

BRIGHTON & HOVE CITY COUNCIL
PLANNING APPLICATIONS SUB-COMMITTEE

14 JANUARY 2004

2.00 PM

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Co-opted Members: Mrs J Turner, Disabled Access Advisory Group (DAAG); Mr J Small, Conservation Areas Advisory Group(CAAG).

PART ONE

124. PROCEDURAL BUSINESS

124.A Declarations of Substitutes

124.1 There were none.

124.B Declarations of Interest

124.2 Councillor Carden, the Chair declared an interest in respect of Item 128 on the agenda relating to the consultation from West Sussex County Council on a development in Shoreham Maritime, by virtue of his Membership of the Board of Shoreham Port Authority. The Chair was taken by Councillor Pennington (Deputy Chair). Councillor Carden left the meeting during consideration of this item and took no part in the discussions or voting thereon.

124.3 Councillor Paskins declared an interest in Application BH2003/03040/LB, West Pier by virtue of her involvement with the "Save Our Seafront" campaign. Councillor Paskins left the meeting during consideration of this item and took no part in the discussion or voting thereon.

124.4 Councillor Mrs Theobald declared an interest in Application BH2003/03039/FP, 41 Cornwall Gardens by virtue of her connections with the Brighton Festival Board. Councillor Theobald left the meeting during consideration of this item and took no part in the discussion or voting thereon.

124.5 The Development Central Manager stated that the applicant's agent in respect of applications BH2003/02224/FP and BH2003/02226/LB was a former colleague of hers but this had in no way influenced officers' negotiations on the application or their recommendations.

124.C Exclusion of Press and Public

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

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

125. MINUTES

125.1 The Committee Administrator referred to a correction to Pages 10/12 of the minutes explaining that the comments contained in Paragraph 119.49 related not to an application site in Seafeld Road, but to Application BH2003/03200/FP- Cornelius House, Church Road, Hove.

125.2 Mrs Turner, DAAG referred to Application BH2003/02456/FP, St George's Church, St George's Road stating that she had indicated at the meeting that she hoped it would be possible to provide 2 entrances / exits to the nursery.

125.3 **RESOLVED** – That subject to the foregoing amendments the minutes of the meeting held on 17 December 2003 be approved and signed by the Chair.

126. PETITIONS

126.1 No petitions were received.

127. UPDATE ON DECISIONS DELEGATED TO OFFICERS AT PREVIOUS MEETINGS

127.1 The Development Control Manager reminded Members that a training session was due to take place the following day relating to the current legislation / government guidance on telecommunications masts and the pertinent issues to be considered when determining such applications.

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

128. CONSULTATION FROM WEST SUSSEX COUNTY COUNCIL ON A DEVELOPMENT IN SHOREHAM MARITIME

128.1 The Sub-Committee considered a report of the Director of Environment setting out details of a consultation received from West Sussex County Council relating to a planning application within the Shoreham Maritime area and setting out the proposed response for Members approval (for copy see minute book).

128.2 Members were fully in agreement that the proposals should be objected to on the grounds set out in paragraphs 3.1 to 3.7 of the report. Councillor Hamilton also expressed the view that it would be appropriate to support and reiterate the objections already raised by Adur District Council on the grounds that the proposal be opposed on the grounds that it was inconsistent with the vision for the Shoreham Maritime area. This view was supported by other Members of the Sub-Committee.

128.3 **RESOLVED** – (1) That the proposals in respect of Kingston Railway Wharf, Brighton Road, Shoreham be noted; and

(2) That officers be authorised to write to West Sussex County Council on behalf of the City Council objecting to the proposal on the grounds set out in paragraphs 3.1 to 3.7 of the report and also that it is not consistent with the Vision for the Shoreham Maritime Area.

[Note: Having declared an interest in this application by virtue of his membership of the Board of Shoreham Port Authority, the Chair (Councillor Carden) left the meeting during consideration of this item and took no part in the discussion or voting thereon. Councillor Pennington (Deputy Chair) took the Chair.]

129. DRAFT SUPPLEMENTARY PLANNING GUIDANCE : BRIGHTON AND HOVE SUSTAINABILITY CHECKLIST: REFERENCE FROM ENVIRONMENT COMMITTEE, 11 DECEMBER 2003 FOR INFORMATION

129.1 The Sub-Committee received a report of the Director of Environment setting out details of the Draft Supplementary Planning Guidance Note relating to the "Brighton & Hove Sustainability Checklist". This had been referred to the Sub-Committee from the Environment Committee held on 11 December 2003 at which time the contents of the note had been agreed for public consultation (for copy see minute book).

129.2 The Development Control Manager explained that the checklist was intended to help in delivering the sustainability objectives of the Local Plan and to provide a consistent approach to the implementation of the sustainability agenda in Brighton & Hove. It was envisaged that the checklist would initially be used to assess the sustainability elements of major planning applications and would be made available to developers to assist them in focusing on

sustainability issues at the outset of the application process.

129.3 **RESOLVED** – That the Sub-Committee note the contents of the report.

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

130.1 **RESOLVED** - That the following site visits be undertaken by the Sub-Committee prior to determining the applications, with the exception of 1A Connaught Road (implemented):-

APPLICATION	SITE	SUGGESTED BY
Implemented Site Visit BH2002/00817/FP	1A Connaught Road 23 Coleridge Street / 22- 24 Shakespeare Street, Hove	Councillor Older Councillor Mrs Theobald
Various Applications relating to A3 use BH2003/03692/FP	87-93 Dyke Road and 95-97 Dyke Road Land r/o Whichelo Place	Councillor Mrs Theobald Councillor Paskins

[*Note: In answer to queries regarding this address, the Development Control Manager explained that no application had been lodged and that it was possible that an application might be dealt with under Delegated Powers.]

[NOTE: Item 132 sets out a full list of future site visits]

131. PLANS LIST OF APPLICATIONS, 14 JANUARY 2004 (SEE MINUTE BOOK)

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

Application BH2003/03040/LB – West Pier

131.1 The Planning Officer explained that the loss of the landing stage was justified in accordance with Council policy and that although it formed part of the Grade 1 Listed West Pier it was in a very poor state of repair. It was noted that English Heritage had raised no objections to the proposals.

131.2 Councillors Hyde, Norman and Older expressed concern whether, given that Lottery Heritage Funding was attendant on 10% of the structure being maintained, that removal of the landing stage would jeopardise funding for the restoration project. Councillor Norman considered that the application should be deferred pending confirmation of the position. The Solicitor to the Sub-Committee advised that this was not a planning consideration. It was noted that the application had been lodged by the Brighton West Pier Trust who were no doubt aware of the requirements to be met in order to release the Heritage Lottery monies.

131.3 Councillors Pennington and Watkins expressed concern that removal of

the landing stage would represent loss of a facility for use by fishermen and stressed that it was important to ensure that this was replaced as part of a refurbished West Pier. The Development Control Manager confirmed that this was covered as part of the conditions for grant under the fourth Informative.

131.4 Members expressed concern regarding removal and storage of materials as appropriate, bearing in mind that some of the previously removed structure had subsequently been unable to be located. The Development Control Manager suggested that Condition 2 be amended to refer to "an identified safe store".

131.5 **RESOLVED** - That the Council is minded to grant Listed Building Consent subject to authorisation from the First Secretary of State and subject to the conditions set out in the report and an amendment to Condition 2 to refer to "an identified safe store".

[NOTE 1: Having declared an interest in this application by virtue of her involvement with the "Save Our Seafront" campaign, Councillor Paskins left the meeting during consideration of this item and took no part in the discussions or voting thereon.]

[NOTE 2: Councillors Norman and Older wished their names to be recorded as having voted against the application.]

Application BH2002/02533/FP - Land adjoining 10 New England Road and R/O 53 New England Street

131.6 In referring to the issues raised at the meeting of the Sub Committee held on 26 November 2003, Councillor Paskins stated that she was of the view that Members concerns regarding the level of emissions from the proposed development related not only to CO₂ but also to Nox and other emissions which would also be generated adjacent to Preston Circus where emissions levels were already very high.

131.7 The Planning Officer referred to a request received from the Environmental Health Officer that the wording of Condition 4 should be amended to read:

"Noise from the development shall be at least 5dB below the measured LA90 background noise level at the nearest sensitive receptor (the first floor staff accommodation of the "Cobblers' Thumb" public house". (amendments underlined), to enable more precise enforcement of noise levels to take place. This amendment was considered appropriate.

131.8 The Planning Officer explained that in addition to the Environmental Health Officer, Mr Jones was present on behalf of the applicants to respond to any technical questions regarding the proposals. Councillor Williams spoke as a local Ward Councillor expressing his concerns and objections in respect of the scheme, the detrimental effect on the listed railway bridge and increased

NOx emissions in the vicinity of Preston Circus, particularly as any additional increases could result in an Air Quality Management Area needing to be set up at considerable expense to the Council.

131.9 Mr Small (CAAG) queried why although the original planning brief had referred to the provision of a Combined Heat and Power (CHP) system this had not been included within the planning application for the site itself, rather than its wider environs as now appeared to be the case. Mr Jones explained that provision of a CHP system was a condition of the Section 106 obligation and would reduce CO₂ emissions by some 75% and sulphur and other emissions by a further 35%. This was necessary in order to ensure that the site was sustainable.

131.10 Councillors Paskins and Watkins echoed the concerns raised by Mr Small, that the whole station site had been let prior to consideration being given to the location of the CHP and its associated plant. It was understood that to place the plant centrally within the station site would be more obtrusive than the proposed location, but considered that at this location it would be overly dominant in the context of the nearby listed railway bridge and there would be unacceptable emissions into the surrounding area. Councillor Watkins enquired whether it would be possible to reduce the height of the thermal store by setting it into the ground, as this could serve to mitigate its visual impact. It was explained that this would not be possible as this could compromise operating effectiveness, although it might be possible to effect a reduction in height of half a meter. There were technical reasons why the system had to be configured and constructed as put forward.

131.11 Councillors Paskins and Watkins were also concerned regarding the potentially high cost to the Council should an Air Quality Management Area need to be set up. The Environmental Health Officer explained that in view of current NOx levels at this location it was possible that an Air Quality Management Area might need to be declared in any event, in which case means of diverting traffic away from that location and the impact on neighbouring streets would need to be assessed. Councillors Paskins and Watkins reiterated their concern, given the difficulties that diversion of traffic could cause, if displaced elsewhere onto the neighbouring road network to the detriment of residents and users of the road network. Sustainability issues in relation to heat and power for the site should have been addressed from the outset.

131.12 In answer to questions of Councillors Pennington and Norman it was explained that if an Air Quality Management Area was declared, the local authority would have a year to draw up an action plan to address the problems identified. The Development Control Manager explained that as the system worked in a "ring main" fashion it could be located (in theory) anywhere within the site, although detailed consents were already in place for the central area of the site. There was a general consensus amongst Members that whilst supporting the principle of CHP, they considered it to be unsuitable for the proposed location. On a vote the application was refused.

131.13 **RESOLVED** - That Planning Permission be refused for the erection of a combined heat and power (CHP) unit, including thermal store, chimneys, improving vehicle access, boundary fencing and associated site works on the grounds that the development would be detrimental to the setting of the adjacent listed railway bridge and the detrimental impact of the NOx emissions on the air quality in the area, particularly around Preston Circus.

[**Note:** Councillor Paskins proposed that the application be refused, this was seconded by Councillor K Norman. On a vote Councillors Carden (Chair), Hamilton, Forester and Pennington voted that the application be approved. Councillors Hyde, K Norman, Older, Paskin, Tonks, Watkins and Wells voted that the application be refused. Councillor Mrs Theobald abstained. On a vote of 7 to 4 the application was refused].

Application BH2003/03609/FP - 15 - 16 Trafalgar Street

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

131.15 Members welcomed the proposed continuation of a mixed usage appropriate to the area and the proposed layout. The Planning Officer referred to conditions relating to the details of the access gate to the Trafalgar Street frontage which was to be retained. Condition 11 was to be amended to refer to the tiling to the existing shop front. Conditions 7 & 16 were to be deleted. It was noted that the development was to be car free and all servicing would take place from the street.

131.16 Councillors Norman and Mrs Theobald requested that conditions be added to seek to protect the unrendered brickwork and window frames to the upper floors. Councillor Pennington suggested that the use of the "Plumbwell" loading bay for servicing to the development be explored. Councillor Wells requested that the wall ring and the tiling inside the development also be retained. The Development Control Manager assured Members that these matters would be covered by conditions.

131.17 **RESOLVED** – That the Council be minded to grant permission subject to a Section 106 Obligation to a car free development and the conditions set out in the report and Informatives dealing with the issues referred to above.

Application BH2003/03039/FP - 41 Cornwall Gardens

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

131.19 Mr Attard spoke as an objector to the scheme and Mr Dodds, the applicant spoke in support of his application.

131.20 Having visited the site Councillor Hamilton considered that there was no overlooking of principal living accommodation and the application was therefore on balance acceptable. Councillor Norman considered the application would result in a similar level of overlooking to that which had previously been refused and was therefore unacceptable.

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

[Note 1: Having declared an interest in the application by virtue of her involvement with the Brighton Festival Board, Councillor Mrs Theobald withdraw from the meeting during consideration of this application and took no part in the discussions or voting thereon.]

[Note 2: Councillors Norman and Hyde wished it to be recorded that they had voted against the application.]

Application BH2003/03342/FP - 36 Tongdean Road, Hove

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

131.23 Mrs Dahmen spoke as an objector to the application and Mr Taylor spoke on behalf of the applicant.

131.24 Having visited the site Councillor Mrs Theobald stated that the proposed extension represented over-development of the site and should be refused. Councillors Pennington, Hyde and Paskins were in agreement considering that a one storey extension would be more appropriate, the proposed extension would be oppressive and overbearing and, considered that further negotiations should take place between the applicant and the neighbours to ensure a more appropriate development.

131.25 **RESOLVED** - That Planning Permission be refused by the Council on the grounds that it would be overly dominant and would result in loss of light to the neighbouring property.

[Note 1: Councillor Pennington proposed that the application be refused and Councillor Mrs Theobald seconded this.]

[Note 2: On a recorded vote Councillors Carden, Forester, Tonks and Wells recommended that the application be granted; Councillors Hyde, Norman, Older, Paskins, Pennington and Mrs Theobald voted that the application should be refused. Therefore on a vote of 4 to 6 it was agreed that the application be refused. Councillors Hamilton and Watkins abstained.]

[Note 3: Councillor Norman wished it placed on record that he considered that similar issues needed to be considered in respect of this application and application BH2003/03039/FP which had been approved. The Development Control Manager stated that each application had been considered by Members on their respective merits.]

Application BH2003/02691/FP - Babylon Lounge, Kingsway, Hove

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

131.27 Ms Norman spoke on behalf of objectors to the scheme and Mr Wharton spoke on behalf of the applicants. Councillor Oxley spoke as a local Ward Councillor expressing his concerns, those of his fellow Ward Councillor, Councillor Cobb and local residents regarding potential noise and disturbance that could emanate from a larger premises.

131.28 The Planning Officer explained that notwithstanding the increase in size of the proposed development (by more than double the existing floorspace), it was considered that the staggered closing times of the various facilities and proposed taxi pick up facilities outside would serve to ameliorate existing and potential noise nuisance and disturbance from patrons leaving the premises. The existing poorly maintained structure was considered to be of little architectural merit and was intended to be replaced by a well designed modern building on that part of the seafront.

131.29 Councillor Mrs Theobald expressed concern regarding the removal of the adjacent shelters, which needed to be re located nearby . There were a number of nursing homes in the vicinity and the shelters provided an important facility for elderly residents living nearby. Mrs. Turner (DAAG) agreed stressing that regularly spaced shelters were important particularly for the disabled and their carers and should be constructed / sited so that they did not become a haven for anti-social behaviour.

131.30 Councillor Older expressed her opposition to the scheme, which would, in her view, constitute a "nightclub". She referred to difficulties that had arisen in the past and was of the view that there would be significant numbers leaving the venue at the "final" closing time as some patrons would move from one location to another as they closed. Notwithstanding the provision of a taxi rank, she was of the view that if there were queues, those leaving the premises would still walk to other ranks resulting in disturbances in neighbouring streets. Several Members referred to the concerns raised by the Police and considered that these needed to be addressed further. Concerns were also expressed concerning potential delays should the Police be called to this out of town location. Mr Small (CAAG) referred to the concerns expressed by CAAG, and their view that the proposed building would not be a high quality development for this sensitive sea front location. Other Members agreed that the building design could be improved upon.

131.31 The Development Control Manager explained that Officers had had to seek to reach a balance between all the views expressed. The proposed building would present a significant improvement on the existing building and that the proposed conditions and Section 106 Agreement would ensure that the impact of the development and the locality would be properly managed to prevent loss of amenity to residents.

131.32 Whilst generally welcoming the proposals, Councillor Forester considered that there could be some difficulties with access resulting from the buildings to be located to the south of the current access road, it was also preferable that the building was on one storey given its sensitive location. Councillor Forester was of the view that a best solution should be found by working further with the applicants to address the various concerns raised. On a vote it was agreed that consideration of the application should be deferred.

131.33 **RESOLVED** - That consideration of the application be deferred to enable officers negotiate further with the applicants in respect of the matters set out above.

[Note: Councillor Forester proposed that the application be deferred, this was seconded by Councillor Pennington on a vote of 5/5 it was agreed on the Chair's casting vote that the application be deferred.]

Application BH2003/03499/RM - RSCH Eastern Road

131.34 Mr D Taylor spoke as an objector to the scheme, expressing concerns in respect of the potential use of the Upper Abbey Road and issues relating to noise during construction, parking and access / egress from the site. Richard Glenn, the Project Manager, was present on behalf of the applicants to provide clarification on any questions asked.

131.35 Mr Glenn explained in responding to Mr Taylor's concerns and to questions from Members, that the application was not dependent on any changes to the existing accessing arrangements for the hospital. It would not

be possible to have no access from the Upper Abbey Road, but Bristol Gate would be used in the majority of cases. The current access arrangements might need to be amended in future, but would need to be the subject of a further application and would require a transportation study to be undertaken. Residents would be fully consulted at that time.

131.36 Councillor Paskins queried that the application had been put prior to completion of the transport study on which the "reserved matters" before them were to be based. The traffic engineer explained that whilst this was strictly speaking the case, the study was available in "draft" and that it would be unreasonable to delay consideration until this process was formally complete. The Development Control Manager confirmed that Condition 4 of the proposed permission would ensure that this element had to be implemented to the satisfaction of the Local Planning Authority.

131.37 In answer to questions relating to the future of existing Children's Hospital site, the Development Control Manager explained that it was anticipated that a development brief would be prepared later in the year. Whilst the main hospital building was not listed the original main building it was considered to be of architectural merit.

131.39 **RESOLVED** - That approval be given in respect of reserved matters of siting, design, external appearance and means of access, subject to the conditions set out in the report.

Application BH2003/00659/OA - University of Brighton, Falmer Campus

131.40 Councillor Hazelgrove attended as a local Ward Councillor and spoke in support of the outline application which would provide enhanced academic and sports related facilities and increased employment opportunities. Mr Mallender was in attendance from the University to answer any questions.

131.41 In answer to questions relating to shared parking at the site Mr Mallender explained the additional parking spaces would be incorporated into the overall facilities on site which were allocated to staff and students based on need. This would relieve parking pressures elsewhere on the site. Reference was made to parking around Falmer Village pond, and, it was understood that a waiting restriction was likely to be put in place to address this problem.

131.42 **RESOLVED** - That Outline Planning Permission be granted by the Council subject to the conditions set out in the report.

Application BH2003/03254/FP – 15 Bristol Road

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

131.44 Having visited the application site Members were of the view the development was acceptable hearing in mind that whilst the deck did allow

views into neighbouring gardens these were currently available by standing elsewhere in the applicant's garden.

131.45 **RESOLVED** – That the Council grant unconditional Planning Permission.

Application BH2003/02224/FP - Basement Flat, 31 Sussex Square

131.46 It was noted that this application had been the subject of a site visit prior to the meeting. Mr Sinclair spoke as an objector to the scheme explaining that notwithstanding further amendments to the scheme he remained of the view that the proposals were detrimental to the privacy of 34 Bristol Gardens.

131.47 Councillor Older considered the property unsuitable for conversion as a flat, given that it had been built as kitchen and storage space rather than living accommodation. Councillor Mrs Theobald requested that if approval was given Condition 3 should be amended to ensure that the windows were double glazed, obscure glazed and fixed shut and retained as such thereafter.

131.48 **RESOLVED** - That the Council grant planning permission, subject to the conditions set out in the report, and to an amended Condition 3:

"That prior to the first occupation of the flat for residential purposes the side windows adjoining the patio of 34 Bristol Gardens facilities shall be obscure, double glazed glass and fixed shut and retained as such thereafter."

Application BH2003/02226/LB - Basement Flat, 31 Sussex Square

131.49 Having considered and approved the application referred to above, Members agreed that Listed Building Approval be granted (subject to referral to GOSE).

131.50 **RESOLVED** - That the Council be minded to grant listed building consent (subject to referral to GOSE) and to the conditions set out in the report.

(ii) DECISIONS ON MINOR APPLICATIONS LIST DATED 14 JANUARY 2004

131.51 The recommendations of the Director of Environment were agreed with the exception of times reported in parts (ii) and (iv) below and items deferred for site visits as set out in the agenda items before 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 14 JANUARY 2004

131.52 There were none.

(iv) OTHER APPLICATIONS

Application BH2003/03531/FP - 8 Church Hill

131.53 The Planning Officer referred to a further letter of objection received

and to an additional condition to be added to take on board comments received from the Preston and Old Patcham Society.

"Details of ventilation to the bathroom and WC shall be submitted to and approved in writing by the Local Planning Authority prior to development. The works shall be implemented in accordance with the approved details and thereafter be retained. Reason: to safeguard the character and appearance of the Patcham Conservation Area to comply with Policies ENV1 of the Brighton Borough Local Plan and HE6 of the Brighton & Hove Local Plan Second Deposit Draft."

131.54 **RESOLVED** - That Planning Permission be granted to the Council subject to the conditions set out in the report and to an additional condition set out above.

Application BH2003/03705/FP - Land r/o 68 – 70 Greenfield Crescent

131.55 Mrs Turner (DAAG) expressed concern that the bungalow should meet the forthcoming regulations in respect of disabled access and that compliance with regulations should be taken seriously. The Development Control Manager explained that under current policies applicants could not be compelled to meet these regulations, but were urged to consider accessibility. Policies could be revised once the legislation was in place.

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

Application BH2003/03674/OA - Highmead, London Road

131.57 Mr Clay, the applicant, spoke in support of his application, referring to similar nearby properties which had been split and on which a second property had been erected.

131.58 Mrs Turner (DAAG) referred to two other new properties which did not appear on the site plan. The Planning Officer explained that the attached plan was the most up-to-date version available. He explained in response to questions that notwithstanding that the plot was larger than sub-divisions should be resisted.

131.59 Councillor Older considered that the proposal was acceptable, particularly bearing in mind that two houses had been erected in the area recently. Councillor Pennington stated that there was a difference between building on back land and infilling and supported the officers recommendation. Councillor Mrs Theobald was in agreement that the application should be refused as both of the houses referred to had been erected prior to the new "draft" Deposit Plan.

131.60 **RESOLVED** - That Planning Permission be refused by the Council for the reasons set out in the report.

Application BH2003/02675/FP - 109a Dyke Road

131.61 The Planning Officer explained that the application represented a small extension to a scheme for which approval already existed. The Council's arboriculturist was satisfied with proposals to retain the large Copper Beech tree which was protected by a TPO at the site.

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

Applications BH2003/02820/FP, BH2003/02816/LB & BH2003/03098/AD - Palmeira House, 82 Western Road, Hove

131.63 The Development Control Manager explained that revised plans indicating the proposed location of the cash room / office at the eastern end of the building received the previous day were considered unsatisfactory and it was recommended that consideration of all three applications be deferred pending further negotiations with the applicants.

131.64 Councillor Paskins referred to a plaque which it was understood had been removed from the front elevation and should be re-instated. Councillor Mrs Theobald referred to Policy QD10 of the Brighton & Hove Local Plan, relating to shop fronts and considered that on completion of the works the bronze window frames to the front of the building should be reinstated as these were more in keeping with the character of the listed building and neighbouring conservation area than the blue ones proposed as part of the applicants (Tesco Stores Ltd) corporate image. Councillor Watkins concurred in this view.

131.65 **RESOLVED** - That consideration of the foregoing applications be deferred pending further negotiations with the applicants in relation to the siting of the cash room / office and possible development amendments to the applications.

Application BH2003/03000/FP - 76 The Drive

131.66 Mrs Turner (DAAG) expressed concern regarding lack of disabled access, stating that a ramp should be provided if this was possible. The Development Control Manager agreed with these concerns and reiterated that at present applicants could not be compelled under planning to meet the DDA but applicants would be required to do so once they came into force.

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

Application BH2003/03460/FP - 2 Wilbury Gardens

131.68 In answer to questions the Planning Officer confirmed the proposed flats would be non-self-contained.

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

Application BH2003/03661/FP - 58 Woodland Drive, Hove

131.70 In answer to questions the Planning Officer explained that notwithstanding the objections of Hove Civic Society, that as the dormer would not be visible in any long public views, that it would be difficult to maintain a refusal. Councillor Paskins did not consider the dormer sat well in the context of the remainder of the property.

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

Application BH2002/0081/FP - 23 Coleridge Street /22-24 Shakespeare Street, Hove

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

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

Application BH2003/03692/FP - Land r/o Whichelo Place

131.74 Members were of the view that it would be beneficial to defer consideration of the application pending a site visit.

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

Application BH2003/03695/FP - 25-28 St James Street

131.76 In answer to questions the Planning Officer explained that details of the "green" roof would need to be submitted and approved prior to implementation of the scheme.

131.77 **RESOLVED** - That the Council is minded to grant planning permission subject to a Section 106 Obligation to secure (a) a commuted payment of £1,500 to secure an amendment to the existing Traffic Regulation Order to exclude occupants of the proposed residential units from receiving parking permits for the surrounding controlled parking zone, and (b) a commuted payment of £1,000 to secure improvement to the walking network in the immediate vicinity of the site, and subject to the conditions set out in the report.

(v) TREES

131.78 **RESOLVED** - (1) That permission to fell the trees which are the subject of the following applications be refused as set out in the report:

BH2003/03780/TPO/F - 31 Tenantry Road
 BH2003/03612/TPO/F - 255 Preston Road

(2) That permission for the felling and replacement of the tree which is subject to the following application be granted as set out in the report:-

BH2003/03832/TPO/F - 225 Preston Road

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

131.79 **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.]

[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.]

132. SITE VISITS

132.1 **RESOLVED** - That the following site visits be undertaken by the Sub-Committee prior to determining the applications, with the exception of 1A Connaught Road (implemented):

APPLICATION	SITE	SUGGESTED BY
Implemented Scheme BH2002/00817/FP	1A Connaught Road 23 Coleridge Street / 22- 24 Shakespeare Street, Hove	Councillor Older Councillor Mrs Theobald
Various applications relating to A3 use BH2003/03692/FP	87-93 Dyke Road and 95-97 Dyke Road Land r/o Whichelo Place	Councillor Mrs Theobald Councillor Paskins

133. PROGRESS ON CURRENT APPEALS

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

134. APPEAL DECISIONS

134.1 The Sub-Committee noted letters from the Planning Inspectorate advising on the results of Planning Appeals as set out in the agenda.

135. **APPEALS LODGED**

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

The meeting concluded at 6.30pm

Signed

Chair

Dated this

day of

2004