

BRIGHTON & HOVE CITY COUNCIL

PLANNING APPLICATIONS SUB-COMMITTEE

11 AUGUST 2004

2.00PM

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

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

(**NB:** Mrs S Montford was in attendance on behalf of the Conservation Advisory Group for the early part of the meeting).

Before proceeding to the formal business of the meeting the Chairman dealt with the following items:

Adam Trimmingham - Retirement

The Chair referred to the tributes placed on record prior to the commencement of the previous meeting to Adam Trimmingham of "The Argus" wishing him well during his retirement. He explained that Mr Trimmingham had sent a formal response thanking the Sub-Committee and Officers for their gift and good wishes.

In Memoriam - Councillor Gerry Kielty

The Chair referred with regret to the recent death of Councillor Gerry Kielty, latterly Chair of the Adult Social Care and Health Sub-Committee (amongst a portfolio of appointments relating to adult social care and health), but previously Chair of the Planning Committee of Hove Borough Council prior to the inception of the unitary authority, subsequently, Brighton & Hove City Council. Councillor Kielty had been a committed and tireless Ward Councillor known to Members of the Sub-Committee, his contribution to the Council would be sorely missed.

The Sub-Committee observed a minutes silence in memory of Councillor Kielty.

PART ONE**42. PROCEDURAL BUSINESS****42A. Declarations of Substitutes**

42.1	<u>Councillor</u>	<u>For Councillor</u>
	Pidgeon	Hyde

42B. Declarations of Interest

42.2 Councillor Carden (the Chair) declared a prejudicial interest in Application BH2004/02100/FP, Acorn Nursery, The Rise, Portslade by virtue of his position on the Board of Governors of Portslade Community College, stating that he would vacate the Chair, would leave the meeting during consideration of the application and would take no part in the discussion or voting thereon. Councillor Pennington would take the Chair during consideration of this item. Councillor Hamilton declared a personal interest in the same application which did not preclude him from speaking or voting thereon.

42.3 Councillor Watkins declared a prejudicial interest in Application BH2004/01745/FP, Units 2, 3 & 4, 28-42 Brunswick Street West by virtue of the fact that he resided close to the application site, stating that he would leave the meeting during consideration of the application and would take no part in the discussion or voting thereon. Councillor Mrs Theobald declared a personal interest in Application BH2004/01780/FP, Dragons Health Club, by virtue of her membership of the Club. In the event consideration of the application was deferred.

42.4 Councillor Older declared a prejudicial interest in Application BH2004/01573/FP, Varndean Sixth Form College, Post-16 Special Needs Centre by virtue of her position on the Board of Governors of Hillside School stating that she would leave the meeting during consideration of the application and would take no part in the discussion or voting thereon.

42.5 The Clerk to the Sub-Committee declared a personal interest in Application BH2004/01819/FP, 2A Osborne Road stating that she lived in that road albeit at some distance from the application site. In her

capacity as Clerk to the Sub-Committee she had had no involvement with processing of the application. Neither the applicant nor agent were known to her, nor had she discussed the application with any party: she would therefore remain present during discussion of the item and record the minutes according to the usual form.

42C. Exclusion of Press and Public

42.6 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.

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

43. MINUTES

43.1 **RESOLVED** - That the minutes of the meeting held on 21 July 2004 be approved and signed by the Chair as a correct record of the proceedings.

44. TO RECEIVE ANY PETITIONS FROM WARD COUNCILLORS

44.1 The Sub-Committee received a petition from Councillor Randall relating to Application BH2004/0232/FP, Land Between 38-50 Carlyle Street, in the following terms:-

"We the undersigned consider that this application should be refused on the grounds that the proposal is of considerably higher density than the rest of the street and would result in increases in noise, pollution and traffic/parking problems."

(69 signatures)

44.2 **RESOLVED** - That the contents of the petition be received and noted. It was agreed that the contents of the petition could be referred to when considering the application.

45. DEED OF VARIATION TO THE S106 AGREEMENT RELATING TO THE BRIGHTON STATION SITE

45.1 The Sub-Committee considered a report of the Director of Environment detailing the proposed variation to the S106 Obligation Agreement relating to the Brighton Station Site (for copy see minute book).

45.2 The Senior Planning officer, Planning Strategy and Projects, explained that the developer had proposed an amendment at the request of the prospective Registered Social Landlord (RSL) who would manage the affordable housing on the site. The amendment related to clause 5 of the agreement which dealt with obligations after disposal of whole or part of a property. In particular it sought to address mortgage arrangements with the RSLs. The Head of Law had been approached regarding the proposed amendment and had raised no objections as this constituted standard wording, in dealing with issues relating to shared ownership arrangements and as such should have been included in the wording of the original S106 Agreement.

45.3 **RESOLVED** - That the proposed variation be agreed.

46. UPDATE ON DECISIONS DELEGATED TO OFFICERS AT PREVIOUS MEETINGS

46.1 The Development Control Manager updated regarding enforcement action taken against the Tesco Store at Palmeira House, 82 Western Road, Hove, explaining that the Enforcement Notice had been served and a hearing date of 26 October 2004 set in respect of the appeal that had subsequently been lodged. Following advice of the hearing date representatives acting on behalf of Tesco Stores Ltd had discussed with officers proposed remedial works but to date no new application had been submitted, although officers had been advised that this was imminent. At the present time the Council's legal representatives were preparing documentation for the next stage of enforcement action.

46.2 The Development Control Manager informed Members that a training seminar entitled "Design from the Architect's Perspective" was to be given by Mike Lawless of LA Architects from 4.00pm on 31 August 2004 at Hove Town Hall after the Sub-Committee site visits.

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

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

47.1 **RESOLVED** - That the following site visits be undertaken by the Sub-Committee prior to determining the applications:-

APPLICATION

BH2004/01717/FP

SITE

2 College Mews

SUGGESTED BY

Councillor Paskins

The Development Control Manager explained that if the number of site visits prior to the next meeting were few in number, this might provide the opportunity to visit an implemented scheme.

[**Note:** Item 49 sets out the full list of future site visits.]

48. PLANS LIST APPLICATIONS, 11 AUGUST 2004 (SEE MINUTE BOOK)**(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY****Application BH2004/01745/FP, Units 2, 3 & 4, 28-42 Brunswick Street West, Hove**

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

48.2 The Planning Officer explained that permission was sought for the conversion and refurbishment of the existing light industrial units into a music college. The determining issues related to the acceptability of the proposed change of use in policy terms, whether the alterations would have a detrimental impact on the character and appearance of the conservation area and thirdly, whether the proposal would have a detrimental impact on neighbouring occupiers, particularly in respect of noise and disturbance and/or highway safety. Given that the existing industrial premises had been actively, but unsuccessfully marketed for some time this change of use which would generate similar employment levels to the traditional use and was considered acceptable. Conditions to ensure soundproofing to rooms could be imposed. The proposal was not considered likely to have a detrimental impact on the neighbouring occupiers and the proposed external alterations were likely to preserve and enhance the character and appearance of the Brunswick Town Conservation Area, the application was therefore recommended for approval. Details relating to amendments to the front elevation and to the provision of cycle and refuse storage had now been received and the officers recommendation was therefore to "grant" rather than "minded to grant". It was also recommended that two additional conditions and an informative be added.

48.3 Mr Feather spoke as an objector to the scheme stating his concerns regarding the increased potential for accidents as a result of increased pedestrian traffic in a street which was already plagued by illegal parking of vehicles where there was a pavement to only one area of the street. Concerns were also expressed regarding noise and disturbance

as a result of the activities located inside the building and, as a result of students congregating outside the building. Mr Gosden spoke on behalf of the applicants in support of their proposal, explaining that the college ensured that its students conducted themselves in an appropriate manner on arrival and departure and that stringent measures would be taken against students who behaved in an unacceptable manner, citing the success and acclaim of the courses provided by the college and the fact that there had been no complaints regarding the operation of their existing college in Rock Place, Brighton. In answer to questions he confirmed that the internal layout of the building had been designed in order to mitigate any potential noise nuisance and that all rooms where music was to be played or practised would be soundproofed.

48.4 Councillor Forester referred to the existing college premises in Rock Place which fell within her Ward stating that no complaints had been received concerning its operation and that the surrounding environs were of a generally cleaner and tidier appearance than had previously been the case. She commended the proposed use as an improvement on the existing use of the building. Councillor Paskins supported the application but considered that it might be useful if the college encouraged students to sign an undertaking that they would not cause noise disturbance to neighbouring residents by congregating outside the building.

48.5 Councillor Mrs Theobald considered that the proposal represented a good use of a disused commercial building. In answer to questions regarding the soundproofing measures proposed she was pleased to receive confirmation that the building would be soundproofed in its entirety. She expressed concern, however, regarding the current parking abuses that were evident in the street which were such that urgent enforcement action was required. Councillor Older concurred in that view stating that whilst she had no objection to the proposed development, she considered it paramount that the parking abuses that had been evident during the course of the Sub-Committee's site visit be addressed as a matter of urgency.

48.6 **RESOLVED** - That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report. And that the following conditions and informative be added.

[**Note:** Having declared a prejudicial interest in this application, Councillor Watkins left the meeting during consideration of this application and took no part in the discussion or voting thereon.]

Application BH2004/01073/FP, St Catherine's Lodge, Kingsway, Hove

48.7 The Planning Officer explained that permission was sought for the continued use of the premises as a hostel for the homeless. However,

given the number of wide-ranging incidents to which the Police, Fire Brigade and other agencies had been called to on a regular basis, it was proposed that an extension of one year rather than five as had been sought by the applicants be granted which would enable the situation to be closely monitored following the implementation of the additional measures the applicants had agreed to put into place to ameliorate any current nuisance, and to ensure that the use operated without detriment to those living in the surrounding area.

48.8 Councillor Older referred to on-going problems resulting from the behaviour of some of the residents, expressing surprise that the Council's Temporary Accommodation Unit appeared to have been unaware of this until recently, given that she had sent a number of emails herself relating to these issues. Whilst noting that measures were proposed to monitor and address any problems, she considered that it would be preferable if at the expiry of a further year's renewal the building was returned to use as a hotel. This view was echoed by Councillor Paskins who regretted the loss of a hotel from one of the City's core areas: following the further period of temporary permission she was in agreement that the building should revert to use as a hotel. Councillor Wells referred to the number of incidents that had been occurring to which the police had been called, on average ten per month and to the misery that had been suffered by local residents as a result. He did not consider it appropriate for this use to receive repeated renewals.

48.9 Councillor Mrs Theobald referred to a previous site visit by Members of the Sub-Committee at which time concerns had been raised regarding the condition of the premises and the accommodation provided, not least the cooking facilities provided in the rooms which represented a potential a fire hazard. She considered the premises totally unsuitable for their current use and considered that a period (six months) should be allowed for alternative accommodation to be found, after which time the premises should revert to its previous use. Councillor K Norman considered that a detailed health and safety report should be prepared and adhered to. The Planning Officer explained that this issue was being addressed by the City Council's Temporary Accommodation Unit through housing legislation rather than planning legislation.

48.10 The Development Control Manager stressed that a strong management plan would be imposed to ensure that there was no further detriment to local residents and that their amenity was safeguarded. It had been made clear to the applicants that if they were unable to demonstrate that these measures had been successfully implemented and problems remedied any application for a further renewal would be unlikely to receive a favourable recommendation.

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

[**Note:** Mr Rankin was present on behalf of the applicants and although not permitted to address the Sub-Committee as none of the objectors had requested to speak, was available to answer any questions by Members of the Sub-Committee].

Application BH2004/01503/FP, 27 and 27A Sackville Road, Hove

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

48.13 Councillors K Norman and Hamilton considered that the potential loss of light to the neighbouring property could be addressed by constructing the roof of different materials, use of opaque glass would be more neighbourly and would address the concerns and objections received from the neighbouring property. Councillors Pennington and Forester concurred in this view. Councillor Forester was also of the view that appropriate treatment to the boundary wall could further ameliorate potential light loss.

48.14 The Development Control Manager stated that she was unsure whether use of alternative materials would meet building control requirements but that this could be investigated further. If a solution acceptable to all parties could be achieved Planning Permission could be granted. If a solution could not be achieved the application would be referred back to the Sub-Committee for determination.

48.15 **RESOLVED** - That the Sub-Committee is minded to grant Planning Permission and that officers be authorised to negotiate further with all parties to achieve a solution to the roofing and boundary wall treatment that was acceptable to all parties. If an agreement could not be reached the application would be referred back to the Sub-Committee for determination.

Application BH2004/00232/FP, Land Between 38-50 Carlyle Street, Brighton

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

48.17 Councillor Randall spoke as a Local Ward Councillor setting out his objections to the proposed scheme which was of too high density, representing a significant increase on previous applications and would aggravate existing on-street parking problems in Carlyle Street.

48.18 The Planning Officer explained that the prime considerations in this case were the effects of the proposals on the street scene, the character of the area, residential amenities and traffic flows and the need for additional accommodation. He went on to explain that government guidance required planning authorities to secure the efficient use of development sites in the built-up area and that it was important to secure this without eroding the amenities of existing residents or result in developments where new residents were not overcrowded and had satisfactory amenities themselves. A previous application had been refused because it had failed because it had not satisfactorily addressed these issues, however, it was considered that the current application would provide adequate accommodation without detriment to the street scene or the amenities of neighbours, it was therefore recommended for approval.

48.19 Councillors Mrs Theobald and Paskins agreed with the objections raised considering that the current application for eight flats and one house was of too high a density and represented overdevelopment of a constrained site and would be of considerably higher density than the rest of the street and was out of character. They were also in agreement that additional on-street parking which might be generated by the development could add significantly to the burden of on-street parking problems.

48.20 Councillor Pennington considered that the proposed development was acceptable and that Planning Permission should be granted. Councillor Forester considered that the proposed development represented a poor pastiche of buildings elsewhere in the locality. Councillor K Norman also concurred in that view.

48.21 **RESOLVED** - That Planning Permission be refused by the Council on the grounds that :-

1. The proposed development would constitute an overdevelopment of the site, which would by reason of the traffic generated, exacerbate existing parking problems in Carlyle Street. The development would therefore be contrary to policies TR9 and ENV1 of the Brighton Borough Plan and policies TR5A and QD27 of the Brighton & Hove Local Plan Second Deposit Draft;

2. The proposed development would, by reason of its design and inappropriate detailing be out of keeping with the existing buildings in Carlyle Street and be detrimental to the visual amenities of the locality. The development would therefore be contrary to Policies ENV1 of the Brighton Borough Plan and QD1 of the Brighton & Hove Local Plan Second Deposit Draft.

[**Note 1:** On a vote of 8 to 2 with 2 abstentions the application was refused.]

[**Note 2:** Councillor Paskins proposed that the application be refused on the grounds set out above. This was seconded by Councillor Mrs Theobald. On a recorded vote Councillors Forester, K Norman, Older, Paskins, Pidgeon, Mrs Theobald, Tonks and Watkins voted that the application be refused. Councillors Pennington and Wells voted that the application should be granted. Councillors Carden (Chair) and Hamilton abstained. Therefore on a vote of 8 to 2 with 2 abstentions the application was refused.]

Application BH2004/01189/FP, 23 Coombe Rise, Saltdean

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

48.23 Mr Holmes spoke as an objector to the scheme, referring to the proposal which represented overdevelopment, would exacerbate existing parking problems, was out of keeping with the area which was solely of detached dwellinghouses and to apparent anomalies regarding to plans and to the status of the basement accommodation.

48.24 The Planning Officer explained that the main issues to consider were whether the proposal constituted the loss of a "small dwelling" as defined in policy HO9, the impact in terms of traffic generation and parking, the impact on residential amenity and, the standard and layout of the accommodation. Having considered all of the issues raised it was not considered that the proposal would lead to a loss of amenity for occupiers of adjoining residential properties, the proposal was considered to comply with local plan policies and it was not considered that refusal of planning permission could be justified.

48.25 Councillor Tonks stated that notwithstanding that the steep slope on which the site was situated made it a difficult site, he considered the proposed development to be modest and reasonable. As only three flats were proposed he did not consider that this would significantly affect existing on-street parking problems.

48.26 Councillor Mrs Theobald considered that the application was inappropriate in this area in that there were no flats in the immediate vicinity and that this would set a precedent. Insufficient parking was provided for the development and the steeply sloping site also made it unsuitable. The application should therefore be refused..

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

Application BH2004/01573/FP, Varndean Sixth Form College

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

48.29 The Planning Officer explained that full planning permission was sought for the erection of a two-storey building to form a post-16 special needs centre. The building would have a first floor link into the existing college building and would contain ten classrooms, a staff room, student common room and related accommodation. The proposal would also include a new access road, parking and landscaping works. Enclosed garden areas were proposed to the north of the special needs centre accessed by bridge links from first floor level. The main issues for consideration were loss of the playing field, acceptability of the proposed use, design, visual impact upon neighbouring properties, sustainability, ecology, traffic/transport issues and archaeology.

48.30 The Planning Officer went on to explain that notwithstanding concerns about open space loss, major benefits would, however, accrue from having a purpose-built facility catering for post-16 special needs education within the City. The proposed integration with an existing sixth form college could also have significant benefits. The proposal represented a highly sustainable building and it was not considered that significant adverse impact on neighbouring properties would result. Overall the benefits of providing the special needs centre on this site were considered to outweigh the loss of open space on this site. Approval was therefore recommended.

48.31 Mr Sharp spoke on behalf of objectors to the scheme, stating that whilst residents had no objections to the principle of a SEN college they did not consider that the proposed site was appropriate. The proposed building would be overly dominant within the slope of the site and would represent an unacceptable loss of open space/playing fields and ran contrary to the Government's policy to seek to retain and preserve open space. It was considered that this proposal which sought to raise funds for expansion of the college was detrimental to the amenity of the neighbouring area.

48.32 Ms Jordan spoke on behalf of the applicants in support of their application, referring to the proposed use which would bring together provision currently provided across three separate sites and would create a single purpose-built and specialist facility for post-16 special needs students across the city on an existing educational site. Varndean College had already established close links with the existing special needs schools and post-16 students already visited the college regularly. The application

had been designed in order to integrate the building both with the existing college and its surrounding environment and to be sustainable.

48.33 Councillor K Norman considered the design represented an imaginative use of a steeply sloping site (which was not used as a sports pitch) in a manner sympathetic to its surroundings. Rather than a percentage for art element it would be appropriate in this instance for sporting facilities to be provided. Councillor Mrs Theobald considered that the proposed development was of a good design in keeping with its setting and considered the sedum roof to be a particularly attractive feature and was in agreement that a percentage for sport element rather than art should be considered. The building would not result in the loss of a main sporting pitch and would be located at a good distance from any dwellings.

48.34 Mrs Turner, (DAAG), received confirmation that the garden area would be wheelchair accessible from the ground floor. Councillor Tonks expressed support for the enhanced SEN facility which would dovetail with the existing facilities provided at Varndean Sixth Form College and would provide an excellent integration with mainstream education.

48.35 Councillors Paskins, Watkins and Pidgeon also commended the scheme which in their view was imaginative and had sought to provide sustainable design solutions. Councillor Paskins did not consider that it would be appropriate to provide any more car parking spaces than currently proposed and that thought needed to be given to the provision of additional cycling spaces. Councillor Watkins received confirmation that the lift arrangements would provide wheelchair access and considered that it would be appropriate for some specialised sports equipment to be provided.

48.36 In response to Members' observations regarding percentage for sport provision rather than art the Planning Officer explained that a further application for a new sports hall close by was currently being processed and was likely to come before Committee in the near future. The Development Control Manager explained that the percentage for Art concept had been established as Council planning policy for many years. An Officer Working Group was presently preparing overall guidance on developer contributions via S106 Agreements which would include clear advice about the securing of S106 monies for sport and recreation.

48.37 **RESOLVED** – That the Council is minded to grant Planning Permission subject to a Section 106 Planning Obligation to secure the implementation of a Travel Plan for the Special Needs Centre and Varndean College and a contribution towards public art/sport, subject to the submission of satisfactory revised drawings and to the conditions and informatives set out in the report.

[**Note:** Having declared a prejudicial interest in the above application Councillor Older left the meeting and took no part in the discussion or voting thereon.]

(ii) DECISIONS ON MINOR APPLICATIONS DATED 11 AUGUST 2004

48.38 The recommendations of the Director of Environment were agreed with the exception of those reports in parts (iii) and (iv) below and items deferred for the site visits as set out in the agenda 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 21 JULY 2004

48.39 There were none.

(iv) OTHER APPLICATIONS

Application BH2004/01791/LB, 33a Brunswick Square

48.40 Councillor Older referred to the comments received from CAG and contained in the late representations list indicating that they regretted the loss of the existing brick finish (which would be rendered), stating that in their view no technical justification or convincing case had been made for the proposed works.

48.41 The Planning Officer explained that notwithstanding this view the Conservation Officer's report had indicated that the exposed brick faces were suffering from weathering and that an architect and surveyor from English Heritage had visited the site and had been unable to suggest an alternative solution to the proposed rendering of the north face of the elevation.

48.42 Councillor K Norman queried whether the advice of the representative from English Heritage had been correct, considering that the appearance of the exposed brickwork was preferable to it being rendered and that other options should be explored. The Development Control Manager explained that representatives of English Heritage had been invited to visit the site by virtue of their knowledge and expertise and that their professional view had been that the brick facing had weathered to the point that rendering was the only option.

48.43 **RESOLVED** – A vote was taken and on the Chair's casting vote approval was given that the Council was minded to grant Listed Building

Consent subject to referral to GOSE and to the conditions set out in the report.

[**Note 1:** As the application was granted on the Chair's casting vote Members requested that a recorded vote be taken.]

[**Note 2:** Councillors Carden (Chair), Forester, Hamilton, Paskins, Pennington and Tonks voted that the application be granted. Councillors K Norman, Older, Pidgeon, Mrs Theobald, Watkins and Wells voted that the application be refused. On a vote of 6 to 6 the application was approved on the Chair's casting vote.]

Application BH2004/ 01880/LB, 75 Holland Road, Hove

48.44 **RESOLVED** – That Listed Building Consent be granted for the refurbishment and conversion of the existing storage warehouse to provide twenty live/work units subject to the receipt of satisfactory amended plans and to the conditions and informatives set out in the report.

Application BH2004/ 01881/FP, 75 Holland Road, Hove

48.45 Mrs Turner, (DAAG), referred to the access arrangements to the proposed live/work units seeking confirmation that they would be fully accessible to those who were wheelchair bound. The Planning Officer explained that all of the internal lifts within the building were fully accessible and that the layout for the development would need to satisfy DDA requirements.

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

Application BH2004/01576/RM, Knoll Primary School, Stapley Road, Hove

48.47 The Planning Officer explained that this application was submitted following earlier outline approval for 27 residential houses on 21 January 2003 and a 'Minded to Grant' decision of 21 July 2004 for the erection of 30 dwellings subject to the completion of a Section 106 Obligation. The layout and design of the development was similar to that shown on both the outline and recent full approval.

48.48 Mrs Turner, (DAAG), sought clarification regarding whether any of the units would be wheelchair accessible and the Planning Officer explained that as the development would comprise more than ten units of accommodation Policy HO13 of the Brighton & Hove Local Plan Second Deposit Draft would require 12% to be built to a wheelchair accessible standard and to include the provision of disabled parking.

48.49 **RESOLVED** – That the approved matters in respect of the above application be approved subject to the conditions and informatives set out in the report.

Application BH2004/02100/FP, Acorn Nursery, The Rise, Portslade

48.50 The Planning Officer explained that this application was for Full Planning Permission for the nursery for which outline Planning Permission had been granted in May 2004. Details of the proposal were similar to the indicative plans submitted at the outline stage. However, one of the original conditions had required the retention of trees on site and it had since transpired that the development of the desired footprint could not be placed on the site without the removal of trees.

48.51 Councillor Older expressed concern regarding loss of trees from the site, particularly in view of the fact that the outline permission had sought to retain trees on site. The Planning Officer referred to the comments of the Arboriculturist regarding the fact that the trees that it was proposed should be removed were of limited value and were not worthy of a Tree Preservation Order and that they could not now be retained given the configuration of buildings on the site as set out in the detailed application. A condition would be included to ensure that these trees would be replaced in the surrounding area for the benefit of local amenity.

48.52 Several Members required clarification regarding which trees were to be removed from the site. Councillor Hamilton sought confirmation that the trees which comprised the nearby copse and lay outside the application site would not be affected by the proposals. Mrs Turner, (DAAG), considered it regrettable that any trees were to be lost as had they been retained they could have provided shade to the children's play area.

48.53 The Planning Officer explained the orientation of the site plan on display, indicating the precise position of the trees to be removed and explained that none of the trees that fell outside the application site were affected by the proposals.

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

[**Note:** Having declared a prejudicial interest in this application Councillor Carden (Chair) left the meeting during consideration of this application and took no part in the discussion or voting thereon. Councillor Pennington (Deputy Chair) was in the Chair during consideration of this item.]

Application BH2004/ 01772/FP, 8 Downside

48.55 The Planning Officer explained that the application related to a detached split-level bungalow, permission was sought for an additional storey to the property. This was not considered to have a detrimental impact on the neighbouring properties in terms of loss of light, overshadowing or overlooking and the proposed works were not likely to detract from the character and appearance of the street scene and surrounding area. It was noted that the Sub-Committee had visited the site in connection with the previous application.

48.56 Mrs McKay spoke on behalf of objectors at No 10 to the scheme and displayed drawings indicating the considered effects of the proposed development on the neighbouring property. The gable end would be bulkier than others in the surrounding street scene and overlooking and loss of privacy would occur to the secondary windows of the lounge of No 10 Downside from the application site. It was considered that the approach adopted by officers differed from that applied in respect of the previous application in that at that time obscure glaze had been required to the room located at first floor level and that the 45% angle was breached and would result in significant loss of light. The requirement for the development did not outweigh the adverse effects to the amenity of No 10 Downside.

48.57 Mr Richardson spoke as the agent acting on behalf of the applicants in support of this application. He stressed that this application had been made by the new owners of the property and the plans had been prepared by a new architect and had sought to address all of the previous objections. The roof pitch had been reduced and the Juliet balcony which was now proposed and would be set back into the building at first floor level would significantly reduce any perceived overlooking.

48.58 Councillor Paskins queried the fact that obscure glazing was not now proposed and whether increased overlooking would result. The Planning Officer explained that obscure glazing had originally been proposed as the first floor room had at that time been intended for use as a bathroom, obscure glazing was usual for a bathroom but not a bedroom. The bedroom would be set back behind the Juliet balcony and it was not considered that any significant degree of overlooking or loss of amenity would result. Every application should be judged on its merits. Although the application site would be slightly higher, the relationship between nos 8 and 10 Downside would be retained. Moreover, the extensions were not considered likely to look out of proportion, particularly since the gable projection at the front would remain unaltered.

48.59 The proposed additional storey was not considered to have a detrimental impact on the neighbouring properties in terms of loss of light, overshadowing or overlooking, the proposed works were not considered to detract from the character and appearance of the street scene and

surrounding area; the application was therefore recommended for approval.

48.60 **RESOLVED** – That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report. Condition 2 to be removed and replaced with the following condition:-

“No development shall take place until samples of the materials (including colour of render, paintwork or colourwash to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.”

“**Reason:** To ensure a satisfactory appearance to the development and to comply with policies BE1 of the Hove Borough Local Plan and QD1 of the Brighton and Hove Local Plan Second Deposit Draft.”

Informative 1 to be amended to:

“This decision is based on drawing nos 2562.EXG.01 submitted on 27 May 2004 and 2562.PL.01 and 2562.PL.02b submitted on 29 July 2004.”

[**Note:** Councillor Paskins wished her name recorded as having voted that the application be refused.]

Application BH2004/01780/FP, Dragons Health Club, St Helier's Avenue, Hove

48.61 The Development Control Manager explained that clarification had been sought regarding whether or not the existing extractor fan system required planning permission. Negotiations were also taking place with officers of the Environmental Health Department regarding measures to mitigate potential noise nuisance. It was therefore recommended that consideration of the application be deferred to enable an amended report to be presented addressing these issues in full.

48.62 **RESOLVED** - That consideration of the application be deferred pending clarification of the issues referred to above.

Application BH2004/01717/FP, 2 College Mews

48.63 Members considered that it would be beneficial for consideration of the application to be deferred pending a site visit.

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

Application BH2004/01701/FP, The Geese Public House, 16 Southover Street

48.65 Councillor Forester referred to the name of the Public House which should be referred to as "The Geese go over the Water" requesting that an informative be added requesting that its full name be retained. Councillor Paskins requested an amendment to the conditions relating to times during which windows could remain open requesting that the windows should not be opened between 9pm and 11am at any time, rather than 9pm and 10pm as set out in the officers report. However, following discussion that the existing condition of 10pm and 11am should remain.

48.66 **RESOLVED** - That Planning Permission be granted by the Council subject to the receipt of satisfactory amended plans and to the conditions and informatives set out in the report.

Application BH2004/01661/FP, 59-61 Marine Parade

48.67 The Planning Officer explained that the application site was located at the end of a terrace, five-storey (including basement) building located on Brighton seafront, on the corner of Grafton Street. The character of the site was located within the East Cliff Conservation Area, and was predominantly residential. The main issues to be considered were the impact on the character and appearance of the existing building and the locality, and the impact on the amenity of occupiers of adjacent residential properties. There was no objection in principle to enclosure of most of the gap between the rear of the building and the adjacent property to the north. The design materials and detailing of the proposal were in keeping with the main building and the conservation area generally. The proposal was considered to comply with local plan policies and approval was therefore recommended.

48.68 Councillors Older and Pennington referred to the linkage between this and the recently approved application in respect of the neighbouring site, as these were clearly linked it should be a condition of any permission that works to the two linked developments should be carried out at the same time. The Planning Officer confirmed that the same architect was dealing with both applications and that it would be appropriate for a condition to this effect to be added. Councillor Mrs Theobald sought clarification regarding the height of the proposed development in the context of neighbouring buildings and it was noted that this building would be no higher.

48.69 **RESOLVED** - That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and contained in the late representations list and to the addition of condition that the development hereby permitted must be carried out concurrently with that approved in respect of Planning Application BH2003/00112/FP

granted on 9 April 2003 and shall not be carried independent of that Permission. For the avoidance of any doubt the reason for this condition is to ensure a satisfactory standard of development in the interests of the amenities of this part of the East Cliff Conservation area and to comply with policies ENV22 of the Brighton Borough Local Plan and HE6 of the Brighton and Hove Local Plan Second Deposit Draft.

Application BH2004/01693/OA, Reservoir Site, Freshfield Road/Pankhurst Avenue, Brighton

48.70 The Planning Officer explained that the outline application was for the erection of affordable housing, comprising three four-bedroom dwellings; twelve two-bedroom flats; six one-bedroom flats with 17 car parking spaces and two disabled visitor car parking spaces. Although the applicants had overcome concerns about the siting and massing proposed for the site, concern remained regarding the proposed loss of allotments and open space which remained as a sustainable reason for refusal. An additional concern was the reported presence of protected species on the site. For these reasons it was therefore recommended that the application be refused.

48.71 Mrs Bonnett spoke on behalf of objectors to the scheme, referring to a petition containing 616 signatures expressing the view that the site could provide a focus for the Queen's Park/Craven Vale areas and could provide an ideal location for a community centre. It was considered that this would dovetail with the various regeneration initiatives that had been set up in the area. In the absence of an improved infrastructure/community facility the provision of additional housing would be a retrograde step.

48.72 Mr Walker spoke as the applicants agent in support of their application, referring to the dearth of affordable housing for those in key occupations across the city. He stated that Southern Water, the owners of the site, were prepared to offer up any housing development to a registered social landlord, the land did not have public access, the allotment use having been temporary, the site had not been used for this purpose for four years and would not revert to that use should permission for the current application be refused.

48.73 The Development Control Manager explained that the reason that the site had not been used as allotments was that the owners had served notice on the previous tenants to leave. There were lengthy waiting lists for allotments at nearby Tenantry Down, the land was still viable as allotment land and should it return to that use indications were that there would be immediate take-up. These considerations needed to be balanced against the acknowledged shortage of affordable housing across the City. Following repeated requests for access the Council's Ecologist had gained

access to the site a few days prior to the meeting. There were signs that badgers had been present although there was no sett present. There appeared a strong likelihood that other protected species (slow worms and lizards) were present and provision for their protection should be made if any housing development was to be approved.

48.74 Councillor Tonks, whilst regretting the loss of allotments, on hearing details of the number of vacant plots (to be filled from the waiting list) and those on which Weed Notices had been served, considered that the need for affordable housing, given the low wage economy of many key staff, outweighed other needs. Councillor Pennington concurred in this view, although considering that it would be preferable if the applicants could also be required to provide a community facility as part of any development.

48.75 Councillor Paskins considered that given the dearth of allotment space across the city that loss of them at this site should be resisted. The only reason they were currently not in use was because the previous tenants had been evicted by Southern Water, whose agents had subsequently proved reticent in discussing potential use of the site with the Council's Officers. There were sufficient brownfield sites across the City to support its development needs.

48.76 Councillor Forester referred to the stated position of the applicants that the site would not in any event be returned to allotment use, as the site did not have public access it did not represent a 'green lung' on the fringes of the city. It was preferable in her view to provide much needed housing and to condition that some of it be allocated to key health service workers, given the relatively close proximity of the Royal Sussex County Hospital Complex. Councillor Mrs Theobald stated that as the land was in private ownership, the applicant could not be compelled to revert the land to an allotment use. Whilst this use was regrettable, the opportunity existed to provide much needed housing. She considered that as all parties now appeared willing to hold constructive discussions regarding future use of the site there could be mileage in deferring a decision to enable further negotiations to take place.

48.77 Councillor Hamilton concurred in that view, considering that the issues to be considered were complex and further discussions should take place to seek a positive outcome and to move forward from the current impasse. It was unrealistic to seek to retain the allotment use of the site, as the site was not in the Council's ownership and this was ultimately unenforceable. Following discussion Members were of the view that consideration of the application should be deferred to enable further discussions to take place between all parties.

48.78 **RESOLVED** - That the consideration of the application be deferred in order to enable further negotiations to take place as referred to above.

Application BH2004/01733/FP, 12 Richmond Parade, Brighton

48.79 The Planning Officer explained that this application was for part demolition and redevelopment of existing retail/storage to provide 360 square metres B8 storage and 230 square metres A1 retail, ten one-bedroom flats on first and second floors, renewal of consent BH1999/00454/FP. The Planning Officer explained that there had been a substantial change in planning policy since the original permission was granted, and whilst the applicant had gone some way to addressing this, the proposal did not provide any affordable housing, which was contrary to policies HO1 and HO2. It was therefore considered that the proposal was unacceptable and that the existing permission should not be renewed; it was therefore recommended that the application be refused.

48.80 Mr Wright spoke on behalf of the applicant in support of their application, stating that the current owners they were trying to redevelop the redundant retail storage space which had formed part of the long-term commercial lease to ICI who had now sought alternative premises. The application sought to renew the previous permission granted in 1999. He referred to recent Inspectors' decisions which had reversed decisions of the Sub-Committee regarding the level of affordable housing to be provided.

48.81 Councillor Pennington sought confirmation from the applicant as to whether they intended to provide any element of affordable housing within the scheme. Mr Wright stated that it was not considered economically viable to provide any affordable housing as part of the development.

48.82 Councillor Older expressed concern that the Council could be vulnerable if the grounds for refusal were too narrow and were not sufficiently robust in the event of an appeal being lodged. Councillor Paskins considered that there were additional, sustainable grounds on which the application could be refused, in that no outside amenity space was to be provided. Councillor Mrs Theobald considered that the proposed development was of poor design and contrary to Policy SU2 of the Brighton & Hove Local Plan Second Deposit Draft.

48.83 Councillor Wells considered that the site was not of sufficient size to be appropriate for affordable housing. Councillor K Norman queried the requirement for affordable housing in that permission for redevelopment rather than a new development was sought. Councillor Pidgeon queried whether a site visit might be appropriate but other Members considered

that this would not assist consideration of the application as it related to the element of affordable housing.

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

1. The proposal does not provide for any affordable housing, contrary to policies HO1 and HO2 in the Brighton & Hove Local Plan Second Deposit Draft.
2. The proposed development would have no private amenity space and this is contrary to policy HO5 of the Brighton & Hove Local Plan Second Deposit Draft.
3. Although the applicant has indicated areas where it was considered the proposal complied with the requirements of Policy SU2, there were a number of important policies within Policy Su2 which have not been met, and the applicant has failed to demonstrate how the development would meet sustainability objectives in terms of efficiency in use of materials, green travel issues, nature conservation, recycling, minimisation of construction waste, protection of water resources, minimisation of flood risk and surface water run-off as required by policy SU2 of the Brighton & Hove Local Plan Second Deposit Draft. The need for the residential element to have regard to BREEAM eco-homes standards has also not been addressed.

Informatives:

1. This decision is based on drawing nos 958/3, 958/05C, 958/06A, 958/07B submitted on 19 May 2004 and drawing nos 958/2, 958/09B, 958/10C submitted on 7 July 2004 and drawing no 958/08A on 26 July 2004.

Application BH2004/01680/FP, 107 Marine Drive, Rottingdean

48.85 The Planning Officer explained that whilst there was no objection in principle to the redevelopment of the site for a flat development of a higher density, there was concern however, regarding the scale, design, bulk and massing of the proposal and the impact it would have on the character and appearance of the locality and residential amenity. The proposed new access off Chailey Avenue whilst considered acceptable in principle, was, however, of insufficient width and also no disabled parking spaces were proposed. Contrary to policy, a mix of units had not been proposed or units built to lifetime homes standards. No affordable housing was proposed, in conflict with Policy HO2 of the Brighton & Hove Local Plan Second Deposit Draft. The application was therefore recommended for refusal.

48.86 The Planning Officer stated that the agents had submitted an amended site plan (drawing no P329/CO1 Reve) indicating a 3.5m wide dedicated disabled space to address concerns raised by the Traffic Manager. These amendments were considered to satisfactorily address

previous concerns and therefore it was recommended that Reason No 3 as set out in the report be deleted.

48.87 Mr Bareham spoke on behalf of the applicants in support of their application stating that the proposed development had been carefully designed to sit well within the surrounding area which was well served by public transport. The applicant did not consider that the requirement for 40% affordable housing was economically viable or sustainable.

48.88 Councillor Mrs Theobald agreed that the application should be refused but did not consider it appropriate to include a requirement for the provision of 40% affordable housing. Councillor Older referred to the submitted plans which in her view were of very poor quality.

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

1. The proposal would, by reason of excessive scale, bulk and mass, and unsympathetic design and form, adversely affect the character and appearance of the locality, contrary to policies ENV1 and ENV3 of the Brighton Borough Local Plan and QD1, QD2, QD3 and QD4 of the Brighton & Hove Local Plan Second Deposit Draft.
2. The proposal would, by reason of excessive scale and proximity to boundaries of the site and the presence of balconies and roof terraces, adversely affect the amenity of the occupiers of adjacent properties through loss of outlook and loss of privacy. The proposed car parking area would, by reason of scale and proximity to the northern boundary, result in undue noise and disturbance to the detriment of the amenity of the occupiers of 1 Chailey Avenue. The proposal would therefore be contrary to policies ENV1 of the Brighton Borough Local Plan and QDF27 of the Brighton & Hove Local Plan Second Deposit Draft.
3. The proposal fails to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton and Hove City's housing needs, contrary to policy HO3 of the Brighton & Hove Local Plan Second Deposit Draft
4. The proposal does not make any provision for affordable housing and therefore is contrary to policy HO2 of the Brighton & Hove Local Plan Second Deposit Draft which states that 40% of residential units within a scheme of ten residential units or more should be "affordable" as defined in the Plan; and to the informatives set out in the report.

Application BH2004/02081/FP, Land R/o 99 & 101 Wilmington Way

48.90 Councillor Mrs Theobald requested that the site plans be displayed in order to assess the height and appearance of the proposed dwellings in relation to the neighbouring dwellings.

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

Application BH2004/01819/FP, 2A Osborne Road, Brighton

48.92 The Planning Officer explained that the proposal would form a two-storey extension to the side of the property which would provide an additional living room area to the ground floor and an additional bedroom at first floor. The works would also involve the resiting of the gate and minor works to the main boundary wall entrance. The main considerations in respect of the application related to how it affected the amenity of the surrounding properties, specifically on Preston Drove, its impact on the remainder of the building, the street scene in general and the adjoining conservation area. It was considered that the applicant had demonstrated that the extension did not adversely affect the amenity of the adjacent properties as a result of careful design and siting. It was not considered to be visually detrimental to the building, street scene and adjoining conservation area and therefore complied with local plan policies and was recommended for approval.

48.93 Mrs Maguire spoke on behalf of objectors to the scheme and displayed photographs indicating the close proximity of the application site to the properties in Preston Drove. The further development proposed would have a severely negative impact on the privacy and amenity of adjacent dwellings, would result in a high degree of overlooking, would be unneighbourly and would constitute overdevelopment. She suggested that it would be appropriate for a site visit to take place in order for members to assess the potential impact of what was proposed. Mr Fuller, the applicant, spoke in support of the scheme, explaining that he had sought to design a scheme, in consultation with the Council's Officers which would provide additional accommodation for his family whilst seeking to respect the amenity of the area, including adjacent properties located in Preston Drove. Councillor Mallender spoke as a Local Ward Councillor setting out his objections on the basis that the application represented an overdevelopment of the site and would be overly dominant and cause unacceptable overlooking of adjacent properties in Preston Drove and would have a negative impact on the character of the Conservation Area. There was already an element of overlooking and loss of light, this would be exacerbated by a further development. Councillor Mallender also queried the accuracy of the submitted plans in that any development would be far closer to the boundary of the twitten running behind the houses in Preston Drove than was indicated. Members considered that it would be appropriate to defer further consideration of the application pending a site visit. The Chair confirmed that no further public speaking would be permitted in respect of this application as all parties had already had the opportunity to express their views.

48.94 **RESOLVED** - That consideration of the above application be deferred pending a site visit prior to the next scheduled meeting of the Sub-Committee.

Application BH2004/01907/FP, 9-10 Queen's Square, Brighton

48.95 The Planning Officer explained that the application had been withdrawn at the request of the applicant.

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

Application BH2004/01735/FP, 6 Valley Drive

48.97 The Planning Officer explained that the application sought permission to build a two-storey side and rear extension to the existing property. In considering the objections received regarding potential overshadowing of the neighbouring property at no 8 it was not considered that the proposed extension would have a detrimental impact on the overall design and appearance of the dwelling. Given the separation distance between the proposed extension and the common boundary (approximately 4m) with no 8, the majority of the shadow caused by the proposed extension would fall within the application site and not on the neighbouring property. The application was therefore recommended for grant.

48.98 Mr Godfrey spoke as an objector to the scheme setting out his concern that significant overshadowing could result from the proposal and referring to his earlier letter submitted to Members setting out these concerns in detail.

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

Applications BH2004/01851/FP and BH2004/01848/FP, Varndean College, Surrenden Road, Brighton

48.100 The Planning Officer explained that the applications sought to renew the existing planning permission for the existing temporary classrooms for a further three year period. The main issues for consideration were the visual impact of the proposal, impact upon neighbouring properties and the surrounding area, playing field and traffic issues. Although the proposal might have some detrimental visual impact upon the College campus, adjoining houses would only suffer slight impact in long distance views. The proposal would not be acceptable on a permanent basis, but, given that the College was developing a scheme for permanent extensions to the College building, a temporary permission for three years was considered acceptable.

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

(v) TREES

DECISIONS

48.102 **RESOLVED** – (1) That permission to fell the trees, which are subject to the following applications, be approved for the reasons and with the conditions set out in the reports:

BH2004/02215/TPO/F, Maple House, The Spinney, Off Dyke Road, Hove
BH2004/02270/TPO/F, 4 Greyfriars Close, Hove

(2) That permission to fell the tree which is subject to the following application be refused for the reasons set out in the report:

BH2004/01986/TPO/F, Curwen House, Curwen Place, London Road, Brighton

DELEGATED

48.103 **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 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.]

49. SITE VISITS

49.1 **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>
BH2004/01717/FP	2 College Mews	Councillor Paskins

BH2004/01819/FP

2A Osborne Road

Committee Decision

[**Note:** The Development Control Manager stated that subject to the following schemes being sufficiently complete for a visit to be appropriate she would endeavour to arrange a site to one of the following implemented sites prior to the next meeting of the Sub-Committee:-

New dwelling Vere Road, Ditchling Road;

Earthship, Stanmer Park;

Richmond Terrace (Old BCT building)

50. PROGRESS ON CURRENT APPEALS

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

51. APPEAL DECISIONS

51.1 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.

52. APPEALS LODGED

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

The meeting concluded at 6.30pm

Signed

Chair

Dated this

day of

2004