

BRIGHTON & HOVE CITY COUNCIL

PLANNING APPLICATIONS SUB-COMMITTEE

25 FEBRUARY 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, 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

148. PROCEDURAL BUSINESS

148A. Declarations of Substitutes

148.1 There were no substitutes.

148B. Declarations of Interest

148.2 The Development Control Manager explained that the applicant in respect of Application BH2003/03717/FP, 46 Crescent Drive South was known to officers on a professional basis by virtue of his role as the Officer providing comments on behalf of the Police as a consultee on relevant applications, but this had had no bearing upon the handling of the application or the recommendation.

148C. Exclusion of Press and Public

148.3 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.

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

149. MINUTES

149.1 Councillor Pennington (Deputy Chair) referred to Application BH2004/00047/FP (mast application), Christian Outreach Centre, North Street, Portslade (pages 8/9 of the minutes) stating that his recollection was that Members had voted on refusal of the application, but following further discussion it had subsequently been deferred. Councillor Carden (Chair) noted the comments made stating that the recorded voting procedures now in place were intended to ensure that anomalies did not occur.

149.2 **RESOLVED** - That the minutes of the meeting held on 4 February 2004 be approved and signed by the Chair as a correct record of the proceedings.

150. PETITIONS

150.1 The Sub-Committee considered a petition presented at Council on 22 January 2004 by Councillor Mrs A Norman in the following terms : -

“We the undersigned :

- (1) Oppose the Planning Application for Land, west of Redhill Close
- (2) Urge Brighton and Hove City Council to reject this proposal; and
- (3) Request Councillors to consider a community alternative proposed by the Westdene and Withdean Community Association (WWCA).

Note : The WWCA is undertaking a consultation exercise within the Westdene and Withdean neighbourhood, to assess their preferred usage, of the land west of Redhill Close. These findings and an alternate proposal will be published in due course” (1,472 signatures).

150.2 Councillor Mrs Norman was present but as the application was the subject of a report on the Plans List, agreed to speak when the application was considered.

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

151. PLANNING APPLICATIONS SUB-COMMITTEE, COMMITTEE PROTOCOL FOR PUBLIC REPRESENTATIONS AND SITE VISIT CRITERIA

151.1 The Sub-Committee considered a report of the Monitoring Officer to the Council seeking Members' agreement to make amendments to the Protocol for Public Representations and for Members to agree in principle to amendments to the Criteria for Planning Applications Sub-Committee Site

Visits insofar as the latter document forms part of the Council's Constitution and full Council would need to give formal agreement to the proposed changes (for copy see minute book).

151.2 The Solicitor to the Sub-Committee explained that an amendments to the existing Public Speaking Protocol could be made by the Sub-Committee but that changes to the Site Visit Criteria would need to be referred via the Environment Committee to Council for decision .

Public Speaking

151.3 Councillor Mrs Theobald stated that she considered the requirement of 5 clear days to be excessive and requested that it be reduced. It was noted that a period of 5 days had always been applied. In answer to questions, the Clerk to the Committee explained that a reduction in the number of clear days was feasible but given that in the event that the Officer's recommendation was to grant but there were objections sufficient time had to be allowed to enable the applicant / agent to be contacted and invited to speak (should they so wish) in order to provide equitable treatment. Where the Officer's recommendation was that an application be refused the applicant / agent was invited to address the Sub-Committee whether or not, there were objectors to the scheme. The Development Control Manager concurred in this view stating that operationally it was better for this to be prior to a weekend. Having discussed the matter Members agreed that a period of 4 clear days should be applied in future i.e. the Friday prior to any meeting of the Sub-Committee.

151.4 Councillor Paskins referred to the role of CAAG representatives and the fact that their representation as a Co-opted Member of the Sub Committee should not necessarily preclude individual amenity groups from attending to speak to address specific applications. Mr Small (CAAG) stated that on occasion this could be useful as not all amenity groups were regular attendees at CAAG meetings , but might have specific comments to make regarding applications within their area. On occasion their comments might vary from the overall view of CAAG. The Development Control Manager explained that where appropriate the comments of individual amenity groups were included within the Officer's reports and the Chair stated that careful thought had been given to the role that CAAG would play when public speaking had been introduced. It was considered that regular umbrella role of CAAG was valuable, but that if deemed appropriate exceptions could be made at the Chair's discretion.

151.5 In answer to questions of Councillor Pennington and Councillor Mrs Theobald, the Solicitor to the Sub-Committee confirmed that Ward Councillors (other than Sub-Committee Members) and Adjoining Ward Councillors would retain the right to speak regardless of whether or not there were speakers as these rights were included in "Planning Sub-

Committee Protocol". Councillors Paskins, Mrs Theobald and Watkins expressed concern regarding the inclusion of the term "Immediate vicinity" as they considered that this could limit speaking rights where the impact of an application might legitimately be far wider than what be considered to be the immediate neighbourhood and were concerned regarding how this would be defined. The Chair, explained that this condition was proposed to ensure , given that only 3 minutes were permitted that a local resident was not disbenefitted and had to split their speaking time with a non resident. In the case of major applications such as the Falmer Stadium application, these were likely to be subject of a "Special" meeting and in such instances Public Speaking Rights could be extended accordingly. All conditions within the Protocol were at the Chair's discretion in any event.

151.6 The Solicitor to the Sub Committee explained that in instances where there was any doubt regarding what might be deemed "local" for the purposes of public speaking that a decision could be made by the Development Control Manager, in consultation with the Chair, Deputy Chair and the Opposition Spokesperson. It was agreed that the existing wording be retained but that the Chair continue to use his discretion as was currently the case.

Site Visit Protocol

151.7 Councillors Pennington (Deputy Chair) and Watkins spoke in support of retaining bullet point 2 under paragraph 1.1. Several other Members referred to lobbying and considered that the distinction needed to be made between 'lobbying' which sought to influence the decision making process and broader information giving / responses to questions which sought to inform the decision making process.

151.8 Councillor Paskins referred to the second bullet point of paragraph 1.1 and paragraph 3.2.2 which in her view should remain as in the original text. She considered that this should remain unaltered as the clarification provided by the original text was useful and should remain. This was put to the vote (see below), the other amendments / deletions indicated were approved as set out in the Appendix to the report.

151.9 **RESOLVED** – (1) That the amendments to the Public Speaking Protocol set out and as referred to above be approved; and

(2) That the proposed amendments set above and in the Appendix to the report in relation to the Site Visit Protocol be referred to the Policy and Resources Committee, the Environment Committee for approval and then be forwarded to Council for approval.

[**Note** : That in respect of the Protocol for Site Visits Councillor Paskins proposed that Paras 1.1 (second) bullet point and Para 3.2.2 should remain

as part of the substantive text, this was seconded by Councillor K Norman. On a vote, Councillor Carden (Chair), Hyde, K Norman, Older, Paskins, Mrs Theobald and Wells voted that this text should be retained. Councillor Tonks voted that it should be removed and Councillors Forester, Hamilton and Watkins abstained. On a vote of 7 to 1 it was agreed that the text referred to above be retained].

152. UPDATE ON DECISIONS DELEGATED TO OFFICERS AT PREVIOUS MEETINGS

152.1 The Development Control Manager explained that Section 16 Notices had been served on Tesco Stores, Palmeira House, 82 Western Road, Hove on all owners, occupiers or those known to have a legal interest in the land. There was a duty to complete and return these documents setting out their legal interests. All responses were anticipated in the near future. Enforcement Notices were being prepared and legal advice was being sought preparatory to seeking prosecution proceedings. It was anticipated that the Notices would be served within the next two weeks. She reminded Members that there was a right of appeal to the Planning Inspectorate against Enforcement Notices.

152.2 Members had previously requested information relating to various sites situated at 87-97 Dyke Road as it had been decided to make a site visit should any application come before the Sub-Committee for determination. There were no applications currently outstanding on these properties. At 91-93 Dyke Road an application for change of use from a retail use to a café had been withdrawn and an application for change of use for part of the ground floor and basement café had been refused under delegated powers. An application at 87-93 Dyke Road for a shopfront and alterations at the rear had been refused under delegated powers, and an application at 95-97 ("The Tin Drum") for alterations to the rear and a proposed roof terrace had been withdrawn. The properties were being monitored by the enforcement officers.

152.3 In answer to questions from Councillor Wells regarding the revised "Standard Conditions" circulated to Members, particularly relating to the provision of cycling facilities in Woodingdean, Councillor Wells stated that Woodingdean did not lend itself to cycling and that facilities were not required there. The Development Control Manager explained, in answer to questions regarding the status of the document, that the Scheme of Delegations gave Officers authority to impose conditions on applications agreed under delegated powers. Where reports came before the Sub-Committee Officers proposed conditions were included within the recommendations. The provision of cycle facilities was part of established Council policy and as such areas of the City such as Woodingdean could not be excluded from the Scheme of Delegations. However, as the imposition of conditions was discretionary, in the light of approved policy,

Members could choose not to require such a condition in respect of any application.

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

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

153.1 **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>
BH2004/00148/FP Application yet to be made Councillor Older	4B Preston Park Avenue	Councillor Older 1A Preston Park Avenue
BH2003/03058/FP	Hoseidon Besson site, Gordon Road, Portslade	Councillor Hamilton
BH2004/00342/FP	Toilets, Queen's Park	Councillor Carden
BH2004/00281/FP Manager	Brighton Rugby Club Waterhall	Development Control

[**Note** : Item 155 sets out a full list of future site visits.]

154. PLANS LIST APPLICATIONS, 25 FEBRUARY 2004 (SEE MINUTE BOOK)

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

Application BH2003/03717/FP - 46 Crescent Drive South, Woodingdean

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

154.2 Mr Broad spoke as an objector and on behalf of other objectors to the scheme. Mr Hardy, the applicant spoke in support of his application.

154.3 Councillor Forester stated that although generally, she did not support backland development she considered it was appropriate at this location. Councillor Carden (The Chair) considered the application was acceptable provided that the access way provided was such that it could only be used for the proposed bungalow.

154.4 Councillor Hyde considered that the proposed development would be detrimental to the character of the area and could set a precedent for further backland development in the immediate vicinity. Councillor Norman expressed similar concerns, and sought assurances that the access

road could not subsequently become access for a more intense estate type development. The Development Control Manager responded that the proposals before the Sub-Committee were such as to provide access to a single dwelling house. Planning Permission would be required for any further development / access and any application(s) would need to be considered on their individual merits.

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

Application BH2003/03787/FP – 14 Highview Road, Brighton

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

154.7 The Planning Officer explained that whilst the conversion of a hip roof to gable end would ensure that the dwelling itself would be balanced and symmetrical, it was considered that the proposal would have an adverse effect on the character of the dwelling and the surrounding environment.

154.8 Councillor Mrs Theobald stated that having had the benefit of a site visit she was of the view that given the variance of building styles within the road that the proposals were not out of keeping with the surrounding area and would be acceptable. Councillors Hyde, Norman, Tonks and Wells concurred in this view. It was noted that no objections had been received from the immediately neighbouring properties. Councillor Wells stated that although he would have preferred a hip roof, he did not consider the proposals would be out of balance with the dwelling as a whole. In answer to questions, the Development Control Manager explained that the gable ends would be of a tiled finish.

154.9 Councillor Pennington concurred with the officers recommendations and stating that the applicant had leave to appeal and that if the application was refused and the applicant was minded to change the roof layout it was possible that an amended application would be produced which was more in keeping and which Officers considered to be acceptable. By agreeing the application it could result in the visual appearance of the area being marred.

154.10 The Development Control Manager explained that the officers recommendations were made in accordance with the Council's approved planning policies and the SPGBH1- Roof Alterations an Extensions.

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

The roof alterations would have a detrimental impact on the character and design of the dwelling and surrounding streetscape, contrary to ENV.3 and ENV.5 of the Brighton Borough Local Borough Plan and QD2 and QD14 of the Brighton and Hove Local Plan Second Deposit Draft and SPGH1- Roof Alterations and Extensions.

Application BH2003/03742/FP - 125 Compton Road, Brighton

154.11 It was noted that this application had been the subject of a site visit prior to the meeting. The Planning Officer explained that the Officers recommendation was "To Grant" rather than, "Minded to Grant". Additional representations received were also reported.

154.12 The Planning Officer explained that the principle of an infill on this site was considered acceptable and that the application had been made in accordance with national and local policy guidance and the realised form of the building. The design of the building was uncompromisingly modern within a mixed but predominantly Victorian / Edwardian locality, but was considered acceptable as the plot stood alone in relation to the surrounding buildings.

154.13 Councillor Hyde considered that the proposed dwelling was inappropriate out of character with the surrounding area and, should be refused. Councillor Paskins considered that the application represented an imaginative use of this triangular shaped site and Councillor Forester considered it was in context within its location where there were varied building styles.

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

Application BH2003/03442/FP - Land West of Redhill Close, Brighton

154.15 It was noted that this site had been the subject of a site visit on 13 January 2004. Outline Permission had been granted in relation to an earlier application BH2003/03369/OA, for the construction of a new community centre, car park and entrance road on 19 December 2003. Details of further representations received were also given.

154.16 Miss Lodge spoke as an objector to the scheme on behalf of the Westdene and Withdean Residents Association (WWCA) and other objectors to the proposed scheme. Councillor Mrs Norman spoke as a local Ward Councillor outlining the objections to the scheme set out in a petition containing 1,472 signatures (Item 150(a) set out above refers) and her objections to the scheme. Mr Burgess spoke in support of the scheme as the applicant's agent.

154.17 Councillor Wells expressed concern regarding potential loss of the land for recreation and considered that the proposed development represented over development of the site, particularly bearing in mind that there were indications that the local infrastructure did not appear able to support this number of additional new houses in terms of school places, access to doctor's surgeries or easy access to public transport. Additionally, Southern Water had expressed concerns regarding the ability of the drainage/ sewerage system to accommodate a significant number of dwellings given that the existing facilities were at capacity. Councillors Mrs Theobald, Tonks, and Paskins concurred in this view agreeing that the loss of this open space and use of this greenfield site was inappropriate and should be resisted. Councillor Forester concurred considering that the site was not suitable for the number of dwellings proposed and that the proposed scheme was old fashioned and unimaginative, a compelling case for the use of a greenfield site had not been made in this instance and the site was clearly not a "windfall" site.

154.18 Members were of the view that notwithstanding that the proposal sought to address affordable housing needs, that this did not outweigh fundamental planning policy objections to the loss of playing fields in the absence of a full needs assessment and to the use of brownfield sites before greenfield for housing development.

154.19 **RESOLVED** – That Planning Permission be refused by the Council for the following reasons :

1. No assessment of need for open space has been submitted. In advance of such assessment the application is premature and would involve the unacceptable loss of playing fields and open space contrary to guidance within PPG7 and Policies T25 and T30 of the Brighton Borough Local Plan and GD20 and SR22 of the Brighton & Hove Local Plan Second Deposit Draft. The applicant has failed to demonstrate exceptional circumstances to justify such loss.

2. The site for the proposed residential development has not been allocated for housing in either the Brighton Borough Local Plan or the Brighton and Hove Local Plan Second Deposit Draft. The site does not meet the definition of a "windfall" site set out in PPG3. The applicant has failed to demonstrate exceptional circumstances to justify release of the land for housing and the proposal would therefore create residential development on a greenfield site contrary to guidance within PPG 3 and Policies S1, H1, H3 and H9 of the East Sussex and Brighton & Hove Structure Plan 1991 - 2011, H3 and H6 of the Brighton Borough Local Plan and HO1 of the Brighton & Hove Local Plan Second Deposit Draft.

Informative

1. This decision is based on drawing nos. DMH/14255.3/1, 2335.03/F, 2335.04B, 2335.05A, 2335.06D, 2335.08D, 2335.09D, 2335.10.D, 2335.11.D, 2335.12C, 2335.50A and 23351A, the Sustainability Report and the Planning Statement.

(ii) DECISIONS ON MINOR APPLICATIONS LIST DATED 25 FEBRUARY 2004

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

(iii) DECISIONS ON MINOR APPLICATIONS WHICH VARY FROM THE RECOMMENDATIONS OF THE DIRECTOR OF ENVIRONMENT AS SET OUT IN THE PLANS LIST (MINOR APPLICATIONS) DATED 25 FEBRUARY 2004

Application BH2004/00192/TA - SE Corner of Dyke Road Avenue and Tongdean Lane

154.21 The Planning Officer explained that the application related to a grassed area of public open space located at the junction of Dyke Road Avenue and Tongdean Lane. The immediate vicinity was fairly open in aspect, bounded by 2 metre high hedgerows / walls, there were also a number of mature trees on the opposite side of the road as well as a series of 10 metre high lamp posts. Adjacent there was a bus stop and the proposed monopole was intended to replace an existing one already in situ.

154.22 Councillor Norman commented on the obtrusive appearance of the top of the mast which with a wider circumference would be of more dominant appearance than that currently in situ. He also queried the need for additional surface mounted cabinets to support the mast, given that the present structure was serviced by underground cabling. There was discussion regarding whether or not the existing installation had ever been in use and, if that were the case why there was the need to provide a replacement. The Planning Officer was unable to confirm whether or not this had been the case. Councillor Norman suggested that if the Sub-Committee were minded to agree that prior approval was not required that a condition should be imposed to ensure that all cabling etc. associated with the installation should be placed underground. The Planning Officer explained that such conditions could not be imposed in instances where it was determined that prior approval was not required.

154.23 Councillor Tonks referred to the high number of letters of objection from local residents and to the height and massing of the proposed structure which was out of proportion with the surrounding street scene. Councillor Paskins referred to the undertaking given by telecom operators

that they would provide details of the point at which the beam of maximum intensity fell from any given mast location. It now appeared that this information would not be made available. The Development Control Manager explained that a number of applications had been received and were in the throes of being processed prior to the Members training session relating to telecommunications installations, attended by industry representatives. Whilst this information could be requested from applicants, they were not obliged to provide this information given, that Government guidance stated that a certificate indicating that an installation complied to ICNIRP public exposure guidelines was sufficient. Councillor Hyde echoed the concerns expressed by Councillor Paskins, considering that operators should be prevailed upon to provide this very important information.

154.24 Mrs Turner (DAAG) referred to the possible hazard that the installation could pose to those who were partially sighted or wheelchair bound and, also considered that installations should meet more restrictive EC guidelines, rather than those imposed by the government.

154.25 The Solicitor to the Sub-Committee reiterated her previous advice that whilst local authorities could consider risks to health / perceived risks to health as a material consideration, in this instance the proposed installation conformed to ICNIRP public exposure guidelines. Therefore, according to Central Government Planning Policy Guidance Note 8 - Telecommunications - if such a compliance notice accompanied an application it was not necessary for local authorities to pursue health concerns further. Notwithstanding this the authority's Environmental Health Officer had considered the proposal, relevant legislation and advice and had concluded that no objection could be raised on grounds that the development could be prejudicial to health or a nuisance .

154.26 A number of Members remained of the view that the proposed was unsightly and would be overly dominant within the surrounding street scene.

154.27 **RESOLVED** - That prior approval for installation of the proposed slimline monopole at the above location be refused and that Planning Permission for the development be refused on the grounds that the proposed monopole would not only be unsightly and located in an area with a large number of masts in the near vicinity, but by virtue of its height be visibly obtrusive in the surrounding area, contrary to policies Env.1 and ENV26 of the Brighton Borough Local Plan and QD23 of the Brighton & Hove Local Deposit Plan Second Draft.

[**Note 1** : Councillor Tonks proposed that the application required prior approval, this was seconded by Councillor Mrs Theobald. On a vote Councillors Hyde, K Norman, Older, Paskins, Mrs Theobald, Tonks and Watkins voted that prior approval was required. Councillors Carden (Chair),

Forester, Hamilton and Pennington (Deputy Chair) voted that prior approval was not required. Councillor Wells abstained. On a vote of 7 to 4 it was determined that prior approval was required].

[**Note 2** : Having voted that prior approval was required the Sub-Committee then considered whether the application should be granted or refused. Councillor Tonks proposed that the application be refused, this was seconded by Councillor Mrs Theobald. On a vote Councillors Hyde, K Norman, Older, Paskins, Mrs Theobald, Tonks and Watkins voted that the application be refused. Councillors Carden (Chair), Forester, Hamilton and Pennington (Deputy Chair) voted that the application should be approved. Councillor Wells abstained. On a vote of 7 to 4 the application was refused].

Application BH2004/00109/RM - The Excelsior, Preston Road, Brighton

154.28 The Planning Officer explained that the site was located to the west side of London Road opposite Withdean Park comprising a six storey block of flats set within grounds and parking to the rear. This section of London Road was characterised by similar blocks of flats. The application before the Sub-Committee related to Reserved Matters pursuant to Outline Application BH2000/02354/OA which had granted permission in principle to construct an additional storey containing two flats, along with two additional car parking spaces. The principle of the additional floor and car parking spaces had been established by the Outline Planning Permission. The design and proposed landscape layout were considered acceptable and met the relevant policy requirements and approval was therefore recommended.

154.29 Mr Peebles spoke as an objector and on behalf of other objectors in respect of the above application, referring to perceived noise and disruption which would result from the perceived works as well as increased ground rent and other charges.

154.30 Councillor Pennington was of the view that in the light of legislation relating to the freehold / long leasehold ownership which had been amended by the Leasehold Reform Act which he considered could be a material consideration. He requested of the Solicitor what status this had in determining the application and whether or not as a result it should be deferred. The Solicitor to the Sub-Committee responded that it was not a material consideration and that the principle of adding an additional storey to the building had already been established at the time Outline Planning Permission had been granted.

154.31 Councillors Norman and Paskins noted the timeframe during which the application had been received and considered it fell outside the three year time period during which works were to be commenced. The

Development Control Manager explained that the intention to commence the works had been received in writing in early December 2003 which fell within the statutory deadline. Further information had then been required in order to process the application. This had resulted in an delay, but did not render the application out of time as the initial paperwork had been received within three years of the date of grant of Outline Permission. Councillor Mrs Theobald was of the view that considerable disruption would result for existing residents in order to create two additional flats, the work was purely in the interests of the applicant

154.32 The Solicitor to the Sub-Committee stated that many of the issues raised related to "Landlord and Tenant" issues which were not relevant planning considerations. She reiterated that the principle of providing an additional floor had been firmly established when outline permission had been granted.

154.33 Members were of the view in addition to all the other factors raised that the additional floor and , in particular the additional lift housing which was necessary would create an additional bulky structure to the top of the building which would dominate the surrounding street scene. Mrs Turner (DAAG), also expressed concerns regarding access to the upper floors for elderly or disabled residents in the event the lift needed to be taken out of operation during completion of the works.

154.34 **RESOLVED** - That Planning Permission be refused by the Council as the proposed lift shaft on the roof of the additional storey, by virtue of its height, would constitute an obtrusive feature detrimental to the visual amenities of the area, contrary to policies ENV.1 and ENV.3 and ENV.5 of the Brighton Borough Local Plan and QD2 and QD14 of the Brighton & Hove Local Plan Second deposit Draft.

[**Note** : Councillor K Norman proposed that the application be refused, this was seconded by Councillor Hyde. On a vote , Councillors Hyde, K Norman, Older, Paskins, Mrs Theobald and Wells voted that the application should be refused. Councillors Carden (Chair), Forester and Hamilton voted that the application be granted. Councillors Pennington (Deputy Chair) Tonks and Watkins abstained. On a vote of 7 to 3 the application was refused.

(iv) OTHER APPLICATIONS

Application BH2004/00266/FP - 80 Edburton Avenue, Brighton

154.35 Mr Chalmers, the applicant spoke in support of his application stating that following the previous planning refusal he had sought to re-submit an application taking on board the concerns previously raised by Members and Officers. In response to questions and suggestions by Members regarding amendments which could be made to the scheme in

order to make it acceptable, it was agreed that consideration of the application be deferred to enable further discussions to take place between the planning officers and the applicant with a view to enabling an application to be submitted which fully complied with the advice in the SPG.

154.36 **RESOLVED** – That consideration of the application be deferred to enable further discussions to take place between planning officers and the applicant to facilitate submission of an acceptable application.

Application BH2004/00148/FP - 4B Preston Park Avenue

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

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

Application BH2004/00138/OA - Brighton Station

154.39 Members were in agreement that Planning Permission be granted and Councillor Pennington made reference to the existing toilet facilities situated within the station complex, hoping that their current condition could be improved .

154.40 **RESOLVED** - That the Council is minded to grant Planning Permission subject to a Deed of Variation to the Section 106 Agreement dated 1September 2003.

Informatives

1. This decision is based on drawing nos.0010-sk- 093, 094, 095, 096, 097, 098, 099 and Plan 1 submitted on 16 December 2003.

2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the Brighton & Hove Plan Second Deposit Draft set out below, and to all relevant material considerations, including Supplementary Planning Guidance; Brighton & Hove Local Plan Second Deposit Draft; Policy EM13- Brighton Station – mixed uses; and Supplementary Planning Guidance Note SPGBH3 : Brighton Station Site Brief.

Application BH2004/00078 - The Hove Centre, Hove Town Hall, Norton Road, Hove

154.41 It was noted that this application had been withdrawn.

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

Application BH2004/00045/FP - Land r/o 101 Conway Street

154.43 The Planning Officer explained that the application was recommended for refusal as the proposed change of use would be contrary to policies specifically identifying the site for Class B1 (b) and (c) and B2 uses and, the applicant had failed to submit any justification for a departure to this policy in respect of these premises.

154.44 Mr Harper, the applicant spoke in support of his application indicating the need to find suitable alternative accommodation for this well established gymnasium, within a reasonable distance of its existing site.

154.45 Councillors Older and Mrs Theobald expressed their support for the scheme which they considered would provide suitable premises for a well established business that provided local employment and a widely used facility, which had supported various community initiatives. Given that this use would also provide local employment they did not consider that change of use from the existing would be detrimental. They noted the applicants concerns that given the lack of suitable premises across the City, if permission for change of use for these premises was to be denied, it was probable that permission could be denied for other sites of the same grounds; as a result the business might have to close with resulting job losses and of an established keep fit facility.

154.46 Councillor Hamilton referred to a similar application which had been made in the past relating to a gym which had been permitted change of use to relocate to Portland Road and enquired regarding the circumstances in that instance.

154.47 The Planning Officer explained that in the instance referred to the premises concerned had been marketed for some time (for its established use) prior to the change of use class being sought. In this instance, the industrial unit was recently constructed. No information had been given to indicate that these premises had been marketed unsuccessfully for their established use and no information had been submitted that lent support to an argument that the premises were unsuitable for B1 or B2 use. The Economic Development Unit had also objected to the loss of a newly constructed industrial unit with no evidence to support its loss to another use.

154.48 In answer to further questions the Planning Officer explained that a greater number of potential jobs could be created by the established use. It was anticipated that "Cheetah's" had at least a further year before it might be necessary to vacate their existing premises.

154.49 **RESOLVED** – that Planning Permission be refused by the Council for the following reasons :-

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

The change of use of premises from B1 to the proposed gymnasium (Class D2 use) would be contrary to these policies, and the applicant has failed to submit any justification for departure to this policy in respect of these premises. The proposed change of use would thereby be to the detriment of employment generating land within the city, which in turn would threaten its PAER status.

Application BH2003/03056/FP - 8 Downside, Hove

154.50 The Planning Officer explained that the application site related to a detached split level bungalow located on the north side of Downside close to the junction with Hill Drive. The surrounding area comprised a mixture of detached split level bungalows and two - storey houses.

154.51 Dr Kramer spoke as an objector to the scheme referring to potential overlooking, loss of privacy and significant loss of light to two of the major windows of the neighbouring property.

154.52 Following discussion Members were of the view that it would be beneficial to visit the site and that consideration of the application should be deferred.

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

Application BH2004/00019/FP - 2 Tongdean Place

154.54 The Planning Officer confirmed that the application site related to a large modern detached house with a large garden in a residential area, on the western side of Dyke Road Avenue, between Chalfont Drive and Tongdean Road .

154.55 Councillor Norman referred to the large dimensions of the proposed extension expressing concern that it could be intended for a business rather residential use. The Development Control Manager confirmed that consent

for a residential use had been sought and that permission would have to be sought if a business / commercial use was required in the future.

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

(v) TREES

154.57 **RESOLVED** - That permission to fell the tree which is the subject of the following application be approved as set out in the report.

BH204/00007/TPO/F Rottingdean Place, Falmer Road – removal of a small sycamore (*Acer pseudoplatanus*).

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

154.58 **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.]

155. SITE VISITS

155.1 **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>
BH2004/00148/FP Application yet to be made	4B Preston Park Avenue	Councillor Older 1A Preston Park Avenue
BH2003/03058/FP	Councillor Older Hoseidon Besson, Gordon Road, Portslade	Councillor Hamilton
BH2004/00342/FP BH2004/00281/FP	Toilets, Queen's Park Brighton Rugby Club, Waterhall	Councillor Carden Development Control
Manager BH2003/03056/FP	8 Downside	Councillor Paskins

156. PROGRESS ON CURRENT APPEALS

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

157. APPEAL DECISIONS

157.1 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.

158. APPEALS LODGED

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

The meeting concluded at 6.00pm

Signed

Chair

Dated this

day of

2004