would have a limited impact on the residential amenity of the neighbouring occupiers and, that this could be overcome by the imposition of a condition and the application was therefore recommended for approval.

68.79 In answer to questions of Councillor Paskins, regarding whether the open space at the site would be affected, the Planning Officer explained that the site was divided into two component parts. The land to the north and covered by this application had been designated for residential use. The land to the south was reserved via a legal agreement for use solely as open space.

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

**Application BH2004/02075/FP, Christian Outreach Centre, North Street, Portslade**

68.81 The Planning Officer explained that the proposal was for the addition of a shallow pitched roof and upstand in order to increase headroom to the auditorium of the church.

68.82 In answer to questions by Councillor Hamilton on behalf of the Vale Park Residents Association confirmation was given that the proposed works would not result in those using the premises being in closer proximity to the telecommunications masts located on the roof of the building than was currently the case, it was simply the distance between the existing floor and new ceiling which would be increased.

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

[**NOTE** : Councillor Tonks wished his name to be recorded as having voted against the application].

**Application BH2004/02395/FP Ground Floor Flat, 28 Modena Road, Hove**

68.84 The Planning Officer explained that the application was for the demolition of the existing garage extension and erection of a single storey side bedroom extension, the application site was a two storey early 20th century detached house currently in use as two flats (one on each floor).

68.85 Mrs Rothwell spoke as an objector to the scheme expressing her concerns regarding the close proximity to her dwelling which would in her opinion result in overshadowing, loss of light and privacy. She also considered that the works which would result in the conversion of a one-bedroom unit to a 4-bedroom unit represented over development when considered in conjunction with the existing extensions to the property. Concerns were also expressed regarding potential drainage problems to the party wall and intensification of on-street parking that could result.

68.86 Councillor Older suggested that consideration of the application be deferred pending a site visit and this was agreed by the Sub Committee.

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

**Application BH2004/01685/FP, 27 / 29 Pembroke Crescent, Hove**

68.88 The Planning Officer explained that the application proposed to convert the building from its existing use as a rest home to 9 self contained flats incorporating cycle and refuse storage. The application as originally submitted had been for 10 units but had been subsequently amended in order to provide a 3-bedroom unit suitable for family occupation at ground floor level. It was noted that no alterations which would alter the appearance of the façade of the building were proposed. Adult Social Care had been approached and given the poor internal layout of the building with rooms at mezzanine levels not served by a lift, the existing rest home use was considered to be problematic and therefore they had not objected to the loss of a rest home.

68.89 Mrs Orman spoke on behalf of objectors to the scheme expressing her concerns that the proposals would result in over-development and would be of high density in comparison with the surrounding area, characterised predominantly by family dwelling houses. Concerns were also expressed regarding location of wheelie bins and other refuse storage facilities and their close proximity to the neighbouring dwelling. She queried the statement that no alterations were to be made to the exterior of the building bearing in mind the need to access the property and the need for additional pipework and flues that would be required in order to accommodate the proposed flats.

68.90 The Planning Officer explained that there would be no visible alterations to the front exterior of the building and that the appearance of a pair of semi-detached dwellings would be retained. One of the existing doorways was to be retained fixed shut but the other would serve as the main front entrance to the building. The bin storage area would be located in the exterior space between the two chimneybreasts and would therefore be some distance from the boundary with the neighbouring property.

68.91 Councillor Paskins expressed concern regarding the arrangements for waste storage particularly if recycling boxes were to be provided in addition to bins. A proliferation of different types of waste storage could unless controlled become messy and unsightly. Councillor Hamilton referred to the response that had been given to questions in respect of Application BH2004/02394/FP, 90-96 Preston Road that flats were not currently included in this scheme. Councillor Paskins also made reference to the additional storage area located at the rear of the site and the Development Control Manager explained that a condition could be added to ensure that adequate refuse and cycle storage was provided on site.

68.92 Councillor Older referred to the proposed bus stop improvements to form part of the Section 106 Obligation querying whether any balance of the £8,000 set aside for this purpose could be used for other bus stop

improvements in the locality. The Solicitor to the Sub-Committee responded that as the bus stop to receive improvements had been specified, any remaining balance was required to be returned to the applicants.

68.93 The Development Control Manager confirmed that requirements set out in Condition 4 of the recommendations specified that waste pipes flues vents would not be permitted to the front elevation and that the objectors concerns in respect of this issue had been addressed.

68.94 **RESOLVED** – That the Council is minded to grant Planning Permission subject to the completion of a Section 106 Obligation to secure financial contributions to amend the Traffic Order to ensure a car free development and towards sustainable transport initiatives and the conditions and informatives set out in the report and to the addition of a condition requiring adequate on site refuse and cycle storage facilities to be provided.

**Application BH2004/01754/RM, Land Adjacent to 55 Lenham Avenue, Saltdean**

68.95 The Planning Officer explained that the application sought approval of all reserved matters (except landscaping) following outline approval for a dwelling on the site. The existing garage was to be demolished; a 3-bedroom chalet bungalow was proposed with integral garage. The building would be set down into the site and would incorporate a steeply pitched roof.

68.96 Mr Carter spoke as an objector to the scheme referring to the detrimental impact the proposed configuration would have on the neighbouring properties and to the loss of light and privacy that would result to those windows in the south elevation of his property (No 59), in particular to the lounge area.

68.97 Mr Hill, the applicant, spoke in support of his application explaining that the submitted plans had been revised in order to seek to address the objections raised.

68.98 Councillor Hyde expressed concern regarding potential impact the development might have on the neighbouring property and considered that it would appropriate to defer consideration pending a site visit. On a vote of 7 to 5 it was agreed to carry out a site visit prior to determining the application.

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

**(v) TREES****DECISIONS**

68.100 **RESOLVED** – That permission to fell the trees which are the subject of the following application be refused for the reasons set out in the report:

BH2004/02438/TPO/F – Queensdown School, Brighton

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

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

**69. SITE VISITS**

69.1 **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>
BH2004/021118/FP	25 Braeside Avenue	Councillor Mrs Theobald
BH2004/02395/FP	Ground Floor Flat 28 Modena Road	Councillor Older
BH2004/01754/RM	Land Adjacent 55 Lenham Avenue	Councillor Hyde
Implemented Scheme Manager	Corner Ditchling Road / Vere Road	Development Control

**70. PROGRESS ON CURRENT APPEALS**

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

**71. APPEAL DECISIONS**

71.1 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.

**72. APPEALS LODGED**

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



**SUMMARY OF NON – PUBLIC ITEMS****73. HOVE RUGBY CLUB - SECTION 106 AGREEMENT**

73.1 The Sub-Committee considered and approved a report of the Director of Strategy and Governance seeking to vary the terms of the Section 106 Agreement entered into with Hove Rugby Club dated 10 March 2000 relating to land at Hove Recreation Ground, Shirley Drive Hove to facilitate the construction of lay-bys on the west side of Shirley Drive between the Old Shoreham Road and Hove Park Road, including associated reconstruction of the footway.

The meeting concluded at 6.30pm

Signed

Chair

Dated this

day of

2004