

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

**2 JULY 2003**

**2.00 PM**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

Present: Councillors Carden (Chair), Forester, Giebeler, Hamilton, Hyde, Paskins, Pennington (Deputy Chair), Smith, Mrs Theobald (Opposition Spokesperson), Tonks, Watkins and Wells.

Also in attendance: Mrs S Montford, Conservation Areas Advisory Group; Mrs J Turner, Disabled Access Advisory Group.

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**PART 1**

The Chair opened the meeting by stating that Mrs M Brian was unable to attend. The Sub-Committee sent their best wishes to Mrs Brian for the speedy recovery of her daughter.

**20A DECLARATION OF SUBSTITUTES**

20A.1 <u>Councillor</u>	<u>attending as substitute for</u>
Councillor Giebeler	Councillor Older
Councillor Smith	Councillor K Norman

20A.2 Mrs S Montford attended the meeting to represent the Conservation Areas Advisory Group instead of Mr J Small.

**20B DECLARATION OF MEMBERS' INTERESTS**

20B.1 Councillor Paskins declared an interest in application BH2003/01321/FP & BH2003/01322/LB, 10-11 Old Steine, as she had previously objected to the removal of the flint wall. She stated that she would remain in the room while the application was considered but would take no part in the debate or voting on it.

20B.2 Councillor Pennington declared a prejudicial interest in application BH2001/01838/FP, Former ABC Cinema, East Street. He stated that he might be considered to have been involved in this matter

at an earlier stage and would therefore leave the room and take no part in the debate or voting on the application.

20B.3 Councillor Mrs Theobald declared a personal interest in item 24 on the agenda as she was a member of Dragons Club. She also declared that she had a minor personal interest in Item 30, Hove Rugby Club.

20B.4 Councillor Smith enquired whether the fact that members had expressed an opinion when an application relating to 10 Old Steine had last appeared on the agenda precluded them from speaking and voting on applications BH2003/01321/FP & BH2003/01322/LB, 10-11 Old Steine. The Lawyer stated that this was a new application and if members had not prejudged the matter they could debate and vote on it.

20B.5 Councillor Carden declared a personal interest in item 31, Peat Terminal, Adur District Council planning application. Councillor Pennington took the chair and Councillor Carden left the room while this item was under consideration.

20B.6 Councillor Older had declared a personal interest in application BH2003/00875/FP, Land at rear of 29 & 31 Goldstone Villas, prior to the meeting. She sent a substitute to the meeting and took no part in it.

20B.7 Councillor K Norman had declared a personal interest in application BH2003/01648/TA, Junction of Dyke Road Avenue and The Beeches, prior to the meeting. He sent a substitute to the meeting and took no part in it.

## **20C EXCLUSION OF PRESS AND PUBLIC**

20C.1 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 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 100I of the Local Government Act 1972.

20C.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 30 and 31 on the agenda.

## **21 MINUTES**

21.1 **RESOLVED** – That the minutes of the meeting held on 11 June 2003 be approved and signed by the Chair as a correct record of the proceedings.

## **22 PETITIONS**

22.1 No petitions were presented at the meeting.

22.2 The sub-committee noted a petition objecting to application BH2003/01356/FP, 1 Western Road, containing 55 signatures, which had been presented by Councillor Elgood at the Council meeting on 3 April 2003.

## **23 UPDATE ON DECISIONS DELEGATED TO OFFICERS AT PREVIOUS MEETINGS**

23.1 The Planning Officer stated that members' training had been arranged by the CABE and would take place at 16.00 hours on 8 July in Hove Town Hall Council Chamber.

## **24 DRAGONS HEALTH AND LEISURE CLUB, ST HELIERS AVENUE**

24.1 Members considered an e-mail from Dragons Club as set out in the agenda.

24.2 Councillor Hamilton recommended that the requirement that all events proposed by Dragons Club come before the sub-committee be reconsidered. He suggested that such requests should be dealt with by officers acting under delegated powers.

24.3 **RESOLVED** - That permission be granted by the Council for Dragons Health and Leisure Club to hold an event limited to 65 people on Friday 11 July 2003 with the music switched off at 22.45 hours and the building vacated by 23.30 hours, with taxis pre-ordered to prevent loitering, and with the balcony closed at 21.00 hours.

## **25 PLANS LIST OF APPLICATIONS, 2 JULY 2003 (SEE MINUTE BOOK)**

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

#### **Application BH2003/01356/FP - 1 Western Road**

25.1 The Planning Officer made a presentation. Councillor Pennington proposed a site visit. Councillor Watkins seconded this, stating that the sub-committee should see the site in relation to the densely populated narrow streets, which surrounded it. He drew attention to the petition of objection. The Chair asked the members of the public who had been invited to speak whether they would be prepared to come back. The

objectors agreed to this, stating that they considered that members would appreciate their concerns better after a site visit. The applicant would have preferred to speak at the present meeting, but the Chair ruled that this was not allowed under the Protocol.

25.2 Councillor Smith stated that he understood there would be four performances nightly and that if the club held 150 people this could mean 600 people in the neighbourhood on any one evening.

25.3 **RESOLVED** - That the application be deferred for a site visit.

**Application BH2003/00875/FP - Land at rear of 29 & 31 Goldstone Villas**

25.4 This application was the subject of a site visit before the meeting. The Planning Officer stated that he had added an extra condition to his recommendation since the last meeting. He advised that there were ongoing discussions between the applicant and objectors as to whether there should be a higher boundary wall.

25.5 Mr J Counsell spoke as an objector to the application.

25.6 Councillor Hyde stated that she would vote against the proposal as it was contrary to policy HE6 and Councillor Giebeler that she would vote against the proposal as it was contrary to policy and would set a precedent for similar sites. Councillor Mrs Theobald added that the site was very close to other residential properties. The application only differed slightly from two applications, which had been refused before. There would be a lack of adequate amenity space. The development would make it difficult for neighbours to get cars in and out. Councillor Mrs Theobald concluded by saying that the site should be left as a green lung for wildlife.

25.7 Councillor Pennington stated that this development would not be much bigger than the large garage on the neighbouring site and would not cause significant problems. Councillor Hamilton agreed stating that there were very few similar sites available for this to set a precedent. Many modern houses had limited amenity space and this would not make it unsaleable.

25.8 Councillor Paskins stated that the proposal was out of keeping with the surrounding area of Victorian villas with large gardens. It would be too bulky and too tall.

25.9 The Planning Officer gave further clarification to points made by the public speaker and during debate. He drew attention to the comments made by the Conservation Team set out in the report. He

also showed a drawing demonstrating that the present proposal was smaller than the previous refusal.

25.10 **RESOLVED** - That planning permission be granted by the council subject to the conditions set out in the report.

**Application BH2003/01151/FP & BH2003/01152/LB - 3 Old Steine and adjoining site**

25.11 This application was the subject of a site visit before the meeting. The Planning Officer recommended some additions to the conditions and added that the sum agreed by the applicant for public art was £20,000. The Planning Officer also demonstrated the revisions which had been made to the sunscreens, following concerns from objectors. He drew attention to the points made on the list of Additional Representations. He stated that the applicant had minimised the loss of light resulting from the proposal and that loss of light would not be a sustainable reason for refusal.

25.12 Mr S Piech spoke as an objector to the application. Mr A Wells and Mr M Craste spoke on behalf of the applicant. To questions from Councillor Forester and Councillor Paskins, Mr Wells explained how light emissions would be controlled and how the cooling system would operate. Members had received a letter from Councillor Burgess, local ward councillor.

25.13 Councillor Wells considered that the design was not sympathetic to the surroundings. Councillor Mrs Theobald stated that the design would be acceptable in another location, but there should be a traditional design opposite the Royal Pavilion. She regretted that the whole site would be built on; the building should be set back at each elevation. Councillor Paskins enquired why there was no element of affordable housing in the scheme.

25.14 Mrs Montford, representing the Conservation Areas Advisory Group, stated that the group considered the proposal to be well designed but was divided whether it was appropriate given the location of the site. Some members of the CAAG considered that the glass and metal building might look lightweight in relation to the Royal Pavilion. The group regretted that the beautifully restored Parochial Officers would be obscured. Mrs Montford agreed with Councillor Mrs Theobald that it was unfortunate that the whole of the site was to be developed. Councillor Pennington observed that the fact that the CAAG was divided in opinion did not give the sub-committee grounds to refuse the application.

25.15 Councillor Smith stated that the appearance was acceptable, the site had been empty for too long, the traffic situation was acceptable, and he appreciated the use of advanced technology in lighting the building.

25.16 The Principal Planning Officer concluded debate by stating that local planning policies reflected the council's desire to see the site developed. The original design, which had won a competition as most acceptable design for the site, had been amended in the light of consultation responses. He added that this development would benefit the listed building at 3 Old Steine.

25.17 **RESOLVED** - That planning permission and listed building consent be granted by the council subject to the conditions set out in the report amended as follows:

Application BH2003/01151/FP

Condition 2. Standard condition 01.01- but add, after window glass 'glazed screening, stone panels, solar control shades,' etc.

Condition 5. Condition 05.01- but add 'The car-park shall thereafter be used only by residential occupiers of the development and doctors using the adjacent surgery at 4, Old Steine.

To the reason, add, 'and to ensure that the spaces are not used by office personnel, which would add to existing traffic problems and be contrary to policy TR.44 of the Brighton Borough Plan and policy TR.17 of the Brighton & Hove Local Plan Second Deposit Draft. '

Condition 11. Notwithstanding the details shown on the submitted elevations and sections, the roof-top sun screens shall be of frosted glass as indicated on the revised drawing PPB-014 A. Reason: For the avoidance of doubt, and to ensure this feature is constructed in accordance with the scheme approved by the Planning Applications Sub-committee.

Application BH2003/01152/LB

Additional conditions

5. 'All replacement and new windows to No. 3 Old Steine shall be single-glazed, vertical sliding sash multi-paned windows, to a pattern agreed in writing by the Local Planning Authority. Constructional details of all dormer windows shall also be agreed in writing by the Local Planning Authority prior to installation. Reason: To ensure the satisfactory refurbishment of this Listed Building, and to comply with policy ENV.31 of the Brighton Borough Plan and policy HE.4 of the Brighton & Hove Local Plan Second Deposit Draft. '

6. 'Before any works commence, a specification for all repairs and strengthening works, including a method statement for the reconstruction of the listed building, shall be submitted to and approved by the Local Planning Authority. Only such details approved by the Local Planning Authority shall thereafter be implemented. Reason: To ensure the satisfactory refurbishment of this Listed Building, and to

comply with policy ENV.31 of the Brighton Borough Plan and policy HE.4 of the Brighton & Hove Local Plan Second Deposit Draft. '

7. 'Before any works commence, a record of existing building features shall be submitted to the Local Planning Authority for approval as an accurate record of the building. Works shall only commence after the Local Planning Authority has agreed in writing that such details do constitute an accurate record. Reason: To ensure the satisfactory refurbishment of this Listed Building, and to comply with policy ENV.31 of the Brighton Borough Plan and policy HE.4 of the Brighton & Hove Local Plan Second Deposit Draft. '

### **Application BH2003/01321/FP & BH2003/01322/LB - 10-11 Old Steine**

25.18 This application was the subject of a site visit before the meeting. The Planning Officer explained that the two gates were considered acceptable in terms of size, design, colour and impact. The access route was not a public highway but a private right of way. The committee should only consider the planning aspects including the effect on the listed buildings and the conservation area.

25.19 Mr H Virk spoke as an objector to the application and Mr D Nathan as the applicant. The Lawyer reminded members that they should only consider the applications on their planning and listed building merits; the land ownership and rights of way issues were a private matter.

25.20 Councillor Mrs Theobald stated that the sub-committee had previously indicated that it wished to see the wall reinstated with one gate to which all residents had keys, in a similar arrangement to St James's Place. Councillor Smith stated that if the other residents followed Mr Nathan's example there would be 5 gates with 5 different keys. Councillors Smith and Hyde both requested that enforcement action be taken as a matter of urgency, but the Planning Officer stated that an enforcement order had been issued already with a compliance date of the end of 2003.

25.21 The voting on the applications was 5:4 against the officer's recommendation to grant planning permission and 4:3 against the officer's recommendation to grant listed building consent.

25.22 **RESOLVED** - That planning permission and listed building consent be refused by the council for the following reasons:

BH2003/01321/FP

The wooden gates, by reason of their appearance, and the use of the rear access way for residential purposes to the adjoining properties would fail to preserve or enhance the character or appearance of the Valley Gardens Conservation Area and adversely affect the character, appearance and setting of these Grade II listed buildings contrary to

policies ENV.22, ENV.27, ENV.31 and ENV.33 of the Brighton Borough Local Plan and HE1, HE3 and HE6 of the Brighton and Hove Local Plan Second Deposit Draft.

BH2003/01322/LB

The wooden gates, by reason of their appearance, would adversely affect the character and appearance of these Grade II listed buildings contrary to policies ENV.31 of the Brighton Borough Local Plan and HE1 of the Brighton and Hove Local Plan Second Deposit Draft.

[Note: Councillors Carden, Forester, Hamilton and Tonks voted for the officer's recommendation to grant planning permission. Councillors Giebeler, Hyde, Smith, Mrs Theobald and Wells voted against the recommendation. Councillors Pennington and Watkins abstained. Councillor Paskins had declared an interest and also abstained.]

**Application BH2003/01558/FP - 14 Carden Avenue**

25.23 This application was the subject of a site visit before the meeting.

25.24 Mr Newman of Bramble Cottage Retirement Home spoke as an objector to the application. After expressing his concerns, he advised that the home might have to close if the nursery caused too many problems. Councillor Pidgeon spoke in his role as local ward councillor. He informed the sub-committee that the site was less than 100m from a dangerous sharp bend with a roundabout in the other direction, shortly to be replaced with traffic lights. The site was poorly served by public transport and parents would therefore use cars to set down and collect children four times a day. Ensuring that a nursery assistant properly registered them would mean a lengthy process. He forecast traffic chaos and displayed photographs of the current traffic queues. Finally, Councillor Pidgeon referred to the elderly residents at the home next door, stating that they deserved peace and quiet.

25.25 Councillor Tonks supported the proposal stating that a nursery was needed in the area. There would be no undue disturbance. Councillor Hamilton supported the application stating that the Traffic Engineer had raised no objection. He enquired whether there should be a condition relating to number of children using the garden at any one time.

25.26 Councillor Mrs Theobald expressed concern at the implications for the retirement home. Some residents' balconies were only feet away from the garden of No 14. She stated that there were other nurseries in the area. As a ward councillor, she had received requests that speed restriction signs be erected on this stretch of road. Councillor Hyde also opposed the application stating that the proposal would mean too many traffic movements per day and she shared concerns that, while there were already nurseries, the loss of a care home would be a

disaster. Councillor Wells observed that even a restricted number of children would make a lot of noise in the garden.

25.27 Mrs Turner, representing the Disabled Access Advisory Group, stated that she had found it difficult to exit from the site when visiting by car because of bad visibility and traffic volume. She requested facilities for disabled children at the nursery if the scheme went ahead.

25.28 Councillor Paskins stated that a noise problem might be controlled. However setting children down in the middle of a queue of traffic would cause problems. The Principal Transport Planner confirmed that the Traffic Engineer considered the proposal to be acceptable. If planning permission were granted, the applicant would need to submit details of the layout of the car parking and set down area to the council for approval. The legal agreement also gave the council scope to monitor, and amend if necessary, the Travel Plan.

25.29 The Planning Officer advised that six car parking spaces were currently shown on the plans, but extra spaces or a disabled parking space could be requested if the sub-committee wished. He stated there would be disabled access to the ground floor with toilets as required by Ofsted. There was a bus service every ten minutes on the nearby London Road and the nursery would be required to submit a Management Plan relating to arrival/departure times and outdoor play times under the legal agreement. The Planning Officer stated that environmental health officers could advise on the use of the garden.

25.30 **RESOLVED** - That the council be minded to grant planning permission subject to a Section 106 Obligation to secure a School Travel Plan before the development is first occupied, implement consequent proposals, regularly review and revise the Plan and to secure a Management Plan to ensure staggered arrival/departure times and outdoor play times and to the conditions set out in the report.

**Application BH2003/00779/OA and BH2003/00780/OA - 137-147 Preston Road**  
**and**  
**Application BH2003/00226/OA and BH2003/00227/OA - 141-147 Preston Road**

25.31 In respect of the applications relating to 137 to 147 Preston Road, the Planning Officer stated that the proposal included 438 car parking spaces and not 417 as shown in the report. The commuted sum would be £50,000. In respect of the applications relating to 141 to 147 Preston Road, the Planning Officer advised that the proposal included 288 car parking spaces and not 274 as shown in the report. She advised that, since the date of the last planning permission, the A23 had been

designated a sustainable transport corridor, therefore the applicant had had to provide a transport assessment, reduce the number of car parking spaces and would have to agree to other provisions under a legal agreement.

25.32 Councillors Smith, Wells and Mrs Theobald all expressed disapproval of the applicant for leaving the site derelict at such a prominent point on the route into the city. After a total of 61 applications, no development had started on the site. They considered that the council should apply pressure to ensure that development commenced.

25.33 Mrs Turner, representing the Disabled Access Advisory Group, stated that the Equalities paragraph of both reports was inadequately worded and should set out fully what was expected of the applicant.

25.34 **RESOLVED** - That the council be minded to grant outline planning permission in respect of the four applications subject to Section 106 Obligations to secure off-site highways works, travel plan, off-site trees and percent for art and to the conditions set out in the reports.

#### **Application BH2003/01182/FP - 8 Southdown Place**

25.35 This application was the subject of a site visit before the meeting.

25.36 Mr G Cooke spoke as an objector to the application. Mrs M Clarke spoke as the applicant. Members were unanimous in their decision to grant planning permission.

25.37 **RESOLVED** - That planning permission be granted by the council subject to the conditions set out in the report.

#### **(ii) DECISIONS ON MINOR APPLICATIONS LIST DATED 2 JULY 2003**

Save as reported in parts (iii) and (iv) below, the recommendations of the Director of Environment were agreed.

#### **(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 2 JULY 2003**

#### **Application BH2003/01512/FP - Freemasons Public House, 38/39 Western Road**

25.38 Councillor Paskins requested an additional condition that the air conditioning units should be switched off at night. The Planning Officer stated that such a condition would be inappropriate in view of the fact

that the Environmental Health Officer was satisfied with the provisions made by the applicant.

25.39 **RESOLVED** - That planning permission be granted by the council subject to the conditions set out in the report.

**Application BH2003/01160/FP & BH2003/01161/LB - Land rear of 36 Cromwell Road**

25.40 The Planning Officer stated that the previous reason for refusal had been resolved. He drew attention to the comments of the CAAG. Councillor Giebler stated that the proposal would be an overdevelopment of the site and would overlook a neighbour. She requested a site visit.

25.41 **RESOLVED** - That the application be deferred for a site visit.

**Application BH2003/01262/FP - Intek House, Ellen Street**

25.42 This application had been withdrawn prior to the meeting.

**Application BH2003/01550/FP - 133 Cuckmere Way**

25.43 A letter from Councillor Hawkes supporting the application was noted. Councillor Watkins suggested a site visit but other members felt they should receive a presentation at the present meeting. The Planning Officer gave this, stating that officers did not consider the extension to be well designed and it would close a gap in the street scene. Officers recommended refusal to retain the character of the area.

25.44 A majority of members considered that a site visit was desirable.

25.45 **RESOLVED** - That the application be deferred for a site visit.

**Application BH2003/00960/FP - Glovers Yard, 121-123 Havelock Road**

25.46 Councillor Watkins suggested a site visit. This was agreed and the public speakers and Councillor Allen would be reinvited to attend the next meeting.

25.47 **RESOLVED** - That the application be deferred for a site visit.

**Application BH2003/01386/FP - 2 Hythe Road**

25.48 The Planning Officer advised members that the proposal would only be slightly higher than the existing building and there would be no loss of amenity to local residents. Councillors Mrs Theobald, Hyde and

Paskins all spoke against the design, while Councillor Pennington considered it to be a good application.

25.49 A majority of members voted against the officer's recommendation that the council should be minded to grant planning permission. They stated that the reasons for refusal should refer to poor design, which was out of keeping with the street scene and the adjoining conservation area.

25.50 **RESOLVED** - That planning permission be refused by the council for the following reasons:

The proposed new build element of the development would have a harmful impact on the streetscene and the setting of the adjacent Preston Park Conservation Area by way of its design not being in keeping with the character of the locality. The development is therefore contrary to policies ENV.3 and ENV.5 of the Brighton Borough Local Plan and policies QD1, QD2, QD14 and HE6 of the Brighton and Hove Local Plan Second Deposit Draft.

[Note: Councillors Giebeler, Hyde, Paskins, Mrs Theobald, Wells and Smith voted against the officer's recommendation. Councillors Carden, Forester, Hamilton, Pennington and Tonks voted for the officer's recommendation. Councillor Watkins abstained from voting.]

**Application BH2003/01838/FP - ABC Cinema & vacant Public House, 75-79 East Street**

25.51 This application had been withdrawn prior to the meeting.

**Application BH2003/01648/TA - Junction of Dyke Road Avenue & The Beeches**

25.52 The Planning Officer gave members the history of the site. One approval had been granted but not implemented following objections from the council as local highway authority. The applicant had undertaken not to implement the previous approval, if this application were to be granted. The applicant had provided a certificate showing compliance with international guidelines. The officer confirmed that the present proposal did not present a pedestrian or traffic hazard.

25.53 Councillor A Norman spoke in her role as local ward councillor. She stated that the application did not differ from one previously rejected. The monopole and equipment would be adjacent to an electricity substation and the combined emissions could present a hazard. In addition, she feared that the equipment used at five nursing homes and also by a disabled resident living near the site might be adversely affected; after all, one was told to switch off a mobile phone

when entering a hospital. There were several other masts nearby yet the council had done nothing to encourage mast sharing. She feared the possible effects on the health and brain development of children at a local nursery. Councillor Norman referred to the Court of Appeal Judgement made by Lord Justice Schliemann and stated that health concerns could be a material consideration. She stated that PPG8 which referred to "risk to amenity" and local planning policy QD33 both applied in this case. Councillor Norman concluded by asking the sub-committee to reject the application.

25.54 Mrs Turner, representing the Disabled Access Advisory Group, read members a statement referring to EMF exposure and studies undertaken into it. She requested that copies be sent to members of the sub-committee.

25.55 Councillor Mrs Theobald informed other members that this would be the seventh mast on a short space of road. She pointed out the very large number of objections each time the application had come to committee. She also drew attention to the Traffic Manager's concerns in the report. Councillor Mrs Theobald stated that there would be a cluttered effect and the mast and equipment would be very visible on a green site. Councillor Paskins was concerned that there were six masts already, yet no-one had considered mast sharing. She stated that the government guidelines required that the beam of maximum intensity should not fall on a school, yet here it was likely to fall on a nursery. Councillor Smith recalled that cigarettes were once believed to be healthy; the sub-committee should consider the implications for the future if such equipment eventually proved to be a health danger.

25.56 Councillor Pennington noted the concerns of many local people on health grounds but stated that this perception might be wrong in view of the findings of the International Commission for Non-Ionising Radiation Protection. He feared that the council might lose the case on appeal if the application were to be refused. Councillor Hamilton reminded members that a mast had previously been approved and this application only moved it several feet to a more acceptable location.

25.57 The sub-committee voted to overturn the officer's recommendation. The Lawyer advised members that health concerns could be taken into account by the sub-committee but were considered not to be relevant in this instance as the applicant had provided a certificate stating that the mast complied with international guidelines. Councillor Watkins suggested the reason for refusal as set out below. Councillor Paskins and Mrs Turner both considered that there was supporting evidence to refuse on the grounds of health concerns.

25.58 **RESOLVED** - That prior approval was required and that prior approval be refused for the following reason:

The proposal would have a harmful impact on the character and appearance of the locality and streetscene by virtue of its siting and appearance, and would result in further loss of amenity because of the perception of increased health risks associated with this type of development. The proposal is would therefore be contrary to policy ENV.1 of the Brighton Borough Local Plan and policies QD23 and QD 27 of the Brighton and Hove Local Plan Second Deposit Draft.

[Note: Councillors Tonks, Watkins, Paskins, Hyde, Mrs Theobald, Wells, Giebeler and Smith voted to overturn the officer's recommendation that the committee should be minded to approve the application. Councillors Carden, Forester, Hamilton and Pennington voted for the recommendation.]

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

##### **Application BH2003/01379/FP - 19 Leicester Villas**

25.59 Photographs of the original fire escape and the replacement were displayed. Councillor Peltzer Dunn spoke in his role as local ward councillor. He stated that the previous fire escape had been set against a blank wall, it was tucked away and had less visual impact. The replacement was wider and protruded outwards, leading to overlooking, loss of privacy and loss of light.

25.60 Members regretted that the two photographs were taken from different aspects and were difficult to compare. The Planning Officer confirmed that the stairs were only used as a fire escape. Several members were concerned that the new fire escape was overbearing. The Planning Officer stated that it might be the case that the new one had to meet more stringent safety standards, although he was unable to confirm this.

25.61 **RESOLVED** - That planning permission be granted by the council subject to the conditions set out in the report.

##### **Application BH2003/01654/FP - Eaton Lodge, 191 Eastern Road**

25.62 Mr D J Smith spoke as the applicant and requested that members reject the officer's recommendation to refuse planning permission.

25.63 The Planning Officer stated that the site adjoined a conservation area and that the proposal was contrary to several local planning policies as set out in his report. Councillor Forester considered that UPVC was not sustainable and the windows would be unsightly. She supported

the recommendation to refuse planning permission, stating that in her view the buildings had character and could become part of the conservation area. Councillors Paskins suggested that the applicant might wish to consider double-glazed wood sashes. UPVc sash windows were also available

25.64 Councillor Wells considered that the buildings were of little interest compared to 3 Old Steine, which had received planning permission earlier on the agenda. Several members cited instances of UPVc windows in the area surrounding Eaton Lodge. Councillor Smith stated that some were in the conservation area itself. The Planning Officer stated that this was a fine Victorian terrace and the officers were consistent in recommending refusal of UPVc in such cases. Councillor Giebeler enquired whether the others in the area would be subject to enforcement action and the officer advised that if any instances were referred to the council, officers would investigate them.

25.65 **RESOLVED** - That planning permission be refused by the council for the reasons set out in the report.

**Application BH2003/01327/CD/FP - 267 Old Shoreham Road**

25.66 Councillor John had submitted a letter about this application as detailed in the list of Additional Representations. Councillor Hamilton requested that every care be taken in implementing this planning permission in view of the neighbour's concern about the party wall.

25.67 **RESOLVED** - That planning permission be granted by the council subject to the conditions set out in the report.

**Application BH2003/01107/FP - St Anne's Institute, St George's Road**

25.68 Several members expressed concern about the application. Councillor Mrs Theobald referred to flint walls, which had already been lost and not replaced. She stated that the reinstatement should be enforced.

25.69 **RESOLVED** - That planning permission be granted by the council subject to the conditions set out in the report.

**(v) TREES**

25.70 It was agreed that the Arboriculturist should be requested to contact Councillor Mrs Theobald to give her further information about application BH2003/01830/TPO/F Brighton & Hove High School for Girls, Montpelier Road, and to contact Councillor Mrs Theobald, Councillor Hyde and Mrs Turner, representing the Disabled Access Advisory Group,

about the reason for felling thirteen trees at 21 Beaconsfield Villas (application BH2003/01426/TCA.F).

25.71 **RESOLVED** - (1) That permission to fell the trees which are the subject of the following applications be granted as set out in the report.  
 BH2003/01830/TPO/F, Brighton & Hove High School for Girls, Montpelier Road  
 BH2003/01432/TPO/F, Tudor Cottage, 263 London Road

(2) That permission to fell the tree which is the subject of the following application be refused as set out in the report.  
 BH2003/01874/TPO/F, Brighton & Hove High School for Girls, Montpelier Road

(3) That the decisions on tree works delegated to the Director, Environment, as set out in the Plans List dated 2 July 2003, be noted.

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

25.72 **RESOLVED** – That the decisions of the Director of Environment on other applications using her 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.

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.]

**26 SITE VISITS**

26.1 **RESOLVED** That the following site visits be undertaken by the sub-committee prior to determining the applications:-

<b>WARD</b>	<b>APPLICATION</b>	<b>SITE</b>	<b>SUGGESTED BY</b>
Brunswick & Adelaide	BH2003/01356/F P	1 Western Road, Hove	Councillor Pennington
Goldsmid	BH2003/01160/F P	36 Cromwell Road	Councillor Giebeler
Preston Park	BH2003/00960/F P	121-123 Havelock Road	Councillor Watkins
Patcham	BH2003/01550/F	133 Cuckmere Way	Councillor Watkins

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**27 PROGRESS ON CURRENT APPEALS**

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

**28 APPEAL DECISIONS**

28.1 The sub-committee noted letters from the Planning Inspectorate advising the results of planning appeals as set out in the agenda.

**29 APPEALS LODGED**

29.1 The sub-committee noted a list of planning appeals, which had been lodged as set out in the agenda.

The meeting concluded at pm.

Signed

(Chair)

Dated this

day of

2003