

BRIGHTON & HOVE CITY COUNCIL
PLANNING APPLICATIONS SUB-COMMITTEE

2.00PM - 28 APRIL 2004

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

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

ADJOURNMENTS

During consideration of application BH2004/00406/FP. Preston Place, 1 Preston Park Avenue, as a result of repeated interruptions from an individual member of the public adjournments took place at 2.40 and 2.55pm. The Chair reminded those present at the meeting of the need for those attending not to disrupt the meeting in order to facilitate the efficient despatch of the democratic business of the Sub-Committee nor to delay the proceedings for those who were waiting to be called to speak, nor to act in a fashion that could be perceived as intimidatory to Members of the Sub-Committee, Council Officers or other members of the public.

CONVERSION OF HOUSES TO FLATS

Councillor Mrs Theobald referred to a formal letter being prepared by the Conservative Group requesting that a study be commissioned to monitor the number of large dwelling houses being converted to flats as this was not currently included within Supplementary Planning Guidance.

180. PROCEDURAL BUSINESS

180A. Declarations of Substitutes

180.1	<u>Councillor</u>	<u>for Councillor</u>
	Smith	Hyde

180B. Declarations of Interest

180.2 Councillor Tonks declared a personal non-prejudicial interest in the tree application BH2004/00926/TPO/F by virtue of his position as Deputy Chair of the Governors at Falmer School.

180.3 The Chair, Councillor Carden, declared a personal non-prejudicial interest in application BH2004/00646/FP, Applesham Way, r/o 1 & 3 Maplehurst Road, Portslade by virtue of his position as a Governor at Portslade Community College.

180C. Exclusion of Press and Public

180.4 The Sub-Committee considered whether the press and public should be excluded from the meeting during consideration of any of the items contained in the agenda, having regard to 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) of the Local Government Act 1972.

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

181. MINUTES

181.1 Councillor Older referred to an error in the note following paragraph 175.25 of the minutes and it was agreed that this should read as follows:-

“**[Note:** Councillor Hyde proposed that the application be refused on the grounds set out above. This was seconded by Councillor Mrs Theobald. On a vote Councillors Hyde, K Norman, Older, Mrs Theobald, Watkins and Wells voted that the application should be refused. Councillors Carden (Chair), Forester, Pennington and Tonks voted that the application should be “approved”. Councillors Hamilton and Paskins abstained. On a vote of 6 to 4 the application was refused.]”

181.2 **RESOLVED** – That subject to the foregoing amendment the minutes of the meeting held on 7 April be approved and signed by the Chair as a correct record of the proceedings.

182. PETITIONS

182.1 No petitions were received.

183. UPDATE ON DECISIONS DELEGATED TO OFFICERS AT PREVIOUS MEETINGS

183.1 The Development Control Manager confirmed that following the service of enforcement notices on Tesco Stores an appeal had been

lodged on behalf of the company by the deadline date. It was anticipated that a local hearing would be held and Members would be kept advised of progress.

183.2 In respect of applications BH2004/00202/FP & 00459/CA (land rear of 21-22 Queens Road), the Development Control Manager confirmed that amended plans had been received and that it was likely that this application would come forward to the next scheduled meeting of the Sub-Committee on 19 May 2004. Following the decision of the Sub-Committee on 7 April 2004 in respect of application BH2003 03131/FP, The Franklin Tavern, 157 - 158 Lewes Road (Minute 175.41 refers), confirmation had been received from the applicants that the disabled toilet facilities would be sited with the other new toilet facilities at the southern side of the building .

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

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

184.1 **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>	
BH2004/00594/FP	Hove Polyclinic, Nevill Avenue	Councillor K Norman	
BH2004/00748/FP	7 Baywood Gardens, Woodingdean	Councillor	
	Wells		
BH2004/00395/FP	51 Tongdean Avenue	Councillor	Mrs
	Theobald		

[**Note:** Item 186 sets out a full list of future site visits.]

185. PLANS LIST APPLICATIONS - 28 APRIL 2004 (SEE MINUTE BOOK)

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

Application BH2004/00406/FP, Preston Place, 1 Preston Park Avenue

185.1 Prior to considering application BH2004/00406/FP, Preston Place, 1 Preston Park Avenue, the Chair explained that a late application to speak had been received from Councillor Mallender, but that in line with the protocol as generally applied, he was not minded to accede to this request. Following constant interruptions by a member of the public from the public gallery, the Chair reminded those present of the standards of behaviour expected, and Chair adjourned the meeting for five minutes at 2.40pm. At 2.45pm the meeting was reconvened. Having established that the applicant was present, the Chair agreed to make an exception to the

protocol and to allow both Councillor Mallender and the applicant's agent to speak.

185.2 There was a further adjournment at 2.55pm as a result of further disruptions by the same member of the public. The meeting was reconvened again at 3.05pm when the Chair explained that action had been taken to ensure suitable action was taken regarding the individual responsible.

185.3 The Planning Officer referred to the earlier Officer recommendation and decision of the Sub-Committee that the application be refused, and subsequent dismissal at appeal in respect of that application BH2002/02657/FP; at appeal the Planning Inspector had only found against the applicant on one of ten reasons for refusal which concerned parking provision for the affordable housing. Unconditional Conservation Area Consent had also been given for the demolition of the two properties on the site. The Inspector's decision was a material consideration in determining the application before the Sub-Committee. As this new application addressed the parking issue raised in the reasons for refusal set out in the Planning Inspector's original report and had been accompanied by draft S106 Obligation offering financial contributions for off-site highway works and open space, provision of a car club, exclusion from any future residents parking scheme, and restriction of 20 apartments to affordable housing, the scheme was now recommended as minded to grant. The design of the proposal remained unchanged.

185.4 Councillor Mallender spoke as a local Ward Councillor on behalf of a number of local residents who had expressed their objections to the proposed scheme, to the loss of the existing 'tudor-beamed' house which was in their view more in keeping with the character of the Conservation Area than the bulk and design of the proposed development. They demurred from the assessment set out in the Inspector's report and had also expressed concerns regarding increased traffic that would be generated as a result of the development.

185.5 Mr Sowerby spoke on behalf of the applicant stating that permission to demolish the building was already extant as a result of the Inspector's findings at appeal. The appeal had been dismissed on one ground only and, the applicants had sought to address this in the resubmitted application. Mrs Turner (DAAG) expressed her dissatisfaction regarding the proposed location of the disabled parking spaces, all were to be sited below ground level with the other on-site provision. Such facilities would not be available to disabled users in the event of the lift access breaking down. Parking needed to be provided at ground level, it was a failure that this scheme did not do that. Mr Sowerby explained that parking had been provided in response to the requirements of the Planning Inspector. In answer to questions he explained that although the underground parking area was accessible to all residents there would be

no linkage between the proposed apartments and affordable housing at ground floor level or above because of issues relating to sale of the land.

185.6 In answer to further questions, Mr Sowerby explained that it was intended to provide the percentage for art element of the scheme by providing decorative gates and railings to the perimeter of the site.

185.7 Councillors Smith and Hamilton referred for the need for a percentage for sport scheme to be considered in relation to this scheme and to others where this was deemed appropriate and, for the nature of the provision for sport or art to be given careful consideration. Councillor Mrs Theobald was in agreement considering that what was provided could often be of poor standard or inaccessible to the general public.

185.8 Councillor Mrs Theobald considered the design of the scheme to be very poor and that it should be refused. In her view the Inspector's decision was flawed, should a further appeal be lodged another Inspector might make a different finding. These views were echoed by Councillor Older who was in agreement with the views expressed by English Heritage regarding the logic of the Inspector's comment that the existing building was attractive but did not make a positive contribution to the Conservation Area.

185.9 Councillor Paskins referred to the trees shown on the photomontage which did not relate to trees actually in situ seeking assurances that suitable trees would be provided.

185.10 The Planning Officer explained that in the light of the appeal decision the applicant could not be required to re-configure the site to provide an element of parking at ground level, nor to submit a revised building design given that these had not been cited as grounds on which the appeal had been dismissed.

185.11 The Development Control Manager reiterated that notwithstanding the views expressed, the Inspector's decision was a material consideration and the only outstanding issue on which the earlier appeal had been dismissed had been addressed. Any Inspector in revisiting any future appeal would have to have regard and give weight to the earlier decision and it was unlikely that this would be overturned and a contrary decision made. As permission to demolish the building existed that could take place without further reference to the Council. The Traffic Engineer was present and it was suggested that it was possible that a Traffic Regulation Order creating disabled parking spaces in Preston Park Avenue (at the applicant's expense) could be included which would overcome the concerns expressed regarding lack of street level disabled parking. It was noted that these spaces would be in addition to the disabled parking spaces provided within the development. The Development Control Manager suggested that this be added as a matter to be addressed in the

proposed Section 106 Obligation and that full details of the tree planting proposed to the southern end of Preston Park and details of the boundary wall treatment proposed should also be provided.

185.12 Councillor Mrs Theobald stated that notwithstanding what had been said she considered that the application was not appropriate and should be refused. Councillor Forester did not consider that it would be prudent to refuse the application in view of all that had been said in regarding the planning history of the site, and the possibility of costs being sought against the Council in the event of a further appeal, considering that the building could, once completed and properly landscaped become the "gateway" building envisaged. On a vote of 6 to 5 with one abstention it was agreed that the Council was minded to grant consent.

185.13 **RESOLVED** - That the Council is minded to grant Planning Permission subject to a satisfactory revised Sustainability Statement and a S106 Obligation to secure off-site highways works and open space, provision of car club, exclusion from any future residents parking scheme, public art, 20 affordable units and the conditions set out in the report and to additional conditions also for inclusion in the Section 106 relating to the provision of on-street disabled parking by means of a Traffic Regulation Order and the requirement to provide details of tree planting proposed and the boundary wall treatment.

Application BH2004/00594/FP, Hove Polyclinic, Nevill Avenue

185.14 Members were of the view that given the controversial nature of the proposals and the number of objections received from local residents that it would be beneficial for consideration of the application to be deferred pending a site visit .

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

(ii) DECISIONS ON MINOR APPLICATIONS LIST DATED 28 APRIL 2004

185.16 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 28 APRIL 2004)

185.17 There were none.

(iv) OTHER APPLICATIONS**Application BH2004/00680/RM, Land West of Coolham Drive, Whitehawk**

185.18 In answer to questions of Councillor Smith, clarification was given that the new premises would be in addition to existing building which would continue in use. In answer to questions of Councillor Mrs Theobald it was explained that there would be pedestrian access to the site in view of the way it was configured but that parking was available in Coolham Drive.

185.19 **RESOLVED** - That approval be given by the Council to the reserved matters subject to the conditions set out in the report.

Application BH2004/00660/AD, 146 Islingword Road

185.20 Mr Wilcox spoke on behalf of the applicants referring to expressions of support received from local residents regarding the illumination provided by the signs which were identical to those previously in situ at the site when it had operated as an estate agents previously.

185.21 In answer to questions by Councillor Pennington and Mr Small (CAAG) regarding the veracity of this statement the Planning Officer responded that as the building had been in a near derelict condition for some years, what might have been permitted in the past would have predated the premises being located within a Conservation Area as was now the case. The illuminated signs were bulky in design and intrusive on the street scene and the level of illumination was considered particularly damaging to the visual amenity and out of character with the surrounding Conservation Area. Councillor Older agreed stating that any signage should be appropriate to the setting of the Conservation Area. Councillors Forester and Watkins concurred in this view considering that illumination of the surrounding area could be provided in a manner appropriate to a Conservation Area and was less harsh in such a prominent location.

185.22 **RESOLVED** - That advertisement consent be refused by the Council for the following reasons:

1. The advertisements by virtue of their design, bulky appearance and method of illumination are out of keeping with the area and detrimental to the character and appearance of the Valley Gardens Conservation Area, contrary to ENV.11 and ENV.22 of the Brighton Borough Local Plan and QD12 and HE6 of the Brighton and Hove Local Plan Second Deposit Draft.

Informative

1. This decision is based on unnumbered photographs submitted by the applicant on 20 February 2004.

[**Note:** Councillors Smith and Wells wished it placed on record that they had voted against the recommendation considering the signs to be acceptable.]

Application BH2004/00600/AD, 35 High Street, Rottingdean

185.23 The Planning Officer explained that the proposed projecting sign would replace the existing sign in the same position and was recommended for approval. However, the proposed base unit would be a new introduction and was considered detrimental to the visual amenity of the area and was therefore recommended for refusal.

185.24 **RESOLVED** - (1) That permission be granted by the Council in respect of **Sign 1** (externally illuminated projecting sign) subject to the conditions set out in the report; and

(2) That **Sign 2** (internally illuminated window base sign) be refused for the following reason:-

It is considered that the method of illumination is detrimental to the visual amenity of the area and contrary to policy QD12 and HE9 of the Brighton and Hove Local Plan Second Deposit Draft.

Application BH2004/00748/FP, 7 Baywood Gardens, Woodingdean

185.25 The Planning Officer referred to an error on the site plan accompanying the report and confirmed the location of the application address.

185.26 Mr Meredith spoke in support of his application referring to a number of similar properties in the immediate locality which had similar roof extensions.

185.27 Given that the property was not situated in a Conservation Area and that neighbours were supportive of the application Councillor Older enquired whether it would be possible for officers to liaise further with the architect to achieve an application which could be recommended for grant. The Development Control Manager explained that as presented officers considered the application to be fundamentally flawed and needed a complete redesign.

185.28 Councillor Wells suggested in view of the number of similar extensions in the area that it would be beneficial to defer consideration of the application pending a site visit and this was agreed by the Sub-Committee.

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

Application BH2004/00240/FP, 3 The Ridgway, Woodingdean

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

1. The proposal, by reason of excessive site coverage, limited plot sizes and failure to provide adequate private amenity space, represents an over development of the site. The proposal would therefore appear cramped and be out of character with development in the locality, contrary to policies ENV.1, ENV.3 and H19 of the Brighton Borough Plan and QD2, QD3, HO4 and HO5 of the Brighton and Hove Local Plan Second Deposit Draft.
2. The proposals by reason of unsympathetic design, siting and scale, would detract from the character and appearance of the street scene, contrary to policies ENV.1 and ENV.3 of the Brighton Borough Local Plan and QD1, QD2, QD3 and HO4 of the Brighton and Hove Local Plan Second Deposit Draft.

Informatives

1. This decision is based on drawing nos. 0339/01, /02, /03, /04, /05, /06, /07 and /08 and design statement submitted on 20 January 2004 and 03391/02A, /03A, /08A, /07A and 08A received on 7 April 2004.

Application BH2004/00799/FP, 2A Beechwood Avenue, Patcham

185.31 The Planning Officer stated that having had regard to the character of the area, the proximity of the application to those adjoining and to subsequent amendments received, it was considered that the proposal was acceptable.

185.32 Mr di Mascio spoke as an objector to the scheme referring to his concerns regarding what he considered to be inaccuracies regarding the degree of overlooking/loss of light that would result from the proposed additional storey.

185.33 Councillor Mrs Theobald was in agreement referring to the lower height and massing of the bungalows on the opposite side of the road and to the smaller plot size of the application site.

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

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

Application BH2004/00801/FP, 272 Mackie Avenue, Patcham

185.35 The Planning Officer referred to the application site which was located at a ground level slightly lower than the adjoining dwelling at no 274 but at the same level as adjacent properties to the west. He confirmed in answer to questions that unless it could be conditioned that the conversion be carried out in tandem with similar proposals relating to 274 Mackie Avenue there would be a loss of symmetry in the roof design with the adjoining property and that the application was therefore recommended for refusal.

185.36 Mr York, spoke in support of his application and on behalf of his neighbour Mr Gillings who had submitted a parallel application in respect of 274 Mackie Avenue. Mr York referred to the proliferation of similar extensions in the area and to the fact that had he had a roof extension built in advance of the rear kitchen/dining extension that the second could have been carried out under permitted development rights.

185.37 Councillor Paskins was in agreement that unless it could be ensured that work could be carried out to both houses at the same time there could be a very real possibility that works to 274 might not be completed and that both applications should therefore be refused. In answer to questions by Councillor Watkins the Development Control Manager explained that Officers were concerned that the symmetry of the two dwellings should be maintained either in their present form or as a result of both having their works completed in tandem.

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

1. The rear dormer, by reason of its width and bulk, would have a detrimental impact on the character and design of the dwelling contrary to policies ENV.3 and ENV.5 of the Brighton Borough Local Plan and policies QD1 and QD14 of the Brighton and Hove Local Plan Second Deposit Draft and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).
2. The proposed roof conversion would not occur in tandem with the similar proposal for 274 Mackie Avenue. As such the proposed roof conversion would have a detrimental impact on the character and design of the dwelling and the surrounding streetscape by creating a loss of symmetry in the roof design with the adjoining property. Therefore the proposal is contrary to policies ENV.3 and ENV.5 of the Brighton Borough Local Plan and policy QD14 of the Brighton and Hove Local Plan Second Deposit Draft and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

Informatives:

1. This decision is based on drawing nos. 0201.01 and 0201.02 Rev B submitted on 8 March 2004.

Application BH2004/00802/FP, 274 Mackie Avenue, Patcham

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

1. The rear dormer, by reason of its width and bulk, would have a detrimental impact on the character and design of the dwelling contrary to policies ENV.3 and ENV.5 of the Brighton Borough Local Plan and policies QD1 and QD14 of the Brighton and Hove Local Plan Second Deposit Draft and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).
2. The proposed roof conversion would not occur in tandem with the similar proposal for 272 Mackie Avenue. As such the proposed roof conversion would have a detrimental impact on the character and design of the dwelling and the surrounding streetscape by creating a loss of symmetry in the roof design with the adjoining property. Therefore the proposal is contrary to policies ENV.3 and ENV.5 of the Brighton Borough Local Plan and policy QD14 of the Brighton and Hove Local Plan Second Deposit Draft and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

Informatives:

1. This decision is based on drawing nos. 1-6 submitted on 8 March 2004.

Application BH2004/00189/FP, 78 Old London Road, Patcham

185.40 The Planning Officer explained that the proposed change of use was considered acceptable within an established local shopping centre and was recommended subject to conditions to ensure that no disturbance to neighbours resulted from ventilation equipment, noise or odours.

185.41 Councillor Mrs Theobald expressed concern regarding potential noise nuisance, litter problems and vandalism that could result from the use, stating that she was aware that such problems had occurred in the vicinity in the past. Councillor Mrs Theobald also voiced concern regarding use of the forecourt area either as a seating area for tables and chairs or if it was to be used as a parking area for the pizza delivery element of the business. Similar concerns were also expressed by Councillor Watkins and Mr Small CAAG. Councillor Pennington referred to the desirability of providing CCTV cameras and the Development Control Manager explained that whilst this could not be made a condition of grant it could be added as an informative. Councillor Smith referred to the proposed hours of operation stating that as the applicant had requested 12.00-22.00 as being acceptable hours of operation that this should be

granted rather than the hours of 9.00-22.00 as set out in the recommended conditions.

185.42 In picking up on the points raised, the Development Control Manager suggested that the proposed conditions be amended to ensure that a litter bin was provided, that no tables and/or chairs were placed on the forecourt nor should it be used as a parking area for any vehicles other than bicycles. Hours of operation of the premises should be between 12.00 and 22.00 as requested by the applicant and that an informative should be added relating to the provision of CCTV cameras.

185.43 **RESOLVED** - That Planning Permission be granted by the Council subject to the conditions set out in the report and to the amendments set out in Paragraph 185.42 above.

Application BH2004/00443/FP, 28 Wilmington Way, Patcham

185.44 The Planning Officer referred to the above application explaining that it was considered that the proposed roof conversion would be contrary to the Council's adopted Supplementary Planning guidance on Roof Alterations and extensions (SPGBH1) and would have a detrimental impact on the character and design of the dwelling and to the surrounding streetscape by creating loss of symmetry in the roof design with the adjoining property.

185.45 Mr Pattison spoke in support of his application stating this application was similar in design to others in the area and to the measures that had been taken to provide the additional accommodation required in a manner that was acceptable.

185.46 Councillor Mrs Theobald considered that it would be unfair to refuse permission when similar extensions existed in the vicinity.

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

[**Note:** Councillors K Norman, Smith, Mrs Theobald and Wells wished their names to be recorded as having voted against the recommendation that the application be refused.]

Applications BH2004/00435/FP and BH2004/00437/CA, The Sea House Public House, 1 Middle Street

185.48 The Planning Officer explained that the application site contained a derelict three-storey building formerly a public house with flat above. It was currently supported by scaffolding. To the south there was a seven-storey block of student flats fronting King's Road. There was a mix of commercial city centre uses in Middle Street including bars, the proposed

development was considered to represent an interesting modern design. In answer to questions, the Planning Officer confirmed that no on-site car parking was to be provided and that although the proposed development would result in a reduction in light to neighbouring properties this was not considered sufficient to merit refusal.

185.49 Councillor Paskins accepted that the existing building was in such parlous condition that it could not be restored, however, she had reservations regarding the proposed design which in her view did not sit happily with its neighbours. Following redevelopment of the site (once the famous "Sea House Hotel") she was of the view that a suitable plaque should be erected commemorating this fact. Councillor Pennington considered that care needed to be taken in choosing the surface render to ensure it was of sufficiently high quality given the building's sensitive corner location. Councillor Forester considered that a number of design issues remained to be addressed. Councillor Mrs Theobald regretted the loss of a historic building and stated that clear demonstration be given that the existing building could not be retained. Mr Small, CAAG, also expressed reservations regarding the design and on discovering that a reglit glazed finish was proposed on part of the building, explaining that this surface was difficult to build with well and had been used on nondescript buildings during the 1960's. Councillor Smith also echoed these concerns. Several Members of the Sub-Committee considered the student block to the south was of a better design than the building and treatment proposed for this prominent site.

185.50 In view of the comments raised Members considered it appropriate to defer consideration of the application pending referral to the Architects' Panel and receipt of their views regarding the application.

185.51 **RESOLVED** – That consideration of the above applications be deferred pending consideration of the application by the Architects' Panel.

Application BH2004/00490/FP, 121 Valley Drive

185.52 The Planning Officer explained that as shown on the plans provided, a 45 degree angle line drawn vertically from the base of the neighbour's window, clears the proposed roofline and therefore complied with planning policies for the maintenance of daylight. An on-site assessment of the potential impact on the adjoining window suggested that the proposed extension would not significantly reduce access to daylight. The application was therefore recommended for grant.

185.53 Mrs Thomas spoke as an objector to the scheme stating that the application could result in significant loss of light and significantly reduce the outlook from her property.

185.54 Following consideration of the matter, Members considered that consideration of the application should be deferred pending a site visit.

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

Application BH2004/00856/FP, 5 Withdean Close

185.56 The Planning Officer confirmed that notwithstanding refusal of a similar previous application it was considered that the current application had addressed the previous reasons for refusal. The removal of rear dormer windows had overcome issues of overlooking, loss of privacy and improved the overall design of the roof extension. The proposal complied with relevant planning policies and this application was therefore recommended for approval.

185.57 Mr Stevens spoke as an objector to the scheme expressing his concerns regarding potential overshadowing, overlooking and loss of privacy to the rear of his property. In answer to questions the Planning Officer showed the rear elevation of the property and the distance between the application site and Mr Stevens' property, which was 16m at the shortest distance. Members were of the view that this was acceptable.

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

Application BH2004/00729/LB, Hove Station, Station Approach

185.59 The Planning Officer explained that the Officers' recommendation was amended to minded to grant, as the application would need to be referred to GOSE. In answer to questions the Development Control Manager explained that the railway authorities had wide ranging permitted development rights and generally did not require formal planning permission in respect of works to be carried out on its own operational land.

185.60 **RESOLVED** – That the Council is minded to grant Planning Permission subject to referral to GOSE and the conditions and informatives set out in the report.

Application BH2004/00619/FP, 35 Lyndhurst Road

185.61 The Planning Officer explained that it was considered that conversion of the existing property into two units, vertically split was unlikely to have a detrimental impact on occupiers of neighbouring properties was therefore considered acceptable in accordance with Local Plan policies and was therefore recommended for approval.

185.62 Mr Haworth spoke as an objector to the scheme voicing his concerns regarding the need to provide sufficient soundproofing between the units and party walls of neighbouring properties and that these issues needed to be addressed.

185.63 Councillor Mrs Theobald expressed concerns regarding additional on-street parking that could result, she was also of the view that conditions should be added to ensure that adequate soundproofing was provided. Councillor Paskins, Older and Watkins were in agreement considering that the provision of adequate soundproofing would address the concerns raised by objectors.

185.64 Although a 'grey' area, the Development Control Manager considered that it would be appropriate to apply a condition relating to soundproofing in this case and suggested additionally that a further condition be added to ensure that no pipes/flues were added to the external walls of the building fronting the adjacent roads and that these should be conducted internally. Councillor Forester also referred to the need to ensure that a suitable fenestration treatment was used.

185.65 **RESOLVED** - That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the additional conditions set out in paragraph 185.64 above.

Application BH2004/00428/FP, 52 Fallowfield Crescent

185.66 The Development Control Manager referred to a request to speak which had been properly received but had not been notified and the need in view of this to extend an invitation to the applicants to enabling them to address the Sub-Committee should they so wish. It was therefore recommended that consideration of the application be deferred to enable the objector and the applicant / agent to speak.

185.67 **RESOLVED** – That consideration of the above application be deferred for the reasons set out in paragraph 185.66.

Application BH2004/00646/FP, Applesham Way, r/o 1 & 3 Maplehurst Road

185.68 The Planning Officer referred to the proposed residential development consisting of two mobility bungalows and four two-bedroom houses. In answer to questions, the Planning Officer confirmed that balconies would be provided to both sides of the building.

185.69 Councillor Hamilton whilst supporting the application considered it regrettable that the part of the development fronting Portslade High Street was of a higher roof level than the bungalows opposite. Councillors

Smith and Watkins requested confirmation regarding the affordable element of the housing.

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

Application BH2004/00526/FP, 43-45 Norway Street

185.71 The Planning Officer explained that there is an outstanding application on the site to demolish and build housing (Ref: BH2002/00749/FP). This had been resolved as 'minded to grant' but Section 106 legal agreement had yet to be signed. The application before the Sub-Committee sought permission for the removal of the personal condition limiting the use for the benefit of the applicant (Doric (UK) Ltd), which had been granted in 2000. Ownership has changed recently and this application was therefore retrospective.

185.72 Mr Collier spoke as an objector to the scheme referring to the persistent infringements by the previous tenants stating that although the new operators had improved some aspects of their running of the site, that at a number of issues remained to be resolved, and urging that appropriate soundproofing be provided and that enforcement action be taken in respect of other abuses, particularly in respect of the loading and unloading activities which were taking place in the street. These presented a potential hazard and effectively blocked the highway whilst they were taking place.

185.73 The Solicitor to the Sub-Committee advised in response to statements made that the original condition although counter to Government advice had not been unlawful.

185.74 Councillor Hamilton expressed support for the concerns raised by Mr Collier stating that he was aware of considerable problems relating to the operation of the site considering that these needed to be properly investigated and addressed and prosecution action taken as appropriate, including rigorous controls on current noise levels. There were a number of matters requiring urgent enforcement action. Councillors Mrs Theobald and Watkins concurred in this view.

185.75 The Solicitor to the Sub-Committee stated that it might be possible for the existing conditions to be revisited if there was a strong enough case to do so.

185.76 **RESOLVED** - That consideration of the application be deferred for further investigation.

Application BH2004/00388/FP, 19 Mallory Road

185.77 The Planning Officer referred to the main considerations applied in respect of the amended application which related to its effects on the appearance of the property and the effects on neighbouring residential amenity. The width of the dormer had been increased from that for which permission had originally been given. The effect of a wider window and a shorter space between the windows had produced a stronger horizontal line at first floor level immediately visible from Onslow Road. The proposed window was therefore considered detrimental to the appearance of the building, was contrary to SPGBH1 and was therefore recommended for refusal.

185.78 Mr Kemp spoke on behalf of the applicants referring to the original application, discussions with Council officers and the design solutions that had been sought as part of the current application and were in his view consistent with the spirit of the SPG.

185.79 Councillor Smith referred to the original application which in his view was more in keeping with the character of the neighbourhood than the amended scheme. Other Members of the Sub Committee concurred in this view.

185.80 **RESOLVED** - That Planning Permission be refused for the following reason:-

The proposed amended dormer by reason of its design, siting and details would not respect the character of the building. It is therefore contrary to policies BE1 and BE19 of the Hove Borough Local Plan, and policies QD1, QD14, and QD27 of the Brighton and Hove Local Plan Second Deposit Draft, and the Supplementary Planning Guidance Note 1: Roof Alterations and Extensions.

Informative:

This decision is based on drawings BR1A, BR2A, BR3A, & P4/A received on 3 February 2004.

Application BH2004/00395/FP, 51 Tongdean Avenue

185.81 Members were in agreement that consideration of the application should be deferred pending a site visit.

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

(v) TREES**DECISIONS**

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

BH2004/00411/TPO/F – Bazehill House, Bazehill Road, Rottingdean;
BH2004/01083/TPO/F - Land to rear of 1-10 Walpole Terrace

(2) Councillor Mrs Theobald referred to the fence to be erected, enquiring whether it could go around the tree in order to protect it and whether it would be possible to defer consideration to enable consideration of this option to be explored. The Development Control Manager advised that a deferral could result in the application not being dealt with within the required time period. Councillor Mrs Theobald then proposed that the application be refused. This was seconded by Councillor Wells. On a vote it was agreed that the application be refused on the grounds that a compelling case for removal of the tree had not been made.

That Permission to fell the tree which is the subject of the following application be refused for the reasons set out above:

BH2004/00928/TPO/F – Falmer School, Woodland Area

(3) Permission to fell the tree which is the subject of the following application be refused for the reasons set out in the report:

BH2004/00812/TPO/F - 18 Tongdean Lane

[**Note:** Councillor Mrs Theobald proposed that the application to fell the above tree be refused. This was seconded by Councillor Wells. Councillors K Norman, Older, Paskins, Smith, Mrs Theobald, Watkins and Wells voted that permission to fell the tree be refused. Councillors Carden (Chair), Forester, Pennington and Tonks voted that the Officer's recommendation to fell the tree should be granted. Councillor Hamilton abstained. On a vote of 7 to 4 permission to fell the tree be refused.]

DELEGATED

185.84 **RESOLVED** - That details of the applications determined by the Director of Environment under delegated powers be noted.

[**Note 1:** All decisions recorded in this minute are subject to certain conditions and reasons recorded in the Planning Register maintained by the Director of Environment. The register complies with legislative requirements.]

[**Note 2:** A list of 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.]

186. SITE VISITS

186.1 **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>	
BH2004/00594/FP	Hove Polyclinic, Nevill Avenue	Councillor K Norman	
BH2004/00748/FP	7 Baywood Gardens, Woodingdean	Councillor	
	Wells		
BH2004/00395/FP	51 Tongdean Avenue	Councillor	Mrs
	Theobald		
BH2004/00844/OA	Acorn Nursery, Portslade	Development	Control
	Manager		
BH2004/00490/FP	121 Valley Drive	Councillor Carden	

187. PROGRESS ON CURRENT APPEALS

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

188. APPEAL DECISIONS

188.1 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.

189. APPEALS LODGED

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

The meeting concluded at 6.00 pm.

Signed

Chair

Dated this

day of

2004