





Brighton & Hove
City Council

Planning Committee

Title:	Planning Committee
Date:	9 June 2010
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Hyde (Chairman), C Theobald (Deputy Chairman), Carden (Opposition Spokesperson), Alford, Cobb, Davey, Hamilton, Kennedy, McCaffery, Simson, Smart and Steedman Co-opted Members: Philip Andrews (Chairman) Conservation Advisory Group) or Mr Roger Amerena (Conservation Advisory Group)
Contact:	Jane Clarke Senior Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk

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AGENDA

17. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

18. MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes of the meeting held on 19 May 2010 (copy attached).

19. CHAIRMAN'S COMMUNICATIONS

20. PETITIONS

No petitions had been received by the date of publication of the agenda.

21. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on Wednesday 2 June 2010).

No public questions received by date of publication.

22. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on Wednesday 2 June 2010).

No deputations received by date of publication.

PLANNING COMMITTEE

23. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

24. LETTERS FROM COUNCILLORS

No letters have been received.

25. NOTICES OF MOTION REFERRED FROM COUNCIL

No Notices of Motion have been referred.

26. APPEAL DECISIONS

17 - 30

(copy attached).

27. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

31 - 34

(copy attached).

28. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

35 - 36

(copy attached).

29. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

30. REQUEST TO DISCHARGE UNILATERAL UNDERTAKING IN ASSOCIATION WITH PLANNING PERMISSION REFERENCE BH2007/00862

37 - 40

31. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST: 9 JUNE 2010

(copy circulated separately).

32. TO CONSIDER AND NOTE THE CONTENT OF THE REPORT DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY

33. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST

Members are asked to note that officers will be available in the Council Chamber 30 minutes prior to the meeting if Members wish to consult the plans for any applications included in the Plans List.

PLANNING COMMITTEE

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

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For further details and general enquiries about this meeting contact Jane Clarke, (01273 291064, email jane.clarke@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 1 June 2010

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 19 MAY 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), C Theobald (Deputy Chairman), Carden (Opposition Spokesperson), Cobb, Davey, Fallon-Khan, Hamilton, Kennedy, Smart and Steedman

Co-opted Members Mr Roger Amerena (Conservation Advisory Group)

Officers in attendance: Deputy Development Control Manager (P Vidler); Area Planning Manager (East) (C Burnett); Area Planning Manager (West) (N Hurley); Senior Planning Officer (A Thatcher); Principal Transport Manager (S Reeves); Lawyer (A Wilkinson); Senior Democratic Services Officer (J Clarke)

PART ONE

1. PROCEDURAL BUSINESS

1a. Declaration of Substitutes

1.1 Councillor Fallon-Khan declared that he was substituting for Councillor Simson.

1b. Declarations of Interest

1.2 Councillor Hamilton declared a personal interest in application BH2010/000669, 75 Crest Way, North Portslade arising from knowing an objector to the application. He remained in the meeting but did not partake in the voting thereon.

1c. Exclusion of the Press and Public

1.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

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

2. MINUTES OF THE PREVIOUS MEETING

- 2.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 28 April 2010 as a correct record of the meeting.

3. CHAIRMAN'S COMMUNICATIONS

- 3.1 The Chairman referred to the recent Conservation Advisory Group (CAG) elections and noted that Mr Phillip Andrews had been elected as Chairman of the Group. Mr Roger Amerena would be attending on behalf of Mr Andrews at certain meetings to represent the Group, and she welcomed Mr Amerena to the meeting today.
- 3.2 The Deputy Development Control Manager, Mr Paul Vidler, reminded Members that a planning training event would be held on 21 May 2010 in the Council Chamber at Hove Town Hall. He noted that this was the first session to be run as part of the new programme.
- 3.3 Mr Vidler added that new temporary measures to assist the development industry introduced in May 2010 as a response to the current recession. These measures would be reviewed again in January 2011.

4. PETITIONS

- 4.1 There were none.

5. PUBLIC QUESTIONS

- 5.1 There were none.

6. DEPUTATIONS

- 6.1 There were none.

7. WRITTEN QUESTIONS FROM COUNCILLORS

- 7.1 There were none.

8. LETTERS FROM COUNCILLORS

- 8.1 There were none.

9. NOTICES OF MOTION REFERRED FROM COUNCIL

- 9.1 There were none.

10. APPEAL DECISIONS

10.1 The Committee noted the contents of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

11. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

11.1 The Committee noted the planning appeals which had been lodged as set out in the agenda.

12. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

12.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the agenda.

13. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

13.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Site visit requested by:
BH2010/00559, Dolphin House, Brighton	Deputy Development Control Manager

14. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST

(i) TREES

(1) Councillor Mrs Theobald noted the felling of six elm trees and felt that this was excessive. The Arboricultural Officer was not present at the meeting but Mr Vidler undertook to ensure that Councillor Mrs Theobald was contacted with more information about this issue.

(ii) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM POLICY

A. Application BH2010/00206, Former Legal & General Buidling, 2 Montefiore Road, Hove – Change of use of basement, ground and second floors only from (B1) offices to specialist orthopaedic and sports injury clinic (D1).

(1) Councillor Carden noted that he had been an outpatient at the Royal Sussex County Hospital for several years and one of the applicants to this application was his doctor. He asked advice from the Lawyer as to whether he needed to declare an interest. The Lawyer to the Committee, Ms Ann Wilkinson stated that this did not need to be declared as either a personal or prejudicial interest.

- (2) The Area Planning Manager (West), Ms Hurley gave a presentation to the Committee detailing the elements of the scheme as set out in the report, and demonstrated plans. It was noted that the current provision of 25 parking spaces on site would be retained, with 15 spaces reserved for the scheme. Whilst there was a loss of office floor space associated with this application, this would be balanced out by the increase in high level jobs that would be provided with the scheme. The Planning Policy Team raised concerns that the floor spaces had not been marketed separately, and that the building should be retained for community usage, but as both NHS and private patients would be using the facility, it was deemed that this need was sufficiently met.

Questions/Matters on Which Clarification was Sought

- (3) Councillor Mrs Theobald asked if the 15 retained spaces for the scheme would be for patient or staff use and Ms Hurley replied they would be for staff use only. She added that a parking assessment had been conducted which evaluated that there would be a maximum number of 23 patients requiring parking at a time and this could be accommodated by existing parking arrangements on Montefiore Road.
- (4) Councillor Cobb asked when the parking assessments had been done and what area was covered and the Principal Transport Engineer, Mr Steve Reeves replied that it had been conducted on Tuesday 15 December 2009 between 14:00 and 15:00 hours. The assessment included all roads within a 200 metre radius of the site. Councillor Cobb felt that this could be a particularly quiet time of day and year and as such did not truly reflect the parking levels on nearby roads.

Debate and Decision Making Process

- (5) Councillor Mrs Theobald felt that this was a good use for this particular building, but was disappointed in the levels of parking provision for the site. She felt the disabled parking provision was especially poor and noted that at most times of the day the parking availability along Montefiore Road was very limited.
- (6) Councillor Carden noted that he had been an outpatient at the Royal Sussex County Hospital for many years and he did not believe the current facilities at the hospital for people with orthopaedic problems were completely sufficient. The application would be far more beneficial to those with knee problems as it would be easier to access than the hospital site.
- (7) Councillor Steedman felt that anything that would bring a viable use back to the building was to be welcomed. The Chairman agreed and welcomed in particular the flexibility of use for the building.
- (8) Councillor Smart believed the scheme was good but also reflected concern about the parking provision.
- (9) A vote was taken and the Committee voted unanimously to grant the application subject to the conditions and informatives listed in the report.

14.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant the planning permission subject to the conditions and informatives set out in the report.

B. Application BH2010/00637, 67 Norway Street, South Portslade – Application to extend time limit for implementation of previous approval BH2007/01655 for a replacement warehouse on the southern part of site including mezzanine floor and covered loading bay.

(1) The Area Planning Manager (West), Ms Hurley gave a presentation detailing the elements of the scheme as set out in the report and demonstrating plans and elevational drawings. There were no material changes to the current application and no changes in planning policy that affected the application, therefore the issues remained the same. The principle of development from the previously granted application had already been established on site.

Debate and Decision making Process

(2) Councillor Hamilton noted that the application was not in fact sited on Vale Road as was erroneously stated in informative 4 of the report.

(3) A vote was taken and the Committee voted unanimously to grant the application subject to the conditions and informatives listed in the report.

14.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant the planning permission subject to the conditions and informatives set out in the report, and with informative four amended to refer to Norway Street.

C. Application BH2010/00498, Former Esso Petrol Filling Station, Holiingdean Road, Brighton - Redevelopment of the site providing for the erection of a part 2, 3, 4, and 5 storey building comprising 24no residential units and associated external amenity space.

(1) The Senior Planning Officer, Mr Aidan Thatcher introduced the application, detailing the elements of the scheme and demonstrating the plans and elevational views. A previous application on this site had been refused and dismissed on appeal, however the current scheme had been dramatically changed and the principle of development on the site was acceptable if the development control concerns were addressed satisfactorily.

The new design included simplified elevations, a more acceptable street scene impact, high quality material samples submitted and obscured glazing on some aspects to prevent overlooking. The scheme was also lifetime homes compliant in accordance with policy HO13. As the scheme was car-free it was not likely to significantly impact on public parking. A car-club would be available to residents. A reduced S106 contribution towards the education contribution had been requested from the developer, but as there is currently no additional capacity at the local secondary school, it was appropriate to ask for the full contribution.

Questions/Matters on Which Clarification was Sought

- (2) Councillor Mrs Theobald asked if an up-to-date parking study had been conducted as the report indicated that it had been conducted in 2007. She also queried why money was required under the terms of the S106 for education provision. The Principal Transport Engineer, Mr Reeves, responded that there was an error in the report and the last traffic study had been conducted in 2010. Mr Thatcher responded that the money for education was needed due to the need for extra school places the scheme would generate.
- (3) Councillor Smart asked for details around the provision of 3-bed accommodation within the scheme, and for details on the screening of the terraces. Mr Thatcher demonstrated the floor-plan layouts and where the screening for the terraces were situated and noted that the screening would be 2.1 metres in height.
- (4) Councillor Kennedy asked why on a scheme of this size there were no comments from the Council's Public Arts Team or Biodiversity Team in terms of S106 contributions. Mr Thatcher replied that the public art element of the scheme was already included on site and as the site was currently a petrol filling station it was not felt that there would be a great opportunity for biodiversity on site at present, but conditions such as the provision of bat and bird boxes could be added. Councillor Kennedy asked if the design of the public arts element was controlled by condition and Mr Thatcher replied that it was not.
- (5) Councillor Steedman asked for details on the materials and expressed concern that the colours might date very quickly. Mr Thatcher replied that a condition could be added to state that samples would need to be approved by the Local Planning Authority.
- (6) Councillor Cobb asked questions around traffic issues within the report. Mr Reeves replied that a six minute walking distance would equate to around 468 metres in distance. He did not have data on how many people would own a car in a car-free development and noted that traffic surveys had been conducted on Saturday 11 August 2009, Wednesday 15 August 2009 and Thursday 16 August 2009. Councillor Cobb commented that it was her understanding that it was normal in a car-free development of 25 units for 10-15 of those units to be car owning.
- (7) Councillor Smart referred to the ramp indicated on the plans and asked if residents would be able to use this for parking. The Deputy Development Control Manager replied that the scheme would not generate any changes to current on street parking arrangements and that the ramp was a private access into Sainsbury's store.

Debate and Decision Making Process

- (8) Councillor Carden welcomed the scheme and felt that the city desperately needed more applications which provided the same type of accommodation as this scheme did.
- (9) Councillor Smart also welcomed the housing provision of the scheme but did raise concern about the reduction in mix of affordable and market value housing.

- (10) Councillor Mrs Theobald concurred in welcoming the housing provision but felt the scheme was overdeveloped and the design was poor. She also raised grave concerns over the provision of car-parking spaces.
- (11) Councillor Kennedy raised concern over the air quality in the area and the way in which this was to be mitigated for residents. Whilst affordable housing was greatly needed in the city, Councillor Kennedy was cautious in accepting a scheme that did not allow residents to open their windows. If the Committee were to grant the application, she asked that a condition be added to agree the public art element before permission was implemented. Mr Vidler responded that the public art element was already designed as part of the scheme and would be provided on this basis.
- (12) The Chairman welcomed the design and felt that the surrounding area would benefit from a scheme that was colourful and that would brighten up the road. She noted that there were trees nearby and agreed that there was a need for bird boxes in this particular area.
- (13) Councillor Steedman asked for the materials to be agreed under delegated powers to ensure the design did not date quickly.
- (14) A vote was taken and on a vote of 6 for, 2 against and 2 abstentions Minded to Grant planning permission was agreed subject to a S106 obligation, and the conditions and informatives in the report, with an extra condition to include the provision of bird boxes on site.

14.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 9 of the report and resolved to grant Minded to Grant planning permission subject to a S106 obligation, the conditions and informatives listed in the report, and with an amended condition and informative to read as follows:

Condition 27: No development shall take place until details of bird boxes on the development have been submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be installed in accordance with the approved details before the first occupation of the development.

REASON: To ensure the development contributes towards biodiversity and to comply with policy QD17 of the Brighton & Hove Local Plan.

(iii) MINOR APPLICATIONS

D. Application BH2010/00097, Mill House, Overhill Drive, Brighton - Erection of 3 detached 2 storey dwellings and a single detached bungalow.

- (1) The Area Planning Manager (East), Ms Claire Burnett, introduced the application, detailing the elements of the scheme and demonstrating plans and elevational drawings. A previous application had been refused and dismissed at appeal, but on the grounds of impact on the amenity of adjoining residents only. There were several differences to the design of the new scheme including a reduction in height and repositioning of some of the plots. It was felt there was suitable boundary treatment and this would mitigate to an

acceptable level any harm to the amenity of nearby residents. It was felt that the scheme could achieve level 3 sustainable homes and there was a condition within the report to ensure this.

- (2) Mr Folkes, architect for the scheme, spoke in favour of the application and stated that careful consideration had been given to the Planning Inspector's previous appeal decision, which established important principles for the revised scheme. The proposed access was acceptable and took account of issues around pedestrian safety particularly at school pick up and drop off times. The density of the scheme was accepted and there was no loss of amenity for neighbours created by the scheme. There were no issues around the drainage of the site and there was an acceptable impact on Audrey Close. The reasons for dismissal of the appeal were solely on design grounds resulting from the overbearing position and scale of unit one. This had been addressed by amending the height of the unit, including roof lights and obscured glazing to some elements.
- (3) Councillor Cobb asked what materials would be used on site and Mr Folkes replied that the scheme would be brick and tile-hung with mesh on the western elevations to promote green screening.
- (4) Councillor Smart asked how the site would be accessed if a vehicle was attempting to leave. Mr Folkes replied that highway traffic signs dealt with this issue and as the driveway was not large it would not be difficult to see approaching traffic.
- (5) Mr Radford and Mrs Matthews, local neighbours, spoke against the application and stated that there was a severe loss of privacy created by the scheme, in particular for 2 and 3 Grange Walk. The amendments to the scheme following the appeal were not enough to mitigate any negative effects on the loss of privacy and the rear upper floor windows faced directly onto Mr Radford's property. Whilst screening was provided, this was not evergreen and so would be ineffective for several months of the year. He did not disagree with the principle of development on the site but did not feel this scheme was appropriate. Mrs Matthews reiterated concerns about overlooking, road safety and refuse collection especially to 59 and 61 Overhill Drive and suggested conditions to address some of the issues on site if the committee were minded to grant the application, and these were summarised in the Officers report.
- (6) Councillor Pidgeon, the local Ward Councillor, spoke against the application and stated that residents were concerned that the Planning Officers recommended the application for Minded to Grant permission before the time for written representations had been completed. He did not feel the current application overcame many of the problems from the previously refused scheme and felt that the properties on Audrey Close and Grange Walk would suffer from overlooking on a large scale. He noted that access to Mill House was narrow and expressed concern over access to the site, and for pedestrian users of the site. Councillor Pidgeon was also concerned about the proposed access from Overhill Drive to the site, which was narrow and had poor visibility. This would contribute to traffic problems on an already busy road that suffered with congestion at peak times. There were also notable problems with flooding of ground water when rainfall was high. Councillor Pidgeon believed that this indicated that the sewers were at or over capacity for the area and could not sustain further development. For this reason, and the others stated, he asked that the Committee refuse the application.

Questions/Matters on Which Clarification was Sought

- (7) Councillor Kennedy noted the comments from the Biodiversity Officer regarding bat protection on site and asked why this was not part of the conditions. Mr Vidler replied that it formed part of the informatives. Councillor Kennedy did not believe that an informative was necessarily strong enough to control and asked for a standard bat protection condition to be included.
- (8) Councillor Fallon-Khan raised concern over the loss of trees on site and the proposed vehicle access which was in part shared space with pedestrians. He asked if the access was wide enough for a fire engine to pass down it. Ms Burnett replied that the access was 6.5 metres in width which meant that a single vehicle could pass easily. Two vehicles using the access would need to use the shared space element to pass but the Inspector did not agree that this would pose any harm to the safety of pedestrians. Mr Reeves noted there was a pinch point near the access/egress point of the site, but highway right of way notices would be installed to ensure there was no queuing for entry from the public highway.
- (9) Councillor Smart noted that unit one would exit immediately onto the roadway and asked if there would be any measures preventing cars from using the pedestrian paths. Mr Reeves replied that as this was shared space cars would be allowed to use the pedestrian paths. At the appeal it was agreed that over a short distance shared space was acceptable. A safety audit would be required for unit one to ensure the exit was safe.
- (10) Councillor Mrs Theobald asked how refuse vehicles would access the site and asked questions over bottom hung roof lights to take account of issues around privacy. Ms Burnett replied that there was a refuse vehicle turning provided at the end of the roadway and whilst bottom hung roof lights had been considered it was not deemed practical. Mr Reeves added that a Swept Path analysis had been conducted to ensure that a refuse vehicle could safely access the site.
- (11) Councillor Mrs Theobald asked where the collection point for bins would be on site and Mr Reeves replied that bins would need to be located not more than 25 metres away from the point at which the refuse vehicle stopped.
- (12) Councillor Fallon-Khan asked whether two large emergency vehicles could use the site at the same time if there was an emergency at one of the units. The Chairman noted that this had not been raised as an issue of concern by the Fire or Health Service and therefore was not a material planning consideration.
- (13) Councillor Smart asked whether the boundary wall would be raised to include screening and Ms Burnett replied that the wall and extract boundary treatment would be up to a height of 1.8 metres on the raised level.
- (14) Councillor Cobb asked if there would be an affect on sunlight levels on 17 Audrey Place after the boundary treatments were finished. Ms Burnett replied that the property would be approximately 8 metres away from the boundary and would not suffer significant loss of light.

- (15) Councillor Cobb asked if any overshadowing would occur at 17 Audrey Place and Ms Burnett agreed that there would be some overshadowing of the plot.

Debate and Decision Making Process

- (16) Councillor Smart believed there were problems with the entire site and was particularly concerned about the shared space on what was already a small road with no distinction between pedestrian pathways and the roadway. He noted that many school children used this route to school, which was cause for further concern. Councillor Smart also raised concerns over rights of way into and off of the site and felt that if vehicles needed to reverse to allow on coming traffic through, this would propose a further danger for pedestrians. Finally Councillor Smart raised concerns about overshadowing by units two and four.
- (17) Councillor Kennedy stated that she would like conditions to be added as per the Ecology Officers comments if the scheme was approved by the Committee.
- (18) Councillor Mrs Theobald agreed that rights of way onto the site posed a significant problem and believed that if refuse bins were left at the entrance for collection this would make the access even narrower. Overlooking and overshadowing of neighbouring properties had not been resolved sufficiently and the loss of trees and wildlife on the site was also a concern. Flooding of the main sewers was a recognised problem in this area and Councillor Mrs Theobald believed that the problems caused by this scheme on the first application were unresolved.
- (19) Councillor Fallon-Khan expressed very serious concerns regarding child safety in terms of the shared space and also felt that overlooking was unresolved for many units. He agreed that the loss of trees and wildlife, the existing sewer problems and problems with refuse collection were all serious concerns for the application.
- (20) The Chairman agreed with the concerns over the shared space design and noted that the Headmistress of a nearby school had written a letter to the Council expressing her concerns. She felt the land may be suitable for bungalows, which may solve the problems of overlooking and overshadowing and would mean that fewer residents would be using the shared space and pose less of a hazard.
- (21) Mr Vidler addressed the Committee and highlighted that the Inspector had only dismissed the appeal on grounds of the impact on 61A Overhill Drive and 2 and 3 Grange Walk. The impact on 17 Audrey Close was considered acceptable because of the height of the boundary treatment. Officers felt that the new application resolved problems with the impact on Overhill Drive and Grange Walk properties. The Inspector saw no reason to dismiss the appeal on the grounds of highway safety and the currently proposed access/egress was very similar to the previous scheme and did not conflict with policy. Again the Inspector was satisfied with the proposals around drainage for the site and the proposed loss of open space and trees was satisfactory given the enhanced planting on site. He added that it would be possible to impose the conditions that were suggested by the public speaker, Mrs Matthews.
- (22) Councillor Smart asked whether the Inspector had considered the driveway as part of the public highway, and whether this would then be repairable at public expense. Mr

Reeves replied that the width of the roadway would not be maintained at public expense but the public access aspects may be.

(23) A vote was taken and on the Chairman's casting vote the application was refused against officer recommendation.

(24) Councillor Smart proposed an alternative recommendation to refuse the application, seconded by Councillor Mrs Theobald. The voting was tied and on the Chairman's casting vote the application was refused.

14.5 **RESOLVED** – That the Committee has taken into consideration and does not agree with the reasons for the recommendation and resolves to refuse planning permission for the following reasons:

1. Proposed Unit 2 would result in overlooking of 3 Grange Walk to the detriment of the amenity of the occupiers of that property, contrary to policy QD27 of the Brighton & Hove Local Plan.
2. Proposed Unit 1 would have an overbearing affect on 61A Overhill Drive to the detriment of the amenity of the occupiers of that property, contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The access to the proposed development is not designed to accommodate the transport demands that the development would create, contrary to policy TR1 of the Brighton & Hove Local Plan.

[Note: A recorded vote was taken and Councillors Hyde; Cobb; Fallon-Khan; Smart and Theobald voted to refuse the application. Councillors Carden; Davey; Hamilton; Kennedy and Steedman voted against refusal of the application. The voting being tied the application was refused on the Chairman's casting vote].

E. Application BH2010/00602, Land rear of 25 Dyke Road Avenue, Hove – Erection of one and two storey residential dwelling with associated new access.

(1) This application was withdrawn from this meeting.

F. Application BH2010/00669, 75 Crest Way, North Portslade - Conversion of single dwelling into 2no 2 bedroom flats (part retrospective).

(1) The Area Planning Manager (West), Ms Hurley introduced the application, highlighted the elements of the scheme and demonstrated plans and elevational drawings. She noted that the application was part-retrospective and that objections had been received from local neighbours regarding flats not in keeping with the road, increased car parking and traffic problems, loss of privacy and increase in noise. The application was recommended to grant because it complied with policy HO9 of the Brighton & Hove Local Plan and the standard of accommodation was considered acceptable. It was not considered that the development would cause an adverse impact on neighbouring residential amenity and no transport or parking issues had been identified for the area. Whilst flatted developments were not common in this area of Portslade, it was not considered that this development would impact on the character of the area.

Questions/Matters on Which Clarification was Sought

- (2) Councillor Mrs Theobald asked if the application would still be recommended for approval if work had not already started. Ms Hurley stated that part of the application was retrospective but there was still work to do on the application.

Debate and Decision Making Process

- (3) Councillor Cobb noted that there was only one off road parking space but the application was for two dwellings, which she did not believe was satisfactory. She was not happy that the application was part retrospective and did not feel this constituted a reason to grant the application. She felt the cycle parking was unclear from the plans.
- (4) Councillor Hamilton stated that he knew one of the objectors to the application and asked to register a personal interest in the application. Whilst he did not leave the room during the debate he did not partake in the voting thereon.
- (5) Councillor Smart stated that he knew the area and did not feel this application was in keeping with the rest of the properties. He believed that car parking was an issue on an already overcrowded road and he also was not pleased that the application was part-retrospective.
- (6) Mr Vidler addressed the Committee and stated that the application complied with planning policy. Council policy sought to retain small family units, which this application provided, and he reminded Members whilst the application was retrospective, this was not a material consideration. It was not appropriate to debate this issue. The Lawyer to the Committee agreed and asked Members to consider the application on its merits and to disregard the fact that the application was part-retrospective.
- (7) Councillor Davey stated that he had no issues with the application and felt there were no substantial reasons to refuse.
- (8) A vote was taken and on a vote of 3 for, 1 against and 5 abstentions, full retrospective planning permission was granted subject to the conditions and informatives in the report. Councillor Hamilton did not partake in the voting.

14.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant full planning permission subject to the conditions and informatives set out in the report.

G. Application BH2010/00236, 18 Fairlie Gardens, Hove – Demolition of existing conservatory and erection of single storey infill extension to rear. Loft conversion with recessed terrace to rear.

- (1) This application was withdrawn from this meeting.

H. **Application BH2009/00782, 14 Matlock Road, Hove** – Application for variation of condition 1 of application BH2008/00559 to read “the ground floor premises shall not be open or be in use expect between the hours of 08:00 and 22:00”.

(1) There was no presentation given from the Officers on this item.

Questions/Matters on Which Clarification was Sought

(2) Councillor Mrs Theobald asked what time smokers were allowed to use the outside area until. Ms Hurley replied that it would be until 22:00 hours.

(3) A vote was taken and on a vote of 9 for, 0 against and 1 abstention full planning permission was granted subject to the conditions and informatives listed in the report.

14.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant full planning permission subject to the conditions and informatives set out in the report.

I. **Application BH2009/02410, Ground Floor, 2 Bristol Street, Brighton** – Conversion of garage and adjoining rooms into self contained bedsit, the replacement of the rear extension, the replacement of the garage door with fully glazed doors and associated slim-line window and the creation of a front boundary wall (part retrospective).

(1) The Area Planning Manager (East), Ms Burnett gave a short presentation on the application highlighting the key elements and demonstrating plans and elevational drawings. She noted that the application was part-retrospective and that the application was on balance acceptable as it would enhance the street scene and would provide an extra residential unit, which although was not ideal, did provide acceptable living standards. The proposal would not have a significant impact on the amenity of neighbouring properties.

(2) A vote was taken and on a vote of 9 for, 0 against and 1 abstention full planning permission was granted subject to the conditions and informatives in the report.

14.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant full planning permission subject to the conditions and informatives set out in the report.

J. **Application BH2010/00431, 9 Ridgeside Avenue, Brighton** – Erection of detached 2 storey, 2 bedroom house replacing existing garage.

(1) The Area Planning Manager (East), Ms Burnett gave a presentation to the Committee highlighting the key elements of the scheme and demonstrating views and elevation drawings. She noted that the application was recommended for refusal as the property would be overly dominant in the street scene and out of character and there was a lack of private amenity space with the application. There had been 30 letters of objection to the scheme and 13 letters of support. A previous appeal on the site had been dismissed

on the grounds of design, overlooking and lack of private amenity space. Ms Burnett felt the site was more appropriate for a single storey dwelling.

Questions/Matters on Which Clarification was Sought

- (2) Councillor Cobb asked for further details on the plans presented to the Committee.

Debate and Decision Making Process

- (3) Councillor Mrs Theobald felt that the site was a peculiar shape and she did not feel it was suitable for development.
- (4) A vote was taken and the Committee voted to unanimously refuse planning permission for the reasons given in the report.

14.9 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves refuse planning permission for the reasons given in the report.

K. Application BH2010/00487, 39 Queens Road, Brighton – Erection of residential extension to third floor level incorporating insertion of rooflights and windows at rear elevation and erection of commercial extension at ground floor incorporating new windows at rear elevation, insertion of ventilation grills at front elevation.

- (1) The Area Planning Manager (East) gave a short presentation on the key elements of the application and demonstrated views and elevational drawings. The application detailed changes to ventilation of rooms and an extension to be added to the third floor. The alterations would not change the character or appearance of the building and there would be no significant harm to neighbouring amenity.
- (2) The Deputy Development Control Manager, Mr Vidler, noted that as the time for representations had now expired with no new material planning considerations raised, the recommendation could be changed to grant.
- (2) A vote was taken and on a vote of 8 for, 0 against and 2 abstentions full planning permission was granted subject to the conditions and informatives in the report.

14.10 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives listed in the report.

15. TO CONSIDER AND NOTE THE CONTENT OF THE REPORT DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY

15.1 **RESOLVED** – That those details of applications determined by the Director of Environment under delegated powers be noted.

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

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated by Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

16. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST

16.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Site visit requested by:
BH2010/00559, Dolphin House, Queens Road, Brighton	Deputy Development Control Manager

The meeting concluded at 5.07pm

Signed

Chair

Dated this

day of

APPEAL DECISIONS

	Page
A. EAST BRIGHTON	19
<p>Application BH2009/02575, 17 Madehurst Close, Brighton. Appeal against refusal to grant planning permission for a staircase from the first floor kitchen to garden. (Committee Decision) APPEAL ALLOWED (copy of the letter from the Planning Inspectorate attached).</p>	
B. WITHDEAN WARD	21
<p>Application BH2009/02232, 10 Hillcrest, Brighton. Appeal against refusal to grant planning permission for extension of existing terrace to rear at ground floor level. (Delegated Decision) APPEAL ALLOWED (copy of the letter from the Planning Inspectorate attached).</p>	
C. HANGLETON WARD	23
<p>Application BH2009/02985, 1 The Down, Hove. Appeal against refusal to grant planning permission for construction of decking to the rear. (Committee Decision) APPEAL ALLOWED (copy of the letter from the Planning Inspectorate attached).</p>	
D. ST PETERS AND NORTH LAINE	25
<p>Application BH2009/02642, 56 North Road, Brighton. Appeal against refusal to grant planning permission for replacement of existing modern timber casement bay windows (rotten) with 'Bygone' sliding slash windows (by Masterframe) in white wood-foil laminate finish UPVC, to include continuous decorative horns and deep bottom rail and Georgian external bars. (Delegated Decision) APPEAL DISMISSED (copy of the letter from the Planning Inspectorate attached).</p>	
E. HANGLETON & KNOLL	27
<p>Application BH2008/02532, The Hyde, Rowan Avenue, Hove. APPEAL WITHDRAWN (copy of letters attached).</p>	



Appeal Decision

Site visit made on 4 May 2010

by **J Mansell Jagger MA(Cantab) DipTP**
MRTPI IHBC

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Decision date:
12 May 2010

Appeal Ref: APP/Q1445/D/10/2124427 **17 Madehurst Close, Brighton BN2 0YR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Neil Baker against the decision of Brighton & Hove City Council.
- The application Ref BH2009/02575, dated 20 October 2009, was refused by notice dated 8 February 2010.
- The development proposed is a staircase from first floor kitchen to garden.

Decision

1. I allow the appeal, and grant planning permission for a staircase from first floor kitchen to garden at 17 Madehurst Close, Brighton BN2 0YR in accordance with the terms of the application, Ref BH2009/02575, dated 20 October 2009, and the plans submitted with it, subject to the following conditions:
 - 1) The staircase shall be painted or stained in a suitable colour, the details of which shall be submitted to and approved in writing by the local planning authority within two months of the date of this decision. Within four months of the date of this decision, the staircase shall be painted or stained in the approved colour and shall be retained in that colour thereafter.
 - 2) The landing area shall not be used as a roof terrace, balcony or similar amenity area.

Main issues

2. The main issues are the effect of the proposal on the character and appearance of the property and on the residential amenities of neighbouring properties, with particular regard to overlooking and loss of privacy.

Reasons

3. The external timber staircase, which has already been constructed, is at the rear of the property and leads from the first floor kitchen to the garden below. A ground floor door has been blocked up and access to the garden at that level is now through a bedroom.
4. Several of the properties on the other side of Madehurst Close have balconies at first floor but none of the other houses in this terrace has yet had any similar additions and the staircase does stand out somewhat as a new feature. To date, the staircase has not been painted or stained. If it were treated in a

darker colour, it would avoid the rather stark appearance that it has at present. These are tall terraced 1970s houses of plain character, with dark red tile hanging to first and second floors, and I do not think that the staircase, suitably treated, would unduly harm their character or appearance.

5. The staircase is not visible from the public domain and is only seen from neighbouring properties at an oblique angle or from their gardens and I do not think that it has an unacceptable impact on their outlook.
6. The gardens of adjacent properties, including the house opposite at 2 Whitehawk Hill Road, are already very visible from the first and second floor windows of the appeal property and I do not think that the use of the staircase would significantly increase that overlooking. The staircase landing is probably too small to be used regularly as a balcony or sitting out area, but a condition can be applied to ensure that it is not used in this way.
7. The Council had specific concerns regarding possible views into the first floor windows of the adjoining house, 19 Madehurst Close. Only brief views, at an oblique angle, are possible when ascending the staircase, which makes it difficult to see into those rooms. The immediately adjacent window serves a kitchen, but it is not possible to see directly into this window when standing on the landing.
8. In the circumstances I do not think that the staircase would lead to any significantly increased overlooking or loss of privacy for the occupiers of neighbouring properties.
9. Subject to the conditions mentioned above, I conclude that the staircase would not materially harm the character or appearance of the property or the residential amenities of neighbouring properties. It would therefore not conflict with the adopted policies of the Brighton & Hove Local Plan, including policies QD1, QD2, QD14 and QD27.

J Mansell Jagger

INSPECTOR



Appeal Decision

Site visit made on 4 May 2010

by **J Mansell Jagger MA(Cantab) DipTP**
MRTPI IHBC

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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Decision date:
11 May 2010

Appeal Ref: APP/Q1445/D/10/2124207

10 Hillcrest, Brighton BN1 5FN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Michael Brown against the decision of Brighton & Hove City Council.
- The application Ref BH2009/02232, dated 16 September 2009, was refused by notice dated 30 December 2009.
- The development proposed is extension of existing terrace to rear at ground floor level.

Decision

1. I allow the appeal, and grant planning permission for extension of the existing terrace to rear at ground floor level at 10 Hillcrest, Brighton BN1 5FN in accordance with the terms of the application, Ref BH2009/12232, dated 16 September 2009, and the plans submitted with it.

Main issue

2. The main issue is the effect of the proposal on the residential amenities of the neighbouring property, with particular regard to outlook and privacy.

Reasons

3. 10 Hillcrest is a semi-detached house, built on steeply sloping ground, two-storey at the front but effectively three storeys at the rear. The terrace, which has already been constructed, forms an extension of a small terrace built in about 1997. The terrace has timber decking, iron and timber railings and a new close-boarded timber screen on the side adjoining 12 Hillcrest. There are steps down to the garden, which is at the lower level.
4. The Council's concerns relate to the impact of the terrace, and the use of it, on the amenities of the adjoining property, 12 Hillcrest. I agree with the Council that the enlarged terrace does not result in a harmful loss of light or overshadowing of 12 Hillcrest and that the issue is whether there is unacceptable harm to the outlook of that property and loss of privacy from overlooking of habitable rooms.
5. The terrace projects some 2.7m beyond a single-storey extension, also built in about 1997, which itself projects some 3.4 metres from the rear elevation of both dwellings. The side timber privacy screen fence measures about 1.6m where it adjoins the extension and slopes down to about 1.0m at the front corner of the terrace.

6. The outlook from 12 Hillcrest is mainly affected by the flank wall of the extension and I do not think that the timber screen causes any additional significant impact, whilst the height of the screen is sufficient to ensure the privacy of people using the terrace. It is possible to see the rear windows of 12 Hillcrest by standing and peering over the fence, but the oblique view and the distance between the terrace and the rear elevation mean that it is difficult to get any clear view into those rooms that are at the same level as the terrace. In extending an existing terrace, at a further distance from the house, I do not consider that there has been any significant increase in overlooking.
7. I conclude that the terrace does not create any unacceptable harm to the residential amenities of the occupiers of 12 Hillcrest and that it does not conflict with the Council's adopted Local Plan policies. I therefore allow the appeal.

J Mansell Jagger

INSPECTOR



Appeal Decision

Site visit made on 4 May 2010

by **J Mansell Jagger MA(Cantab) DipTP**
MRTPI IHBC

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for Communities and Local Government**

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**Decision date:
10 May 2010**

Appeal Ref: APP/Q1445/D/10/2124457

1 The Down, Hove BN3 8FD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs S Dimitri against the decision of Brighton & Hove City Council.
- The application Ref BH2009/02985, dated 6 December 2009, was refused by notice dated 23 February 2010.
- The development proposed is construction of decking to rear.

Decision

1. I allow the appeal, and grant planning permission for construction of decking to rear at 1 The Down, Hove BN3 8FD in accordance with the terms of the application, Ref BH2009/02985, dated 6 December 2009, and the plans submitted with it, subject to the condition set out in the attached schedule.

Main issue

2. The main issue is the effect of the proposal on the residential amenities of adjoining properties, with particular regard to outlook and privacy.

Reasons

3. The appeal property is a semi-detached bungalow with a flat-roofed extension at the rear. The ground slopes away from the building and a raised timber deck has been constructed across the width of the extension and projecting about 3m with steps down to the garden. On the west side, the deck is set against a 1.8m close-boarded fence that forms the boundary between 1 and 2 The Down. On the east side, there is a space of about 3m to the side fence that forms the boundary with the garden of 106 Hangleton Valley Drive. The end of the garden of 1 The Down adjoins the garden of 2 Meyners Close.
4. Because of the raised height, it is possible for a person standing on the deck to see into the garden of 2 The Down and to have a clear view of the garden and conservatory at 106 Hangleton Valley Drive, causing an unacceptable loss of privacy. The distance to the end of the garden and angle of view limits any overlooking of 2 Meyners Close to an acceptable level.
5. Given the raised position of the French windows from the extension, I can see the desirability of the raised deck, which is of robust construction and not unattractive. However, there is a real problem with overlooking, particularly for 106 Hangleton Valley Drive. The applicant has inserted 2m high bamboo

screens on either side in an attempt to overcome the problem, but they are relatively transparent and spoil the appearance of the bungalow and the deck.

6. In order to avoid the direct overlooking, permanent and better-designed screening is needed, to a minimum height of 1.8m on either side. Given a suitable design, I do not think that the screens would be over-intrusive or overbearing on the outlook from either adjoining property.
7. I will impose a suitable condition requiring the submission of a scheme for screening both sides of the deck and for constructing the approved scheme. Without that condition, the retention of the deck could not be approved. I have considered the Council's suggested condition but will use one more readily capable of enforcement.
8. Subject to satisfactory screening, I conclude that that the decking would not create unacceptable harm to the residential amenities of the adjoining properties and would not conflict with the Council's adopted Local Plan policies. I therefore allow the appeal.

J Mansell Jagger

INSPECTOR

Schedule of Conditions

1. The decking hereby permitted shall be removed within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) Within 3 months of the date of this decision a scheme for screening to the side elevations of the decking shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - (ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as valid by, the Secretary of State.
 - (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.



Appeal Decision

Site visit made on 14 May 2010.

by **B C Scott BA(Hons) Urban & Regional Planning MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

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Decision date:
18 May 2010

Appeal Ref: APP/Q1445/D/10/2126103

56 North Road, Brighton, East Sussex, BN1 1YD.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Graham Scott against the decision of Brighton & Hove City Council.
- The application Ref: BH2009/02642, dated 2 November 2009, was refused by notice dated 12 January 2010.
- The development proposed is to replace the existing modern timber casement bay windows (rotten) with 'Byegone' sliding sash windows (by *Masterframe*) in white wood-foil laminate finish UPVC, to include continuous decorative horns and deep bottom rail and Georgian external bars.

Procedural Matters

1. The appeal site is within the West Hill Conservation Area (WHCA) for which I have a duty under section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* to pay special attention to the desirability of preserving or enhancing its character or appearance.

Decision

2. I dismiss the appeal.

Main Issue

3. I consider the main issue in this case to be the effect of the proposed development on the character and appearance of the area, with particular reference to the WHCA.

Reasons

4. The appeal dwelling is prominently on the inside edge of the WHCA, abutting the rear edge of the street footway in an urban area and near a commercial thoroughfare. It is one of a pair of dwellings in a small scale period building attached to a corner building, beyond which there are terraces in North Gardens. It is opposite much larger scale period terraces. The appeal building looks to be a characteristic artisan cottage style terrace, typical of parts of the WHCA, in which windows are a key part of the facade. The proposed development would alter the appearance of the appeal dwelling and that of the street scene.
5. The thrust of several policies of the Brighton & Hove Local Plan 2005 reflects my statutory duty above (policies HE6 and QD2) and requires a high standard of design, in terms of such things as architectural detailing and materials

(policies QD1 and QD14). The Council's WHCA Character Statement gives emphasis to the historic urban pattern and grain of the area and notes that windows tend to be vertical sliding sashes. I am referred to the Council's Supplementary Planning Document 2009 *architectural features* in which the special qualities of such windows are fully documented.

6. From my examination of the area, I came to the conclusion that there is no question that windows are an important feature of the WHCA because of their dominant, classic proportions and the rhythm of glazing bars. I saw several examples of discordant modern replacement windows. The two windows (an upper and a lower one) of the appeal dwelling are each integral to the appearance of the building façade. These similarly bear no relation to the original ones (which remain in situ at no.57 - the attached dwelling of the pair) and are obviously harmful to the character and appearance of the WHCA.
7. Given its traditional design, I acknowledge that the proposed development would greatly improve the appearance of the appeal dwelling, but the question remains: would it protect the WHCA from harm? I am mindful that sometimes the enhancement of the appearance of the area may be odds with the preservation of the character.
8. I am referred to a decision by my colleague (APP/Q1445/A/09/2100462) concerning a similar product installed at no.19 Crescent Road, which I examined. I came to the same view as my colleague that the UPVC product 'would very closely replicate traditional details' and I have no reason to question the principle of its use in the subject appeal case. That said, there are problems with the appeal scheme before me.
9. The Council points out that with the proposed development 'the design of the first floor window is not correct as it has six panes over six, resulting in the panes being too small and square, and not matching the other *dwelling* in this pair.' The original pattern here should be three over six with a short top sash. The Council also points out that both proposed windows are shown as having horns, which is not correct for the Regency style appeal building. For those reasons, the proposed development would not be true to the style of the building.
10. Given the characteristic style of the appeal building, its position and the importance of the individual windows as features in the facade, on balance, I find that the proposed development would not keep the WHCA from harm.
11. I have considered all other matters raised, including the other examples to which I am referred, but none alters my conclusion on the main issue that the proposed development would be harmful to the character and appearance of the area, in conflict with the requirements of policies QD1, QD2, QD14 and HE6.

B C Scott
INSPECTOR



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Mr M J Lewis
Flat 25
St Nicholas Lodge
Church Street
BRIGHTON
BN1 3LJ

Your Ref: ml/683
Our Ref: APP/Q1445/C/09/2115545
Further appeal references at foot of letter
Date: 5 May 2010

Dear Mr Lewis

**Town and Country Planning Act 1990
Appeals by Birch Restorations Ltd
Site at The Hyde, Rowan Avenue, Hove, BN3 7JH**

Thank you for your letter of 4 May 2010 withdrawing the above appeals.

I confirm no further action will be taken.

A copy of your letter has been sent to the local planning authority.

Yours sincerely

Przemek Szczodry

E208A(BPR)

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -
<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button





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Appeals Officer
Brighton and Hove City Council
Development Control
Hove Town Hall
Norton Road
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BN3 3BQ

Your Ref: 2009/0450
Our Ref: APP/Q1445/C/09/2115545
Further appeal references at foot of letter
Date: 5 May 2010

Dear Sir/Madam

Town and Country Planning Act 1990
Appeals by Birch Restorations Ltd
Site at The Hyde, Rowan Avenue, Hove, BN3 7JH

I enclose for your information a copy of a letter received on 4 May 2010, withdrawing the above appeals.

I confirm no further action will be taken.

Yours sincerely

Przemek Szczodry

E208B(BPR)

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -

<http://www.pcs.planningportal.gov.uk/pcsportal/casereport.asp>

You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button



NEW APPEALS RECEIVED**WARD****APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2009/02789

2 Lustrells Vale, Brighton

Erection of two storey rear and side extension.

APPEAL LODGED

04/05/2010

Delegated

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2010/00242

25 Hazeldene Meads, Brighton

Hip to gable roof extension to south end including 3 No. dormers, 1 No. rooflight and pitched roof porch extension at front elevation. Installation of 9 No. Solar Panels to rear over existing dormer.

APPEAL LODGED

29/04/2010

Delegated

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOLLINGDEAN & STANMER**

BH2009/02912

2 Freehold Terrace, Brighton

Demolition of existing dwelling house and erection of a block of 8 flats.

APPEAL LODGED

11/05/2010

Delegated

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOVE PARK**

BH2009/02375

44 Tongdean Avenue, Hove

Erection of a two storey pitched roof front extension, ground and first floor extensions on North-West elevation including extending main roof, pitched roof garage extension to South East elevation, rooflights to rear and side elevations, reconfiguration of first floor windows and balustrading at rear.

APPEAL LODGED

10/05/2010

Delegated

NEW APPEALS RECEIVED

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

BRUNSWICK AND ADELAIDE

BH2009/03111

55 Western Road, Hove

Display of 2 no. internally illuminated fascia signs & 1 no. internally illuminated projecting sign.

APPEAL LODGED

17/05/2010

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ST. PETER'S & NORTH LAINE

BH2009/03073

The Gallery, Brighton Business Centre,
Ditchling Road, Brighton

Application for variation of condition 3 of application BH2006/03576 to enable the entrance doors to the units to be solid.

APPEAL LODGED

17/05/2010

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ST. PETER'S & NORTH LAINE

BH2009/01713

114 Church Street, Brighton

Formation of second storey with mezzanine level to create a self-contained live/work unit above existing retail.

APPEAL LODGED

17/05/2010

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANOVER & ELM GROVE

BH2009/03036

126 Lewes Road, Brighton

Change of use of basement (storage) to form one 1no. bedroom flat and creation of front access.

APPEAL LODGED

18/05/2010

Delegated

NEW APPEALS RECEIVED

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

SOUTH PORTSLADE

BH2009/02588

44 Station Road, Portslade

Construction of an additional storey, external and internal alterations to ancillary retail storage and first floor 3 bed flat to form 4 flats and 1 maisonette.

APPEAL LODGED

19/05/2010

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

BRUNSWICK AND ADELAIDE

BH2009/03112

55 Western Road Hove

Installation of new shop front, incorporating ATM. Installation of screened plant to rear of shop.

APPEAL LODGED

14/05/2010

Delegated



**Brighton & Hove
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES
9th June 2010**

This is a note of the current position regarding Planning Inquiries and Hearings

27-28 Meeting House Lane

Planning application no: BH2009/01898

Description: Change of use of first and second floors from vacant offices to three self-contained flats.

Decision: Delegated

Type of appeal: Hearing

Date: 22nd June 2010

Location: Brighton Town Hall

Gala Bingo Hall & Adjacent Car Park, 193 Portland Road, Hove

Planning application no: BH2009/03154

Description: Demolition of existing building. Redevelopment of site to provide new GP surgery at part ground floor level and part first floor level, new D1/D2 unit at ground floor level and 35 residential units above in part 2, 3, 4 and 5 storey building to include 14 affordable units. Provision of surface parking for 18 cars, cycle parking and landscaping.

Decision: Committee

Type of appeal: Informal Hearing

Date: TBC

Location: TBC

25 Hazeldene Meads

Planning application no: BH2010/00242

Description: Hip to gable roof extension to south end including 3 No. dormers, 1 No. rooflight and pitched roof porch extension at front elevation. Installation of 9 No. Solar Panels to rear over existing dormer.

Decision: Committee

Type of appeal: Public Inquiry

Date: TBC

Location: TBC

Subject: 73-75 Trafalgar Street, Brighton
Request to discharge the Unilateral Undertaking dated 20 February 2008 signed in association with planning permission ref. BH2007/00862

Date of Meeting: 9 June 2010

Report of: Director of Environment

Contact Officer: Name: Jonathan Puplett Tel: 29-2525
E-mail: jonathan.puplett@brighton-hove.gov.uk

Wards Affected: St Peter's and North Laine

FOR GENERAL RELEASE**1. PURPOSE OF THE REPORT:**

- 1.1 To consider discharging the Unilateral Undertaking signed in association with planning permission ref. BH2007/00862.

2. RECOMMENDATION:

- 2.1 That the Committee resolves to authorise officers to discharge the Unilateral Undertaking dated 20 February 2008 in association with planning permission ref. BH2007/00862.

3. BACKGROUND INFORMATION:

- 3.1 Application BH2007/00862 granted approval for the formation of additional floors to nos. 73 & 75 Trafalgar Street within new mansard roofs, together with the alteration and conversion of the existing residential accommodation on the first floors of 73 & 75 and first, second and third floors of 74, all to form one x two bedroom flat, one x two bedroom maisonette and one studio in addition to the existing studio on the first floor of 75. Approval was subject to a Unilateral Undertaking under s106 of the Town and Country Planning Act 1990, to fund the amendment of the relevant Traffic Regulation Order to prevent residents of the 2 additional units approved from being eligible for on-street residential parking permits. This agreement was completed and the relevant contribution paid.
- 3.2 Once works had been substantially completed it was established that the development as constructed deviated significantly from the approved plans. It was therefore determined that the scheme approved under application BH2007/00862 had not been implemented and the scheme as built was effectively unauthorised. A part-retrospective application

was subsequently submitted (ref. BH2009/01826), seeking consent for the works as built in conjunction with required improvements. This consent was granted on the 12th of May 2010 following the completion of a new Unilateral Undertaking linking the amendment of the relevant Traffic Regulation Order to permission ref. BH2009/01826.

4. PROPOSAL:

- 4.1 The developer has requested Deed of Release (i.e. effectively discharging the developer from the Unilateral Undertaking) from the original Unilateral Undertaking attached to permission ref. BH2007/00862.

5. COMMENT:

- 5.1 The works as built, subject to conditions requiring the carrying out of various alterations and improvements, have been granted part-retrospective consent under application BH2009/01450. A Unilateral Undertaking linking the amendment of the relevant Traffic Regulation Order (which secures the two additional units approved) has been completed in association with this consent. The planning permission originally granted under application BH2007/00862 was not implemented and in light of the new consent and Unilateral Undertaking, it is considered that the obligation attached to permission ref. BH2007/00862 is no longer required.

6. FINANCIAL & OTHER IMPLICATIONS:

6.1 Financial Implications:

There are no financial implications arising from this report.

Finance Officer Consulted: Peter Sargent Date: 19/05/2010

6.2 Legal Implications:

Section s106A of the Town and Country Planning Act 1990 provides that a planning obligation under s106 of that Act may be discharged by agreement between the local planning authority and the person against whom the obligation is enforceable. Insofar as the Report concludes that the planning permission BH2007/00862 was not implemented and is no longer capable of being implemented, the s106 planning obligation dated 20.02.08 relating to that permission is no longer necessary and may be discharged formally.

Lawyer Consulted: Alison Gatherer Date: 19/05/2010

6.3 Equalities Implications:

None identified.

6.4 Sustainability Implications:

None identified.

6.5 Crime & Disorder Implications:

None identified.

6.6 Risk and Opportunity Management Implications:

None identified.

6.7 Corporate / Citywide Implications:

None identified.

