

BRIGHTON & HOVE CITY COUNCIL

PLANNING APPLICATIONS SUB-COMMITTEE

13 OCTOBER 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); Mr J Small, Conservation Advisory Group (CAG).

PART ONE

75. PROCEDURAL BUSINESS

75A. Declarations of Substitutes

75.1 There were none.

75B. Declarations of Interest

75.2 Councillor Tonks declared a personal and non-prejudicial interest in Application BH2004/02478/FP, Gloucester House, Eastern Road by virtue of his position on the Board of Governors of St. Mary's Hall School. He had been advised that the nature of his interest was not such that it precluded him from speaking or voting on the application stating that he intended to remain in the meeting during any discussion thereon.

75C. Exclusion of Press and Public

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

75.4 **RESOLVED** - That the press and public be excluded from the meeting during consideration of item 85 on the agenda.

76. MINUTES

76.1 The Clerk to the Sub-Committee referred to amendments made to the copy of the minutes for signature by the Chair as follows:-

Paragraph 68.2 - The final sentence should read:

"objections received had related to traffic and parking issues and the revised proposal was of similar scale, massing and design to the partially implemented scheme on the site."

Paragraph 68.15 - The second sentence should read:

"Moreover the applicant had a "right" of appeal "and" could apply for a variation to the existing use in tandem with any enforcement action being taken."

76.2 Mrs Turner (DAAG) referred to Application BH2004/02394/FP, 90-96 Preston Road stating that she had expressed concern that the allocation of disabled units could fall out of affordable housing stock if tenants exercised rights to acquire full ownership under a shared ownership lease. She had since been advised that the Council was unable to exclude disabled properties from the Right to Buy or Right to Acquire legislation.

76.3 Councillor Norman referred to Application BH2004/02353/FP, 21A and 23 Market Street, stating that although he had requested his name to be recorded as having voted against the proposal Councillors Older and Mrs Theobald had not.

76.4 **RESOLVED** – That subject to the amendments set out above, the minutes of the meeting held on 22 September 2004 be approved and signed by the Chair as a correct record of the proceedings.

77. PETITIONS

77.1 There were none.

78. UPDATE ON DECISIONS DELEGATED TO OFFICERS AT PREVIOUS MEETINGS

Sussex County Cricket Club: Charity Firework Display

78.1 The Development Control Manager reported that following the success of the charity fundraising firework display the previous year, the Sussex County Cricket club had again requested to use their floodlights in

conjunction with this event. A planning application had been received from the Club to put on half their floodlights (two pylons) from 18.00 until 19.30 hours and from 20.00 until 20.30 on Friday, 5 November 2004. This charity event was to be hosted in conjunction with Brighton Lions. The floodlights were required for safety reasons.

78.2 The Development Control Manager confirmed that the previous event had taken place without any complaints being received.

78.3 Whilst he had no objections to the proposed event, Councillor Watkins requested that homes in the locality be leafleted in order to ensure that local residents received adequate notice of the event so that those who were elderly or had animals were aware of it. The Development Control Manager undertook to raise this matter with the organisers to ensure that this occurred.

78.4 **RESOLVED** – That consent be granted to Sussex County Cricket Club to put on half of their floodlights (two pylons) from 18.00 to 19.30 hours and 20.00 until 20.30 hours on Friday, 5 November 2004.

Reasons for Granting Planning Permission

78.5 The Solicitor to the Sub-Committee referred to the need for local planning authorities to set out reasons for granting permission and a summary of the relevant Local Plan policies in Decision Notices. It had come to the notice of this local authority that there was at least one case lodged with the courts and possibly others around the country alleging failure to comply with this duty. In order to refute any future challenges the Sub-Committee by acting as the local planning authority needed to be very clear about the reasons why planning permission was being granted.

78.6 In every officer's report there appeared a 'Considerations' section and a 'conclusion'. These set out the rationale and reasons for recommending the grant of permission. In order to overcome any possible challenge the Chair had been advised and had agreed that Members needed to be asked in respect of each application (where recommended to grant):-

"Do you agree with the reasoning in the officer's report and accept the recommendation to grant?"

78.7 Reference to this would be set out in the minutes and any additional reasons would be added as required. These reasons would then be referred to on the Decision Notice together with details of the relevant Council policies.

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

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

79.1 **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>
BH2004/02298/LB & BH2004/02297/FP Implemented Scheme	R/o 87 London Road Corner Ditchling Road, Vere Road	Councillor Older Development Control Manager

80. PLANS LIST APPLICATIONS, 13 OCTOBER 2004 (SEE MINUTE BOOK)**(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY****Application BH2004/02303/FP, 323-327 Dyke Road, Hove**

80.1 The Planning Officer explained that the application was for the demolition of three dwellings and for redevelopment of the site to provide two buildings containing 36 residential apartments with associated car parking and amenity space. A number of objections had been received (referred to in the officer's report). Notwithstanding that the applicants had sought to comply with policies set out in the Local Plan and with government advice and, that the scheme had many positive qualities such as the provision of affordable housing and a contribution to sustainable transport measures, it was nonetheless considered that the proposed development would be inappropriate in its context and would fail to enhance the positive qualities of the local neighbourhood.

80.2 Mrs Plant spoke on behalf of objectors to the scheme expressing their unease at the demolition of a number of houses (one of considerable merit) for such a large number of flats which represented overdevelopment. Councillor Mrs Brown spoke as a Local Ward Councillor setting out her objections to the proposed scheme. Whilst it was acknowledged that it was important to make full and effective use of 'brownfield' sites she considered that the proposals represented an unco-ordinated overdevelopment. The loss of three substantial family dwellings was also considered to be regrettable. Councillor Mrs Brown was of the view that the reasons for refusal should be more robust and also include reference to PPG3 relating to a recommended fifty dwellings per hectare.

80.3 Councillor Mrs Theobald agreed with all that had been said considering that the officer's reasons for refusal should be strengthened, particularly in view of the fact that the proposed density would be eighty

dwellings per hectare, rather than fifty. The proposed flats were completely out of keeping with the surrounding area and represented overdevelopment and could, if it took place, set a precedent. Councillor Wells noted the weight of objections to the proposals from a wide area.

80.4 Councillors Hyde, Older and K Norman concurred in the views expressed considering that the visual impact from the rear would be worse than that from the front, that the proposal was bulky and should be refused. Councillors Paskins and Pennington considered that officer's reasons for refusal were adequate. Councillors K Norman and Mrs Theobald remained of the view that the reasons for refusal should be strengthened and that additional reasons should be given.

80.5 The Planning Officer explained that the reason given was considered sustainable at appeal and that density alone, whilst not a reason for refusal, was strong when considered in conjunction with the bulk, scale, footprint and design. The Solicitor to the Sub-Committee explained that it was important for any rationale for refusal to be sustainable at appeal and which would not expose the Council to the risk of costs being awarded against the Council if the reasons for refusal could not be substantiated.

80.6 Mrs Turner (DAAG) queried that the dimensions of the units were such that they did not appear to be fully wheelchair accessible. Mr Small (CAG) considered that given the unique character of the area it would be appropriate to consider its inclusion as a Conservation Area. The Development Control Manager concurred and stated that this would be investigated further.

80.7 **RESOLVED** – (1) That the Sub-Committee concur with the reasoning in the officer's report.

(2) That Planning Permission be refused by the Council for the following reason:

1. The proposed buildings, by virtue of their bulk, scale, footprint design and height would be out of character with and dominate surrounding development and fail to respect the local context or to enhance the positive qualities of the local neighbourhood. For these reasons it is considered that the development would be contrary to Policies BE1 of the Hove Borough Local Plan and QD1 and QD2 of the Brighton and Hove Local Plan Second Deposit Draft.

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

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

80.9 The Planning Officer explained that the application related to the demolition of a garage extension and erection of a single-storey side bedroom extension (part retrospective). The building was not listed nor was it in a conservation area. In terms of use of the building, the ground floor has an approved use as a residential flat and that the Council had no control over the internal configuration of the rooms. It was considered that the addition of a single extra room to the property would not constitute overdevelopment and would not increase on-street parking unduly. The application was therefore recommended for approval.

80.10 Councillor Older referred to her concerns regarding the difficulties from noise and disturbance that could result for neighbouring properties if the property was used as a multiple tenancy, ie student let as had been the case in the past. In order to ameliorate any potential noise nuisance she considered that a window rather than French doors should be provided, particularly as they related to a bedroom use. Councillor Pennington considered that it might be practicable to require acoustic windows to be fitted.

80.11 The Development Control Manager stated that there were no sustainable planning grounds for requesting that the window be changed or indications that it could reduce any noise generated. The Solicitor to the Sub-Committee confirmed if any conditions set out in the Decision Letter could not be substantiated at appeal the Council would be exposed to the risk of costs.

80.12 **RESOLVED** – (1) That the Sub-Committee concur with the reasoning set out in the officer's report.

(2) That Planning Permission be granted by the Council subject to the condition and informatives set out in the report and to the additional informative that the reasons for the grant of permission are as set out in the officer's report.

Application BH2004/02519/FP, 300 Ditchling Road

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

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

Application BH2004/01464/FP, 43-45 Coombe Terrace, Lewes Road

80.15 The Planning Officer explained that the application was for the demolition of one existing bus depot building and for the erection of a new two-storey bus depot building, comprising offices, a canteen and training rooms. The main issues for consideration were the impact on the

character and appearance of the locality and issues of intensification of use of the site such as traffic generation. It was considered that the proposal of a modern architectural style would provide interest to the surrounding street scene and the Council's Traffic Engineer did not consider that the proposal would generate significant traffic and had raised no objections to the proposals in principle. The application was therefore recommended for approval.

80.16 Councillor Tonks supported the application considering that it presented a modern design solution in place of the existing building which was of little merit. The proposed replacement building would add variety and interest to the street scene. Councillor Forester agreed but suggested that an informative be added relating to the use of glazed tiles in the proposed colour that could be easily cleaned.

80.17 Councillors Mrs Theobald, Hyde, K Norman and Older supported the application but considered that the indicated colour was too bright and that a more muted hue would be preferable. Councillor Older considered that the use of vandal-proof paint should be considered. Councillor Paskins considered it regrettable that a sustainability statement had not been submitted accompanying the application. Councillor Norman considered that use of different coloured glazing materials would add further interest.

80.18 **RESOLVED** – That the Sub-Committee concur with the reasoning set out in the officer's report; and that the Council is minded to grant Planning Permission subject to the conditions and informatives set out in the report together with the additional informative that the reasons for the grant of permission are as set out in the officer's report.

Application BH2004/01754/RM, Land adjoining 55 Lenham Avenue, Saltdean

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

80.20 The Planning Officer explained that the application sought approval in respect of all reserved matters (except landscaping) following outline approval for a dwelling on the site. The existing garage was to be demolished; a three-bedroom chalet bungalow was proposed with an integral garage. The building would be set down in the site and would incorporate a steeply pitched roof. The proposal was considered to comply with the Local Plan and was therefore considered acceptable. Whilst there would be some impact on the side window of No 59 this was not considered sufficient grounds for refusal.

80.21 Whilst considering the application acceptable Councillor Mrs Theobald was of the view that the existing side hedge should be retained in order to provide screening to the neighbouring property.

80.22 The Planning Officer explained that any landscaping proposals would need to form the subject of a separate application.

80.23 **RESOLVED** – (1) That the Sub-Committee concur with the reasoning set out in the officer's report; and

(2) That all reserved matters be approved and Planning Permission granted by the Council subject to the informatives set out in the report together with the additional informative that the reasons for the grant of permission are as set out in the officer's report.

Application BH2004/02118/FP, 25 Braeside Avenue

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

80.25 The Planning Officer explained that the application was for retrospective approval for a single-storey rear extension. No part of the ground floor rear extension overlooked or overshadowed neighbouring properties. Sight of the extension was screened from neighbouring occupiers by foliage along the boundary. The design was considered to be in keeping with the existing building although it was considered that conditions should be applied to any permission to ensure completion of the eastern elevation and to prevent the roof of the extension being used as a roof terrace. Subject to those conditions approval was recommended. It was noted that Councillor Pidgeon's letter setting out his objections had been re-circulated.

80.26 Mrs Dean spoke as an objector to the application, setting out the concerns regarding the overbearing nature of the extension, which displayed unrendered brickwork which was clearly visible from the neighbouring property, but could not be maintained from the application site. The property had now been sold and there appeared little prospect of these outstanding works being completed. Incremental extensions had resulted in a building which was overly dominant in the street scene.

80.27 The Solicitor to the Council explained that considerations relating to impingement on the neighbouring property were a private legal matter and could not form part of the considerations of the Sub-Committee. The application needed to be considered on its merits.

80.28 Councillor Mrs Theobald considered that the application represented an overdevelopment particularly when considered in conjunction with the existing front extension and other works. The dormer

windows were also overbearing, resulted in overlooking and were unneighbourly.

80.29 The Chair sought clarification regarding the works carried out and which elements had been completed under permitted development.

80.30 Councillor Watkins concurred with Councillor Mrs Theobald considering that if an application encompassing all of the completed works had been placed before Members it would not have been commended for approval. Incrementally significant overdevelopment had taken place. He considered that the application should be refused. Councillor Older considered that this retrospective application was unneighbourly.

80.31 The Solicitor to the Sub-Committee stated that retrospective applications required to be considered on their merits as did all planning applications. Whether or not an application was retrospective was not a material consideration as to whether or not it should be granted. The Development Control Manager stated that the application was considered acceptable and was similar to those to adjoining properties.

80.32 On a recorded vote of 5 to 4 with 3 abstentions the application was refused.

80.33 **RESOLVED** – That retrospective Planning Permission be refused by the Council on the grounds of the siting and bulk of the development which was poorly designed and was unsightly and incongruous bearing in mind the materials and finishes used. The dormer was overly dominant and the development was harmful to the residential amenity of the neighbouring properties and was contrary to policies QD1, QD4 and QD27 on the Brighton & Hove Local Plan Second Deposit Draft and policies ENV3 and ENV5 of the Brighton Borough Local Plan.

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

[**Note 2:** Councillor Older proposed that the application should be refused on the grounds set out above. This was seconded by Councillor Wells. Councillors K Norman, Older, Mrs Theobald, Watkins and Wells voted that the application should be refused. Councillors Carden (Chair), Forester, Hamilton and Pennington voted that the application should be granted. Councillors Hyde, Paskins and Tonks abstained. On a vote of 5 to 4 with 3 abstentions the application was refused.]

Application BH2004/02194/FP, Diplocks Yard, 73 North Road

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

80.35 The Planning Officer explained that the proposed development was for seven residential units (comprising three 1-bedroom flats, two 2-bedroom houses, one 1-bedroom flat, one 3-bedroom house and one office (B1) unit. The design approach was considered to be contemporary and it was considered that the development met the challenges posed by a difficult site. It was considered that the proposed mix of uses was in keeping with the character and appearance of the North Laine Conservation Area and approval was therefore recommended.

80.36 Councillor Watkins sought confirmation that the inter-connecting passageway through the development would be accessible only to those living within the development. The Planning Officer confirmed that access would be by key via a secure gate. Councillor Mrs Theobald considered that the design provided an innovative solution for a derelict site. Councillors Older and Tonks agreed, considering that the development was for a good contemporary design.

80.37 Whilst considering the design to be good Councillor Paskins considered that it was important to maintain the mixed character of the North Laine as that contributed to the area's vibrancy. It was very important to maintain the mix of live/work units integral to the area. In her view applications which could set a precedent in creating a greater proliferation of housing which could upset the balance of the area should be resisted.

80.38 **RESOLVED** – (1) That the Sub-Committee concur with the considerations and reasoning set out in the officer's report; and

(2) That the Council is minded to grant Planning Permission subject to a Section 106 Obligation for a commuted sum to amend the existing traffic order to make the scheme car free, satisfactorily amended plans, further information about some sustainability issues and to the conditions and informatives set out in the report together with the additional informative that the reasons for the grant of permission are as set out in the officer's report.

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

(ii) DECISIONS ON MINOR APPLICATIONS LIST DATED 13 OCTOBER 2004

80.39 The recommendations of the Director of Environment were agreed as set out including the considerations and reasoning in the Officers' reports 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 13 OCTOBER 2004

80.40 There were none.

(iv) OTHER APPLICATIONS**Application BH2004/01589/AD, 26 The Droveaway**

80.41 The Planning Officer stated that the application related to the former Cullens store which had recently been taken over by Tesco. The amount of signage had been reduced from the original proposal and, given that the fascia was still illuminated by the existing swan-neck lighting, the only part of the application requiring consent was the internally illuminated projecting box sign at fascia level. Notwithstanding public objections that the 'house-style' of advertising was inappropriate to this building, which was within a residential area, given the modest increase in the amount of advertising which did not dominate or detract from the appearance of the building, the signage was considered acceptable.

80.42 **RESOLVED** – (1) That the Sub-Committee concur with the considerations and reasoning set out in the officer's report; and

(2) That the Council grant Planning Permission subject to the conditions and informatives set out in the report with the additional informative that the reasons for the grant of permission are as set out in the officer's report.

[**NOTE:** Councillors Forester, Hyde, K Norman, Older and Watkins wished their names to be recorded as having voted against the application.]

Application BH2004/01277/FP, Bevendean Hotel, 50 Hillside

80.43 The Planning Officer explained that the proposal was for a single-storey flat roof extension to the side and rear, including a new function room and single-storey toilet block with monopitch roof. The existing garage would be demolished. It was not considered that the development would lead to a loss of visual amenity, the design of the

proposal was considered acceptable and did not detract from the general appearance of the public house or street scene. Environmental Health Officers had not commented on the application although it was considered that any noise generated from within the premises could be controlled through a condition for sound-proofing.

80.44 Councillor Hazelgrove spoke as a Local Ward Councillor setting out his objections explaining that there had been a long history of disturbance to local residents and that the nuisance had been so severe that noise abatement notices had been served. Notwithstanding that, problems had continued and noise within the public house often spilled out on to the neighbouring streets. Given their current record local residents were sceptical that the premises would be properly controlled and were concerned that potentially forty more customers at any one time could result in even greater detriment and loss of amenity to neighbouring residents.

80.45 Councillor Tonks, who also represented Moulsecoomb and Bevendean Ward, agreed that the application should be refused as it did not provide family provision and was detrimental to local residents. The Chair suggested that the application should be deferred pending a site visit and further information from the Environmental Health Officer and that observations should be sought from the Police.

80.46 **RESOLVED** – That consideration of the above application be deferred pending a site visit and receipt of comments from the Environmental health Officer and the Police.

Application BH2004/01747/FP, 60 Ewhurst Road

80.47 The Planning Officer explained that the proposal was for the erection of a new dwellinghouse on the end of the existing terrace. It was considered that the proposal would not have any significant effect on the amenities of the two adjacent houses. The proposal was considered to be consistent with the relevant policies and approval was therefore recommended.

80.48 Councillor Hazelgrove spoke as a Local Ward Councillor setting out his objections to the proposals which he considered would represent an intrusive overdevelopment bearing in mind that the immediate area was already very densely populated.

80.49 Councillor Tonks concurred with Councillor Hazelgrove's view and Councillors Hyde and Older enquired whether the 45° guideline was broken and whether the space between both of the houses on either side would be completely infilled. The Planning Officer explained that No 62 marked the beginning of another small terrace and that there would be a

small gap between the application site and that property. The Development Control Manager explained that the breach of the 45° guideline was not considered to cause demonstrable harm, nor was it considered sufficient to warrant refusal. Councillor Hyde considered that the infringement was acceptable in this instance.

80.50 **RESOLVED** – (1) That the Sub-Committee concur with the considerations and reasoning set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report together with the additional informative that the reasons for the grant of permission are as set out in the officer's report.

Application BH2004/02465/FP, The Candy Bar, 129-130 St James's Street

80.51 The Planning Officer explained that a variation of the existing hours of 'The Candy Bar' was sought for the weekends only, the hours from Monday to Thursday would remain unaffected by the application. The overall hours of opening being sought were: Friday extended to 3am, Saturday to 3am and Sunday/Bank Holidays to 2am. The prime consideration in this instance was whether an extension in the existing hours would result in undue disturbance to the residents of adjoining and surrounding dwellings. The building comprised a mix of uses; nightclub, café and residential, whilst the wider area in the vicinity of St James's Street was largely a retail and residential mix. Notwithstanding the letters of support received (some objections had also been received) and the fact that the Club had been well run under its current management/ownership and that there was a reasonable expectancy for commercial organisations to carry out their business within a commercial area, this had to be balanced against the impact on residential amenity even in a mixed city centre location such as this. It was considered that this application tipped that delicate balance too far and therefore the application was recommended for refusal.

80.52 Ms Lucas spoke on behalf of the applicants in support of their application and explained that the hours of operation of the business Mondays to Thursdays would remain unaltered. She referred to the exemplary manner in which the Club, a much needed resource for the lesbian community, had been run citing that the Police had stated that the premises were well run and they did not envisage any problems would arise if the current hours were extended. Positive comments received from Environmental Health were also referred to. Ms Lucas went on to explain that there were no residential premises immediately opposite or adjacent to the Club and referred to the existing night clubs located at that end of St James's Street/The Steine which already had the same or later hours of operation than those being sought by the applicant.

80.53 Councillor Forester sought clarification regarding the hours of operation of establishments in close proximity to the application address and details relating to 'Storm', 'Envy' and 'The Revenge Club' were given. Whilst happy with the manner in which the 'Candy Bar' was run she had concerns that should another operator take over the running of the Club, noise and other nuisance could occur as had been the case in the past. Councillor Pennington concurred in that view and considered that if this extension of hours was permitted it could make it hard to resist other applications from other premises further up St James's Street which were located closer to residential property.

80.54 Councillors Hyde and Older considered that any other future applications would need to be judged on their merits and, that if any future operator of the Club failed to manage it appropriately enforcement action could be taken. At its proposed location neither had any objections to the proposal. Councillor Watkins concurred referring to the huge measure of support for the Club and the fact that the Police had cited it as well run, that it had attracted no complaints under its current ownership/management and that they had expressed no concerns regarding the application. The main objector appeared to be the Kingscliffe Society, other than that there appeared to be a large and diverse body of support including some local residents.

80.55 On a recorded vote of 7 to 4 and with 1 abstention the application was granted.

80.56 **RESOLVED** - That permission be granted by the Council to vary the hours of operation of the premises to: Friday 17.00-0300 hours; Saturday 12 Noon-0300 hours; Sunday and Bank Holidays 12 Noon-0200 hours.

[**Note 1:** On a vote of 7 to 4 with 1 abstention the application was granted.]

[**Note 2:** Councillor Watkins proposed that the application be granted for the reasons set out above. This was seconded by Councillor Older. Councillors Hyde, K Norman, Older, Paskins, Mrs Theobald, Watkins and Wells voted that the application should be granted. Councillors Carden (Chair), Forester, Pennington and Tonks voted that the application should be refused. Councillor Hamilton abstained. On a vote of 7 to 4 with 1 abstention the application was granted.

Application BH2004/02556/FP, 113 Dean Court Road, Rottingdean

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

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

Application BH2004/02183/FP, 36 Dyke Road Drive, Brighton

80.59 The Planning Officer explained that the application (part retrospective) was for a proposed rear conservatory and 2470mm high garden walls. The principle of the extension and glazed atrium had already been established and it was not considered that the new doors facing towards No 35 would cause loss of daylight or privacy to neighbouring residents or to be so significantly out of keeping with the main building as to warrant refusal. On balance the application was recommended for approval.

80.60 Mrs Shannahan, the applicant, spoke in support of the application. Councillor McCaffery spoke as a Local Ward Councillor setting out her objections which she considered to be piecemeal and when considered as a whole would represent overdevelopment. She also considered the proposals to be out of character with the surrounding area and at variance with extensions to neighbouring dwellings.

80.61 The Chair considered that it would be appropriate to conduct a site visit in order for Members to familiarise themselves with the configuration of the site. Members concurred in that view.

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

Application BH2004/02567/FP, 101 Dyke Road

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

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

Application BH2004/02397/FP, 'Next', Churchill Square

80.65 The Planning Officer explained that the application related to a roof level single-storey extension to the existing unit to provide additional retail accommodation. the proposal met all relevant criteria for a development of that nature and approval was recommended.

80.66 Mrs Turner (DAAG) was very pleased to note the additional funding that had been secured for the local shopmobility scheme, although she expressed concern that she understood that there would be difficulties in providing additional fire exits (for use by the disabled) should an additional floor be added. She was also concerned that there appeared to be a dearth of adequate disabled fire exits across the centre as a whole. The

Planning Officer responded that all necessary fire safety/exit requirements were required to be met by all retailers and businesses located at Churchill Square.

80.67 **RESOLVED** – (1) That the Sub-Committee concur with the considerations and reasoning set out in the officer's report; and

(2) That the Council is minded to grant Planning Permission subject to a Section 106 Obligation to secure additional funding for the local shopmobility scheme and to the conditions and informatives set out in the report together with the additional informative that the reasons for the grant of permission are as set out in the officer's report.

Application BH2004/02298/LB, R/o 87 London Road, Brighton

80.68 The Planning Officer explained that the application related to the amendment of an earlier Planning Permissions BH2003/00861/FP and BH2003/00860/LB (granted on appeal) for the erection of a two-storey building comprising six bed-sitting rooms, by way of extending the footprint of the building to increase floorspace. Notwithstanding that some objectors to the scheme considered the Inspector's decision to be incorrect and ill-formed as, the principle of the development had been approved, the relatively modest increase in the length of the building was not considered to have an adverse effect on surrounding buildings and therefore there were no sustainable grounds on which to revisit the Inspector's decision. Approval was therefore recommended.

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

Application BH2004/02297/FP, R/o 87 London Road, Brighton

80.70 It was noted that Councillor Older had requested a site visit under Item 79 set out above in order to enable Members to judge the potential effects of the increased footprint which was now proposed in the light of the appeal decision by the Planning Inspectorate. Members of the Sub-Committee had concurred in that view.

80.71 **RESOLVED** - That consideration of the application be deferred pending a site visit for the reasons set out in Paragraph 80.70 above.

Application BH2004/01872/FP, Oakwood Lodge, 259 Preston Road

80.72 The Planning Officer explained that amended plans had now been received and that the application was therefore recommended for grant.

80.73 **RESOLVED** – (1) That the Sub-Committee concur with the considerations and reasoning set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report together with the addition of an informative that the reasons for the grant of permission are as set out in the officer's report.

(v) TREES

DECISIONS

80.74 Councillor Hamilton commented that he found the applications and accompanying photographs relating to the Loxdale Centre, Locks Hill, Portslade very confusing as it was not clear which trees the proposed works related to. He considered that these applications should be deferred and a more detailed report submitted to the next meeting of the Sub-Committee. Other Members of the Sub-Committee concurred in that view.

80.75 **RESOLVED** - (1) That permission to fell the tree, which is subject to the following application, be refused for the reasons set out in the report:

BH2004/02779/TPO/F, 5 Attree Drive

(2) That permission to fell the tree, which is subject to the following application, be approved for the reasons and with the conditions set out in the report:

BH2004/02599/TPO/F, Land to the rear of 76 & 80 Preston Drove

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

80.76 **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. In all cases where approval has been given the reasoning set out in the report was agreed by Members of the Sub-Committee.]

[**Note 2:** A list of the representations, received by the Council after the Plans List reports had been submitted for printing was circulated to Members (for copy see minute book). Representations received less than 24 hours before the meeting were not considered in accordance with resolutions 129.7 and 129.8 set out in the minutes of the meeting held on 16 January 2002.]

81. SITE VISITS

81.1 **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>
BH2004/02298/LB & BH2004/02297/FP	R/o 87 London Road	Councillor Older
BH2004/01277/FP	Bevendean Hotel, 50 Hillside	Councillor Pennington
BH2004/02183/FP Implemented Scheme	36 Dyke Road Drive Corner Ditchling Road Vere Road	Councillor Carden Development Control Manager

82. PROGRESS ON CURRENT APPEALS

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

83. APPEAL DECISIONS

83.1 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.

84. APPEALS LODGED

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