

# **BRIGHTON & HOVE CITY COUNCIL**

## **PLANNING APPLICATIONS SUB-COMMITTEE**

**3 NOVEMBER 2004**

**2.00PM**

**COUNCIL CHAMBER, HOVE TOWN HALL**

### **MINUTES**

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

Co-opted Members: Mrs J Turner, Disabled Access Advisory Group (DAAG); Mrs S Montford, Conservation Advisory Group (CAG).

### **PART ONE**

#### **87. PROCEDURAL BUSINESS**

##### **87A. Declarations of Substitutes**

87.1	<u>Councillor</u>	<u>For Councillor</u>
	Allen	Tonks

##### **87B. Declarations of Interest**

87.2 Councillor Hyde declared a personal interest in Application BH2004/02365/FP, 47 Old Mill Close as she knew the applicant. She would leave the room and not take part in the discussion and decision on that application - Note: this application was deferred for a site visit. Councillor Paskins declared a personal interest in Application BH2004/02564/FP, Rear of 188 Surrenden Road, as the applicant was known to her. Councillor Carden declared a prejudicial interest in Application BH2004/02912/FP, The Sett, Badgers Close, Portslade as he had been involved in giving advice at the initial stage of the application. He would withdraw from the room and not take part in the discussion or decision. (Note: this application was deferred for a site visit).

##### **87C. Exclusion of Press and Public**

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

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

## **88. MINUTES**

88.1 **RESOLVED** - That the minutes of the meeting held on 13 October 2004 be approved and signed by the Chair as a correct record of the proceedings, subject to an amendment to minute 80. Application BH2004/02465/FP, The Candy Bar. The minute should read that Councillor Mrs Theobald voted against, not for the extension of hours.

## **89. PETITIONS**

89.1 There were none.

## **90. UPDATE ON DECISIONS DELEGATED TO OFFICERS AT PREVIOUS MEETINGS**

### **Reasons for Granting Planning Permission**

90.1 The Development Control Manager reported that at the Judicial Review case relating to redevelopment of houses at Ruston, Withdean, the Council was alleged to have not properly considered all objections. The judge found in the council's favour in this matter. However, the judge decreed that the council had failed to give adequate reasons as to why it had approved planning permission. Consequently, this application would be referred back to the Sub-Committee for reconsideration at the next meeting on 24 November 2004. If the Sub-Committee were to grant the application, it would be necessary to properly articulate and record the reasons for approval. These reasons would be set out in the Decision Notice. As a result of this case, it was now necessary to ask Members in respect of every application where the recommendation was to grant "Do you agree with the reasoning and conclusions in the officer's report and accept the recommendation to grant?" Secondly, there was a need to give precise reasons for accepting the officers' recommendations.

## **91. TO CONSIDER THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

91.1 **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>	
BH2004/01453/FP	26-28 Brading Road	Councillor Allen	
BH2004/02365/FP Theobald	47 Old Mill Road	Councillor	Mrs
BH2004/02024/CA Theobald	112/112a Gloucester Rd	Councillor	Mrs
BH2004/02023/FP	As above	As above	
BH2004/02731/FP	9-10 Queens Square	Councillor Paskins	
BH2004/02912/FP	The Sett, Badgers Close	Councillor Hamilton	

**92. PLANS LIST APPLICATIONS, 3 NOVEMBER 2004 (SEE MINUTE BOOK)**

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

**Application BH2004/02403/FP, Larchwood Residential Home, Waldron Avenue**

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

92.2 Councillor Mrs Theobald considered the scheme to be a good facility for Brighton & Hove but would have preferred a two storey rather than three storey building.

92.3 Councillor Paskins supported the application but was disappointed that the building had not been designed to a higher standard of sustainability.

92.4 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the proposal meets identified needs and that the design and appearance will be acceptable.

**Application BH2004/01277/FP, Bevendean Hotel, 50 Hillside**

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

92.6 Councillor Mrs Theobald considered the scheme to be good but agreed that a volume-limiting device should be a condition as suggested in the late representations list.

92.7 The Environmental Health Officer reported that there had been no further noise disturbances inside the premises since 2000.

92.8 Councillor Paskins reported that at the site visit she had been told of a number of problems relating to overflowing drains and delivery lorries. The Environmental Health Officer undertook to investigate these matters.

92.9 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and in the late representations list (soundproofing and volume-limiting device) and to the additional informative that the reasons for the grant of permission are that the proposed extension will compliment the existing facilities on the site.

**Application BH2004/02693/OA, Reservoir Site, Freshfield Road/Pankhurst Avenue**

92.10 Councillor Wells considered that this piece of land would never be used again as allotments and was a good site for affordable homes. He would therefore support the scheme.

92.11 Councillor Paskins supported the officers' recommendation. The proposal would be contrary to the draft local plan and would result in a loss of allotments. She stressed that the tenants of the allotments had been evicted. The allotment officer had informed her that if the application were reused the allotments would be tenanted immediately. Councillor Paskins was concerned that granting approval to the application would set a precedent. She considered the offer of one community room by the developer to be paltry and unacceptable.

92.12 Councillor Pennington asked for information about a letter from the developers relating to the offer of alternative allotments. The Planning Officer explained that the developers were offering secure 10 year tenancies for allotments near to the site.

92.13 Councillor Pennington said that he would not support the refusal and would prefer houses to be built on the site. Councillor Mrs Theobald agreed and considered that the site was not viable for allotments any more. She would like to see 100% affordable housing for key workers on the site. However, the grant of the application should not be seen as a precedent.

92.14 The Development Control Officer reported that planning policies covered the whole of the city and did not aim to safeguard the assets of any particular person or body. There was no good justifiable reason to grant the application and set the land aside as housing, in contravention of council policies. Meanwhile, Southern Water had been reluctant to discuss further the issue of alternative permanent allotment sites.

92.15 Janet Turner requested that a 2 bedroom home for wheelchair users should be added as an informative.

92.16 **RESOLVED** - That the Council is minded to grant Planning Permission subject to a Section 106 obligation to secure alternative allotments, affordable housing, off-street highway works and funding for a community room within the site and subject to usual outline planning conditions and full details of the layout and design of any buildings on the site. The reasons for granting the application are that the Sub-Committee are satisfied that the site is no longer available for allotment use and the development for housing will meet an identified local need.

[**Note 1:** On a vote of 6 to 4 with 2 abstentions the Sub-Committee voted that the application should be minded to grant.]

[**Note 2:** Councillor Hyde proposed that the application should be minded to grant on the grounds set out above. This was seconded by Councillor Mrs Theobald. Councillors Allen, Hamilton, Hyde, K Norman, Mrs Theobald, and Wells voted that the application should be minded to grant. Councillors Carden (Chair), Forester, Paskins and Watkins voted that the application should be refused. Councillors Older and Pennington abstained. On a vote of 6 to 4 with 2 abstentions the application was minded to grant.]

### **Application BH2004/02183/FP, 36 Dyke Road Drive**

92.17 It was noted that this application had been deferred, as a site visit had not been possible.

**Application BH2004/02298/LB, Rear of 87 London Road**

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

92.19 Councillor Mrs Theobald requested that if the application were granted, there should be a condition stating that the property should have a slate roof.

92.20 Mrs Turner (DAAG) was concerned that the application did not have a disabled toilet.

92.21 **RESOLVED** – (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the application allowed on appeal was similar to this application. The proposal will not cause detriment to the listed building and the surrounding area.

**Application BH2004/02297/FP, Rear of 87 London Road**

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

92.23 **RESOLVED** – (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the application allowed on appeal was similar to this application. The proposal will not cause detriment to the listed building and the surrounding area.

**Application BH2004/02629/FP, Hosiden Besson Factory Site, Gordon Road, Portslade**

92.24 The Sub-Committee noted the report erratum in the late representations list.

92.25 Mr Collier spoke on behalf of the Vale Park Residents' Association setting out their objections to the proposal. The objections related to concerns about the service road running through a residential area, the maintenance of the road, the control of hours of operation of the business

units, soundproofing of machinery and the fact that the payment for an amenity space would go to a nearby park and would not be on site.

92.26 Mr Naylor spoke in support of the application. He considered that the applicants had addressed outstanding issues, such as height and density. The number of units was now 35 instead of 40. The scheme was more pedestrian friendly, and consultation had continued with the local population. There had been a public exhibition and a response had been given to all queries. There was a mix of jobs and houses in the scheme and the applicants had offered to upgrade the immediate vicinity. The scheme would result in the regeneration of a disused area.

92.27 The Chair asked if the parking area could be increased. Mr Naylor replied that it would be difficult to incorporate more parking spaces in the scheme.

92.28 Councillor Hamilton stressed that parking was at an absolute premium in this part of Portslade, and that the most common objections related to parking. He was concerned at the lack of parking spaces, and considered that the road should be adopted and built to public highway standards. He questioned the need for 47 cycle spaces for 27 flats. He suggested that there should be one car space for each unit. He would oppose the application as the residents felt that the proposal was overdevelopment of the site. There were also concerns about sewerage and drainage.

92.29 Councillor Mrs Theobald said that she would like to see more parking in the scheme, and restrictions of hours for the industrial use, however she considered it a good scheme and was pleased to see a number of disabled units.

92.30 Councillor K Norman supported the improved scheme but considered that the road should have been proposed for adoption.

92.31 Councillor Paskins considered the scheme to be a good mix and felt that car use should be reduced. She stressed that there were good public transport links to the area. She suggested that some of the sewerage problems could be solved by having a grey water system to cut down use. She would support restrictions on the hours, provided this could be properly enforced.

92.32 The Development Control Manager reported that a matter to consider was the traffic associated with the B1 use, such as servicing, which could give rise to loss of amenity. There would possibly be a case for restrictions of use of hours. Some car parking could be made available for residents and office users, with residents using B1 spaces at weekends and evenings.

92.33 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to a Section 106 obligation undertaking to secure the provision of affordable housing, a financial contribution towards the provision of outdoor recreation space, a financial contribution towards traffic management measures, the provision of improvements to the tarmac between Gordon Road and Station/Boundary Road, and to the conditions and informatives set out in the report and as amended in the late representations list and to the additional condition stating that there be a restriction of hours for loading/unloading as follows. 8.00am to 6.00pm Monday to Friday, 8.00am to 1.00pm Saturday and no loading/unloading on Sundays and bank holidays, and to the additional informative that the reasons for the grant of permission are that the mix of uses proposed is considered acceptable and that the development can be accommodated without detriment to the surrounding area.

**(ii) DECISIONS ON MINOR APPLICATIONS WHICH VARY FROM THE RECOMMENDATIONS OF THE DIRECTOR OF ENVIRONMENT AS SET OUT IN THE PLANS LIST (MINOR APPLICATIONS) DATED 3 NOVEMBER 2004**

**Application BH2004/01453/FP, 26-28 Brading Road**

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

**Application BH2004/02827/FP, 88 Baden Road**

92.35 **RESOLVED** – That the application be deferred to enable negotiation to take place between the applicants and the planning officers to secure an more acceptable loft conversion with a smaller dormer window or two small dormer windows.

**Application BH2004/02785/FP, 1 & 2 Northgate Cottages, Flamer Road**

92.36 Councillor Hyde informed the meeting that although the proposed roof extension and balcony was described as being attached to an existing studio, she considered that the studio looked like a house and was being used as a house.

92.37 The Planning Officer replied that if the property was being used as a house, it would need a separate planning permission. He also confirmed that listed building consent need to be obtained before works commenced. It was possible that the applicants wished to see if planning permission was granted before applying for listed building consent.

92.38 Councillor Hyde asked for the application to be deferred.

92.39 **RESOLVED** – That the application be deferred in order to seek clarification of use.

**Application BH2004/02365/FP, 47 Old Mill Close**

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

**Application BH2004/02795/FP, Patcham Court Farm**

92.41 The Planning Officer recommended an amendment to condition 9 to change the hours of use to 10.00 am to 3 p.m. Monday to Friday only, due to the proximity to residential properties.

92.42 Councillor Paskins requested that the 2 metre fencing should be extended to the boundary. The Principal Planning Officer replied that condition no 6 could be amended to incorporate this request.

92.43 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report and the late representations list; and

(2) That the Council is minded to grant subject to the receipt of comments from the South Downs Conservation Board and subject to the conditions and informatives set out in the report and as amended in the late representations list and with a further amendment to condition 6 to extend the 2m high fencing to the boundary, together with the additional informative that the reasons for the grant of permission are that having regarded the policies referred to in the Officer's report and all other material planning considerations it was considered the proposed use is acceptable and would not give rise to a loss of residential or visual amenity. The Sub-Committee agreed with the reasoning and conclusions in the officer's report and accepted the recommendation to grant.

[**NOTE:** Councillors Hyde, K Norman and Mrs Theobald requested that their names be recorded as having voted against the above resolutions.]

**Application BH2004/02767/FP, 60 West Street**

92.44 **RESOLVED** – That it be noted that the original objection was sent in error and that this application has been determined under delegated powers.

**Application BH2004/02024/CA, 112/112a Gloucester Road**

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

**Application BH2004/02023/FP, 112/112a Gloucester Road**

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

**Application BH2004/02731/FP, 9-10 Queens Square**

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

**Application BH2004/01704/FP, 276-278 Dyke Road**

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

**Application BH2004/02582/FP, Newtown Road/Goldstone Lane, Hove**

92.49 Mr Bamburger spoke as an objector to the proposed scheme setting out his objections on the grounds of loss of light and loss of parking.

92.50 Mr Phillips spoke in support of the application and reported that there would be one car parking space for every 38 square metres. Meanwhile, the amended scheme would not cause loss of light. Eight more car parking spaces could be provided. Currently, each office unit had cycle storage. Cycle storage could be taken out of the ground floor to provide these spaces.

92.51 Councillor Forester welcomed the application, which would provide jobs and would be sustainable.

92.52 Councillor Hyde was pleased to see the regeneration of the area and would support the scheme if there were extra parking. Councillor Mrs Theobald also requested more parking spaces.

92.53 Councillor Paskins said she would be concerned if there was too much loss of cycle parking. There was a need for cycle and motor cycle spaces.

92.54 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That the Council is minded to grant Planning Permission subject to the receipt of satisfactory amended plans indicating a further 6 car parking spaces at basement level plus 2 multi uses spaces, and to the conditions and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the design of the B1 use is considered appropriate and will not give rise to a loss of amenity to neighbouring residents.

#### **Application BH2004/02912/FP, The Sett, Badgers Close, Portslade**

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

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

#### **Application BH2004/02363/FP, 196 Ditchling Road**

92.56 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the Sub-

Committee consider that the design and use are acceptable and that the development is not detrimental to the surrounding area.

**Application BH2004/02547/FP, Land adj. to 2 Elvin Crescent**

92.57 Mr Coutinho, agent for the scheme, spoke in support of the proposal. He considered that the application would not detract from the area by way of loss of outlook or overlooking and that the size of the bungalow echoed the surrounding dwellings. Traffic and parking problems would not occur, and the drains would cope with the extra discharge. He asked the Sub-Committee to visit the site before making a decision.

92.58 Councillor Hyde agreed with the officer's recommendation to refuse, and considered the application would cause overlooking and would be out of character with the area.

92.59 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions in the officer's report; and

(2) That Planning Permission be refused by the Council for the following reasons:

1. The site is considered too small to accommodate a dwelling and the proposal is considered an over intensive use of the site resulting in loss of residential amenity for adjoining occupiers by way of loss of outlook, overlooking and loss of privacy, contrary to policies ENV1, ENV2, ENV3, ENV6 of the Brighton Borough Local Plan, QD2, QD3, QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
2. The design of the dwelling does not take into account the neighbourhood characteristics in terms of design of existing buildings, scale of development and height. The roofline of the proposal in particular contrasts with the prevailing style in the vicinity. This is contrary to policies ENV1, ENV3, ENV5 of the Brighton Borough Local Plan, QD2, QD3, QD14 of the Brighton and Hove Local Plan Second Deposit Draft and Supplementary Planning Guidance Note 1 (SPGBH1- Roof Extensions and Alterations).
3. The proposal does not provide an amount of usable private amenity space appropriate to the scale and character of the development and surrounding area, contrary to policy H19 of the Brighton Borough Local Plan and HO of the Brighton and Hove Local Plan Second Deposit Draft.
4. The proposal does not provide an adequate system of covered secured cycle parking contrary to policy TR33 of the Brighton Borough Local Plan and TR12 of the Brighton and Hove Local Plan Second Deposit Draft and Supplementary Planning Guidance Note Number 4 (Draft Parking Standards).
5. The proposal does not provide an adequate system of refuse and recycling storage facilities contrary to policies ENV48 of the Brighton

Borough Local Plan, SU2 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

**Application BH2004/02742/FP, 14 The Ridgway**

92.60 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the development is appropriate to the location and will not result in the loss of amenity for neighbours.

**Application BH2004/02564/FP, Rear of 188 Surrenden Road**

92.61 Mr Mackenzie spoke on behalf of the applicant to support the application. He considered that the small 'eco house' complied with the structure plan and local plan. The track that would form the access to the house also served 5 & 6 Hollingbury Copse and had never caused any problems. The track also served the back entrances to 174 and 188 Surrenden Road. He was surprised that the track was described as unsuitable.

92.62 Councillor K Norman informed the Sub-Committee that the application was in Withdean and not Patcham Ward as described in the report. He considered that the lane that would serve the proposed property was very narrow and was only there to service garages at the back of properties. He considered that the track was totally unsuitable to provide the main access to the proposed property. He further objected to the design of the house.

92.63 Councillor Mrs Theobald considered that the proposal was backland development and stressed that the track had no lighting or pavement. She also considered the design of the property to be poor.

92.64 Councillors Paskins and Wells supported the proposal.

92.65 The Development Control Manager reported that the unmade track was considered unsuitable as the main site access to the proposed house. The Traffic Engineer was concerned that the track was unlit and had no separate footpath. He considered the track to be potentially dangerous to users.

92.66 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions in the officer's report; and

(2) That Planning Permission be refused by the Council for the following reasons:

1. The track that is the primary means of access to the proposed development is unsuitable due to being narrow, unmade and having no provision for passing space. As such the proposal is contrary to policy TR Safe Development (new policy) of the Brighton and Hove Local Plan Second Deposit Draft.

[**NOTE** : Councillor Paskins declared a personal but not prejudicial interest in the application, as the applicant was known to her.]

#### **Application BH2004/02132/FP, 31 Havelock Road**

92.67 Mr Rutherford spoke as an objector to the scheme. He considered that the trellis work had not lessened the noise and spoilt the quiet enjoyment of his garden. The trellis was not in keeping with the period nature of the surrounding conservation area, and roof terraces were not the norm in the road. The nature of the development had added an oppressive element to his garden.

92.68 Ms Doherty the applicant, spoke in support of her application explaining that she had lived in Havelock Road for 17 years and had always used the roof terrace. She had decided to create a green space on the terrace and had erected trellis work to avoid overlooking. With regard to the objections to noise, Ms Doherty stressed that there were many sources of noise in the area and unlike some other residents, she did not have a dog, children, a lawnmower or barbecues.

92.69 The Planning Officer explained that the placing of the trellis work had softened the problem of noise.

92.70 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That the Council is minded to grant Planning Permission subject to the condition and informatives set out in the report together with the additional informative that the reasons for the grant of permission are that the development does not cause loss of privacy or amenity to the surrounding conservation area.

#### **Application BH2004/02805/FP, Rear of 19 Preston Park Avenue**

92.71 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That the Council is minded to grant subject to Arboriculturists comments and receipt of satisfactory amended plans and the conditions and informatives set out in the report together with the additional informative that the reasons for the grant of permission are that the development is appropriate and will not detract from the appearance of the area or cause loss of amenity.

**Application BH2004/02770/FP, 80 Waldegrave Road**

92.72 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the application has no adverse impact on the surrounding conservation area.

**Application BH2004/02701/FP, 84 Waldegrave Road**

92.73 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the development does not have an adverse impact on the character or appearance of the conservation area.

**Application BH2004/02758/FP, 17A Rose Hill Terrace**

92.74 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That unconditional Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the proposal is in keeping with the building and will not give rise to any loss of amenity to neighbours.

**Application BH2004/02739/FP, City College, Pelham Street**

92.75 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the use is

acceptable and the development is in keeping with the character and appearance of the surrounding area.

**Application BH2004/02662/FP, Old Music Library, Church Street**

92.76 Councillor Paskins informed the Sub-Committee that she objected to the opening hours, as she considered it to be unfair to local residents to have people leaving the club at 1.00 a.m. If the application was to be granted she requested that the terrace at the back of the property should be closed at 10.30 p.m.

92.77 Councillor Watkins considered that the Licensing Committee could consider any noise complaints.

92.78 The Planning Officer reported that the only residential property nearby was use as live/work units (previously a funeral directors premises). The Environmental Heath Officer had not objected to the hours. With regard to the appearance of the property, there would be new windows to the basement and side, which would be in keeping with the conservation area.

92.79 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the use is appropriate to the area and that the design to the extension is acceptable and preserves and enhances the conservation area.

**Application BH2004/02551/FP, 24 Palmeira Avenue, Hove**

92.80 Councillors Forester and Paskins considered that a policy on air conditioning units was required, due to the unpleasant appearance and due to the fact that it would take months to obtain an abatement order if there were problems.

92.81 The Planning Officer explained that the application was required for a residential care home.

92.82 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the condition and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that bearing in mind the particular circumstances of the applicant, and the lack of

significant harm to the amenities of the adjoining occupier it was considered appropriate to grant planning permission in this case.

**Application BH2004/02883/LB, 82 Western Road**

92.83 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That retrospective Listed Building Consent be granted by the Council subject to the informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the proposed development satisfactorily compliments the character of this listed building and the Brunswick Conservation Area.

**Application BH2004/02881/FP, 82 Western Road**

92.84 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That retrospective Planning Permission be granted by the Council subject to the informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the proposed development satisfactorily compliments the character of this listed building and the Brunswick Conservation Area.

**Application BH2003/01315/FP, Beresford Court, Somerhill Road, Hove**

92.85 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the proposed development is acceptable and unlikely to give rise to a loss of residential amenity to nearby occupiers.

**Application BH2004/02608/FP, West Hove Golf Course, Church Farm**

92.86 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the proposed development was considered appropriate and will not detract from the sites downland setting.

**Application BH2004/02723/FP, Land adjoining 8 Hazel Close, Portslade**

92.87 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That outline Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the additional informative that the reasons for the grant of permission are the proposed site is considered adequate to accommodate the development of a dwelling without detriment to local amenities.

**Application BH2004/02678/FP, 37 Benfield Way, Portslade**

92.88 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the condition and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the proposed development is considered acceptable and will not give rise to a loss of amenity to adjacent residents.

**Application BH2004/02842/FP, 75 Woodland Drive, Hove**

92.89 Miss Ashford spoke as an objector to the scheme on the grounds of loss of amenity and light and the enjoyment of her property. The proposal would overhang her property, would affect the foundations and would prevent her from maintaining her property.

92.90 The Council Lawyer reported that considerations such as overhanging and the maintenance of foundations were not planning issues and should not be taken into account when the Sub-Committee made their decision.

92.91 **RESOLVED** - (1) That the Sub-Committee concur with the reasoning and conclusions set out in the officer's report; and

(2) That Planning Permission be granted by the Council subject to the conditions and informatives set out in the report and to the additional informative that the reasons for the grant of permission are that the design, scale, and appearance of the extension are considered acceptable and can be accommodated on the site without detriment to the adjoining residential occupier.

**(v) TREES****DECISIONS**

92.92 With regard to BH2004/02866/TPO/F, (T1) and BH2004/02867/TPO/F Loxdale Centre, Locks Hill, Portslade, Councillor Hamilton pointed out that there was no mention of T11 in the recommendation although this tree was listed as a tree to be felled on the previous page of the report. He further pointed out that T16 was included in the recommendation as a tree to be felled, yet this tree was not mention as a tree to be felled on the previous page of the report. He requested that this application be deferred until these matters could be satisfactorily explained. Other Members of the Sub-Committee concurred with that view.

92.93 **RESOLVED** – That the above applications be deferred for further clarification concerning T11 and T16.

92.94 **RESOLVED** - (2) That permission to fell the trees, which are subject to the following application, be approved for the reasons and with the conditions set out in the reports:

BH2004/02904/TPO/F, Southern Water, Southern House, Lewes Road

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

92.95 **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. In all cases where approval has been given the reasoning set out in the report was agreed by Members of the Sub-Committee.]

[**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.]

**93. SITE VISITS**

93.1 **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>	
BH2004/01453/FP	26-28 Brading Road	Councillor Allen	
BH2004/02365/FP Theobald	47 Old Mill Road	Councillor	Mrs
BH2004/02024/CA Theobald	112/112a Gloucester Rd	Councillor	Mrs
BH2004/02023/FP	As above	As above	
BH2004/02731/FP	9-10 Queens Square	Councillor Paskins	
BH2004/01704/FP Theobald	276-278 Dyke Road	Councillor	Mrs
BH2004/02912/FP	The Sett, Badgers Close	Councillor Hamilton	

#### **94. PROGRESS ON CURRENT APPEALS**

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

#### **95. APPEAL DECISIONS**

95.1 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.

#### **96. APPEALS LODGED**

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

96.2 The Development Control Manager reported that an appeal had been lodged in relation to 51 Tongdean Avenue, which had been refused by the Sub-Committee against officers' recommendations.

96.3 **RESOLVED** – That Councillor Paskins be nominated to attend the appeal hearing.

### **PART TWO**

#### **97 ITEMS TO REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS AND PUBLIC**

97.1 **RESOLVED** – That no items remain exempt from disclosure to the press and public.

The meeting concluded at 7.09 p.m.

Signed

Chair

Dated this

day of

2004