

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 5 JUNE 2013**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, Hamilton, Randall, C Theobald and Wealls

**Co-opted Members:** Jim Gowans (Conservation Advisory Group)

**Officers in attendance:** Paul Vidler (Deputy Development Control Manager), Zachary Ellwood (Area Planning Manager), Steven Shaw (Principal Transport Officer), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Officer)

**PART ONE**

**1. PROCEDURAL BUSINESS**

**1a Declarations of substitutes**

1.1 Councillor Randall was present in substitution for Councillor Wakefield, and Councillor Wealls was present in substitution for Councillor Wells.

1.2 Councillor Littman was not present at the Committee

**1b Declarations of interests**

1.2 Councillor Davey declared an interest in relation to Application F, BH2012/00979, Stockwell Lodge, rear of 121-131 Conway Street, Hove and Application G, BH2013/03987, Unit 2, rear of 121-131 Conway Street, Hove as he knew the applicant personally. He stated he would withdraw from the meeting during the consideration and vote on this application.

**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 are not excluded from any item of business on the agenda.

## 2. MINUTES OF THE PREVIOUS MEETING

- 2.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 15 May 2013 as a correct record.

## 3. CHAIR'S COMMUNICATIONS

- 3.1 The Chair welcomed the new representative from the Conservation Advisory Group (CAG) Mr Jim Gowans.

- 3.2 It was noted that in relation to applications D and E, BH2013/00256 and BH2013/00511, 1<sup>st</sup> to 3<sup>rd</sup> Floors, 7 Waterloo Street, Hove since the publication of the agenda appeals had been lodged with the Planning Inspectorate on the grounds of non-determination. In these circumstances the recommendations had been amended, and the Committee would be asked to take a view had they been in a position to determine the applications.

## 4. PUBLIC QUESTIONS

- 4.1 There were none.

## 5. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

- 5.1 There were none.

## 6. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

### A. BH2013/00393 - Land to rear of 60-66 Wickhurst Road, Portslade - Full Planning Permission - Erection of 1no. 2 storey three bedroom detached dwellinghouse.

- (1) The Area Planning Manager, Zachary Ellwood, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application site related to an unkempt area of land currently containing a garage and shed. The site was surrounded on three sides by other properties, and the sloping nature of the site would require excavation before building works commenced. The proposed building was a detached two storey dwelling of a modern design; the windows had been angled to protect the amenity by looking down the access road. The building would be well set back and screened, and would not be hugely prominent from the street scene, and in terms of the impact of the character of the area it was not considered that the proposed dwelling would be unduly prominent. The sectional drawings showed that the land rose fairly steeply, and this would further help prevent overshadowing. It was also felt that there would be minimal overshadowing due to the distances. It was considered that the proposed dwelling would make efficient use of the site, and add to the housing stock within the city. The proposal was well designed; would give a good standard of accommodation, and it was also noted cars would be

able to turn within the site to allow entrance and exit in forward gear. The application was recommended for approval for the reasons set out in the report.

### Questions for Officers

- (2) Councillor Carden queried the wildlife audits that had taken place at the site, and in response the relevant sections of the report were highlighted; the Deputy Development Control Manager, Paul Vidler, also noted that the ecologist had visited and viewed the site.
- (3) Councillor Gilbey asked for more details in relation to the shared access of the front hard-standing. In response Officers explained that they did not have the specific details of this, but noted that the applicant was the owner of the neighbouring property and they were satisfied the access for both properties would be protected.
- (4) Councillor Hyde asked for more information in relation to overlooking and it was explained that the angled windows would look down the driveway, and the design had carefully tried to protect the amenity of neighbours.
- (5) It was confirmed for Councillor Carol Theobald that the existing garage on the site was disused.

### Debate and Decision Making Process

- (6) Councillor Carol Theobald explained that she considered the application to be back land development, and the dwelling would be visible from those around it; she felt it was too tall and stated that she would be voting against the Officer recommendation.
- (7) Councillor Wealls stated that the application was in scale with the neighbouring properties; there would be minimal over-looking, and he would be voting in support of the Officer recommendation.
- (8) Councillor Randall echoed these comments and noted that there would be minimal overlooking; the size of the footprint of the dwelling was also confirmed in response to a further query.
- (9) Councillor Jones stated he did not usually like back land development, but considered this application was good and well thought through.
- (10) Councillor Gilbey stated that she would be supporting the Officer recommendation, and added that the application was better than what had previously been applied for.
- (11) A vote was taken and planning permission was granted on a vote of 9 to 1 with 1 abstention.

- 6.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.

**Note:** Councillor Littman was not present at the Committee.

**B. BH2013/01198 - 41A Port Hall Road, Brighton - Householder Planning - Creation of roof terrace on existing flat roof (Part retrospective).**

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. Attention was also drawn to information on the late list; a further email of support had also been received from the occupants of number 43 Port Hall Road. The application sought retrospective consent for the retention of a rear terrace on the out-rigger of the building. A previous application had been submitted, and approved by the Committee, for a revised scheme to reduce the size of the terrace, provide metal railings instead of timber and provide screening. At the time of the previous decision Members had been of the view that the design was sufficient to outweigh the concern of Officers, and the applicant now able to implement the consented scheme. The current application sought to retain what was in situ without any screening. It was noted that the existing configuration was unauthorised; a similar scheme with metal railings was shown at number 39 Port Hall Road, and the more 'light-weight' and visually less intrusive appearance of this scheme was highlighted. The consented scheme also involved a 1.45 metre screening to protect neighbouring amenity. Officers were recommending refusal for reasons in relation to the material of the balustrading, the visual harm to the area and the absence of screening. For the reasons set out in the report the application was recommended for refusal.

**Public Speakers**

- (2) Mr Hill spoke in support of the application in his capacity as the applicant. He stated that this was now his second time at Committee, and last year the Committee had approved a scheme for a roof terrace in principle, and he felt the issues were now a matter of design. The current application would allow the existing roof terrace to remain as it was, and there had been no objection from neighbours. Mr Hill stated that the Committee had appeared to like the previous application, and he was of the view the existing design was elegant and unobtrusive; the timber design was also similar to others within the street, and would weather appropriately. The approved scheme was for a much more expensive steel and glass structure that had been designed by an architect. If the Committee were to approve the application it would allow the roof terrace to continue to be used in its current form, without the need to incur additional expenses.

**Questions for Officers**

- (3) It was confirmed for Councillor Carol Theobald that the scheme previously approved by the Committee had been set back at the rear, and involved screening. Councillor Davey asked for further clarification, and it was explained that the scheme had involved metal railings to the rear to better fit in with the street scene, and screening on one outlook to protect neighbouring amenity.
- (4) Councillor Gilbey queried the location of telephone wires that Members had seen on the site visit for the previous application, and in response it was confirmed that the location of the wires would not be a material planning consideration.

**Debate and Decision Making Process**

- (5) Councillor Hyde stated she was content with the scheme that was already approved by the Committee, and stated that the premises and street scene would benefit more from the previously approved scheme.
- (6) Councillor Wealls stated that he had no issue with the proposed scheme and would be voting against the Officer recommendation; Councillor Randall also echoed these comments, and stated that the proposal did not seem to be obtrusive.
- (7) Councillor Davey stated he would prefer to see the scheme in place that had been previously approved by the Committee, and for this reason he would be supporting the Officer recommendation.
- (8) Councillor Jones stated that he could understand the reasons for the Officer recommendation, but similarly he could also see the case put forward by the application.
- (9) Councillor Carol Theobald stated that the previously approved scheme would look better.
- (10) A vote was taken and planning permission was refused on a vote 6 to 4 with 1 abstention.

6.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to **REFUSE** planning permission for the reasons set out below:

**Reasons for Refusal:**

- i. The installed timber balustrading by reason of its height, design, materials, and scale results in an inappropriate alteration that relates poorly to the existing building. The incongruous design is out of character with the building form within the immediate vicinity and has a significantly detrimental impact upon the appearance and character of the building and the surrounding area, contrary to policy QD14 of the Brighton and Hove Local Plan.
- ii. The proposal results in an unacceptable level of overlooking towards neighbouring properties, in particular, to both the garden and the adjacent rear and side elevations of the adjoining property, No.43 Port Hall Road and the garden of No.41 Port Hall Road. The loss of privacy adversely impacts upon the residential amenity currently enjoyed by these properties. As such the proposal is contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.

**Informatives:**

- i. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton and Hove City Plan Part One (submission document) the approach to making

a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

**Note:** Councillor Littman was not present at the Committee.

**C. BH2013/00958 - 12 Wilkinson Close, Brighton - Householder Planning - Loft conversion incorporating 2no. dormers to rear.**

- (1) The Area Planning Manager introduced this report and gave a presentation by reference to plans, photographs and elevational drawings; attention was also drawn to information on the Late List. The application related to a detached two-storey property with an access way at the rear to a playing field. The extension sought to create living accommodation in the roof with the addition of two roof dormer windows; it was noted that permitted development rights in this development had been removed. The dormers would line up with the existing windows to create a 'polite design,' and there was already natural screening between the application site and the properties to the rear on the other side of the access way. It was considered that the dormers were well designed, and the application was recommended for approval for the reasons set out in the report.

**Debate and Decision Making Process**

- (2) Councillor Hyde explained that she knew this area very well; she had no issue with the design, but did feel there could be additional over-looking onto the property at the rear with the addition of the dormers given the small size of the gardens in this area.
- (3) A vote was taken and planning permission was granted on a vote of 9 in favour with 1 abstention.

- 6.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.

**Note:** Councillor Littman was not present at the Committee, and Councillor Carol Theobald was not present during the debate and vote on this application.

**D. BH2013/00256 - 1st to 3rd Floors, 7 Waterloo Street, Hove - Householder Planning - Removal of valley roof over rear projection, building up of surrounding walls and replacement of UPVC window with timber door, all to facilitate the creation of a roof terrace. Replacement of UPVC window with timber sliding sash. Repair of rear chimney stack and installation of new chimney pots.**

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager introduced application BH2013/00256 for housing holder planning permission and application BH2013/00511 for listed building consent, and gave a presentation by reference to plans, photographs and elevational drawings. It

was noted that since the publication of the agenda the applicant had appealed both applications to the Planning Inspectorate on the grounds of non-determination. As such the decision had been taken out of the hands of the Local Planning Authority, and Members were being asked to take a view had they been in a position to determine the applications; the recommendations on both applications had therefore been changed to 'would have refused.' The application sought consent for a roof terrace on an existing out-rigger, and this would be achieved through the removal of the pitched 'butterfly' roof. An existing window would be replaced with a door to provide access, and a bathroom window would also be replaced with a more appropriately designed timber window. The terrace would have raised parapets at 1.1 metres high. The proposed window and door replacements were seen as a gain in place of the existing UPVC windows; however, the details of the design were not considered appropriate nor the mechanisms of the proposed sash windows. The 'butterfly' design of the roof was considered to be original, and Officers had concern for the loss of this feature as well as the potential noise disturbance from the terrace to neighbours. For the reasons set out in the reports the applications were recommend for refusal had the Committee been in a position to determine them.

### **Questions for Officers**

- (3) Councillor Wealls asked for more information in relation to concerns about the noise; in response Officers explained that the proposed terrace had the potential to be used more intensively.
- (4) In response to a query from Councillor Hyde it was explained by Officers that they had no evidence to substantiate claims in the representation made by Councillor Sykes that the Planning Authority had not been forthcoming in discussions with the applicant.
- (5) Councillor Wealls asked for more information in relation to the design of the proposed windows, and it was explained that the glazing bars and opening mechanism of the window were inappropriate and the door would be of modern design.

### **Debate and Decision Making Process**

- (6) Councillor Randall stated that he felt from the site visit that the proposal was almost unnoticeable, and he would vote against the Officer recommendation.
- (7) Councillor Mac Cafferty noted that policy allowed the opportunity for sensitive alterations, and he felt this could be such an opportunity.
- (8) Councillor Hyde noted that the application would provide amenity for a resident who did not currently have any outside space, and the existing roof structure was four storeys up. She noted that the rest of the property had been sympathetically designed and refurbished, and if granted this could be a further improvement.
- (9) Councillor Wealls expressed his concern about the window design.
- (10) Councillor Davey expressed concern that the Committee might be minded to go against the recommendation made by the Heritage Officer; he also noted that it was a shame there was no comment from the Conservation Advisory Group (CAG).

- (11) Councillor Jones stated this was difficult decision; he felt this was a good use of the space, but the application could potentially remove an interesting and historic roofscape.
- (12) The Deputy Development Control Manager highlighted Council guidance which was explicit about retaining the original forms of roofs to listed buildings, and the Area Planning Manager also noted that a similar scheme had been approved on a neighbouring property, but this property was not listed.
- (13) A vote was taken and the Officer recommendation that the Committee 'would have refused' the application was not carried on a vote of 5 to 5 on the Chair's casting vote. A recorded vote was then taken with the proposed reasons for approval and Councillors: Mac Cafferty, Hyde, Cox, Wealls and Randall voted that planning permission should be approved; Councillors: Jones, Carden, Davey, Gilbey and Hamilton voted that permission should be refused. The Chair exercised his casting vote to in favour of approving the application.

6.4 **RESOLVED** – That the Committee has taken the Officer recommendation that it would have refused the application into consideration, but resolves that it **WOULD HAVE GRANTED** planning permission had it been in a position to determine the application for the reasons set out below:

- i. The proposed development comprises sensitive alterations and any overlooking, loss of privacy and noise disturbance is not so significant so as to cause material harm.

**Note:** Councillor Littman was not present at the Committee, and Councillor Carol Theobald was not present during the debate and vote on this application.

**E. BH2013/00511 - 1st to 3rd Floors, 7 Waterloo Street, Hove Listed Building Consent** - Removal of valley roof over rear projection, building up of surrounding walls and replacement of UPVC window with timber door, all to facilitate the creation of a roof terrace. Replacement of UPVC window with timber sliding sash. Repair of rear chimney stack and installation of new chimney pots.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) A vote was taken and the Officer recommendation that the Committee 'would have refused' the application was not carried on a vote of 5 to 5 on the Chair's casting vote. A recorded vote was then taken with the proposed reasons for approval and Councillors: Mac Cafferty, Hyde, Cox, Wealls and Randall voted that listed building consent should be approved; Councillors: Jones, Carden, Davey, Gilbey and Hamilton voted that consent should be refused. The Chair exercised his casting vote in favour of approving the application.

6.5 **RESOLVED** – That the Committee has taken the Officer recommendation that it would have refused the application into consideration, but resolves that it **WOULD HAVE GRANTED** listed building consent had it been in a position to determine the application for the reason set out below:



- i. The proposed works comprise sensitive alterations.

**Note:** Councillor Littman was not present at the Committee, and Councillor Carol Theobald was not present during the debate and vote on this application.

**F. BH2013/00979, Stockwell Lodge, rear of 121-131 Conway Street, Hove - Removal or Variation of Condition** - Application for variation of condition 4 of application 3/87/0895 (Change of use to 3no business class B1 units from existing builders depot) that the use hereby authorised shall be limited to the hours of 0700 to 2000 Monday to Friday, 1100 to 1700 Saturdays and Bank Holidays, no working on Sundays.

- (1) The Area Planning Manager introduced this application and gave a presentation by reference to plans and photographs; attention was also drawn to matters on the Late List. It was noted that the site had very narrow access, and the application related to the whole (units 1, 2 & 3) seeking amended hours of operation. The existing use had been in place since 1988, and it was noted that the newly proposed hours sought a later start time on Saturdays (with no overall increase on this day); a total increase of 10 hours per week across the other days and no operation on Sundays. Officers were of the view that the proposed hours were appropriate, but anything beyond this would be harmful to the neighbours due to the restricted access to the site. The additional two hours in the evening would still ensure that operations at the site finished by 20.00 hours, and the light industrial use of the site was such that it could take place alongside residential properties without material harm. It was considered that a balance needed to be achieved between protecting the employment space, and protecting the residential amenity, and the application presented a sensible compromise. If the premises were to operate beyond the permitted hours then this could be the subject of enforcement action. For the reasons set out in the report the application was recommended for approval.

### **Public Speakers and Questions**

- (2) Mrs Prescott supported by Mrs Coleman spoke against the application in her capacity as a local resident. Mrs Prescott stated she had lived in the street for 23 years, and previously the operation of the businesses had been successful, but in the last 12 months the businesses had operated beyond the permitted hours. Recently there had been security staff to remove cars after 18.00 hours, and incidents of the leaseholders of the units harassing the local residents were reported. Mrs Prescott indicated that the owner, Mr Ellis, had promised residents that the disturbance would stop, and she appealed to the Committee to protect residents from further disturbance. She stated that some of the businesses also operated from others sites, and they should consider relocation to more appropriate sites in the city; tenants had also moved out of the residential properties because of the noise disturbance, and the letters of support were not from people who lived in the street.
- (3) Mrs Prescott confirmed for Councillor Carol Theobald that there was no allocated parking for residents in the street.
- (4) Councillor Wealls asked Mrs Prescott for more information about the nature of the disturbance, and she explained that classes held in some of the units creating a

number of vehicular trips, as well as general noise and disruption; she also stated a security guard had recently been employed to prevent people entering the site.

- (5) Mr Bareham spoke in support of the application in his capacity as the agent for the applicant; he was accompanied by Mr Ellis the owner and applicant. Mr Bareham stated that the application sought a modest increase to the opening hours which was consistent with a modern economy. If the application were refused and the applicant forced to operate under the existing hours then there was a real risk that leaseholders would be forced to relocate, and two had already left due to the restrictive hours. The site currently provided employment for about 30 FTE posts, and it was highlighted that the NPPF advocated the necessity of sustainable employment space. The owner now monitored the activity at the site, and he had evidence to show that it was largely members of the public using the site to park outside of the normal operating hours. It was also highlighted that the location was 'town centre' and the Salvation Army already operated well into the evening. It was the intention of Mr Ellis to operate a low-key site, and co-exist with the residents.
- (6) Mr Ellis confirmed in a response to Councillor Carol Theobald that approximately 12 people attended the martial arts classes, but this had been as high as 18.
- (7) Councillor Randall asked if Mr Ellis considered himself to be a good neighbour, and in response Mr Ellis stated that he was trying to exist in peace with the neighbours, and he had made it clear to the leaseholders that they had to comply with the hours of permitted activity. Recently he had made it clear that leaseholders needed to move their cars by 18.00 hours, and be off the site completely in the weekdays by 20.00 hours. Mr Ellis also stated the evidence of 84 occasions where residents had entered the site after the permitted hours.
- (8) Councillor Wealls asked why bank holiday hours were also being applied for, and it was explained by Mr Ellis that two of the largest tenants had activities they wanted to specifically undertake on bank holidays. The Area Planning Manager highlighted that some of this activity would fall under the change of use application to be heard at this Committee.
- (9) It was confirmed by Mr Ellis, in response to a query from Councillor Jones, that he had recently employed a security guard on the site.

#### **Questions for Officers**

- (10) Councillor Hamilton queried the current hours that the premises was operating, and in response it was confirmed that the site was currently operating outside of the permitted hours.
- (11) Councillor Randall asked Officers how they could provide assurance that the operator would keep to the permitted hours if this application were granted given that he was currently in breach. In response Officers explained that the Council had been monitoring the situation, and meetings had taken place with Enforcement Officers; given the application before the Committee it had been the view of Officers to withhold any enforcement action pending the outcome of the application. If the Committee were

mind to grant the application then monitoring would continue, and Officers would have the power to undertake enforcement action if necessary.

- (12) Councillor Wealls asked for further information on what kinds of use compromise B1 – light industrial; Officers clarified this and explained that the uses on the site that were outside of this category were the subject of a separate application on the agenda for a change of use.

### **Debate and Decision Making Process**

- (13) Councillor Hyde stated this was a much improved application, and she agreed with the amended Saturday hours, and the restriction of use on Sundays. She was pleased about the installation of CCTV on the site, and noted that it seemed the owner was taking appropriate steps to monitor the activity on the site. The residents already lived in close proximity to established premises, and she was content that action was being taken to work with residents; for these reasons she would be voting in support of the Officer recommendation.
- (14) A vote was taken and planning permission was granted on a vote of 9 to 1.

- 6.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.

**Note:** Councillor Littman was not present at the Committee, and Councillor Davey withdrew during the consideration and vote on this application.

- G. BH2012/03987 - Unit 2, rear of 121 - 131 Conway Street, Hove - Full Planning Permission** - Change of use from Light Industrial (B1) to Stroke Care Facility (D1) and Martial Arts Facility (D2).

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to plans and photographs. The application only related to unit 2 on the site – which had been sub-divided containing a physiotherapy centre and martial arts unit. The letters of objection predominantly related to the ‘comings and goings’ at the site rather than the actual proposed use in the application. Officers in Environmental Health had made no comment on the application, and it was felt that – despite the narrow access – the site was being operated without causing significant harm to amenity. The site had also been marketed for B1 use and little interest had been shown; the applicant also felt the current use would be compatible with the rest of the activity on the site. The application proposed conditioning the use of the site to the specific activities applied for – otherwise it would revert back to the original B1 use, and this was considered an acceptable control. The application was recommended for approval for the reasons set out in the report.

### **Public Speakers and Questions**

- (2) Mrs Prescott supported by Mrs Coleman spoke against the application in her capacity as local resident. She stated that access to the site was not accessible for stroke

patients, and the only access was by car, and the operator currently used the site largely in the evenings. She also stated that exercise classes were held in both the car park and the road. Mrs Prescott stated that Mr Ellis had pressured local residents into supporting his application through a petition; the businesses were not 'start-up' and they should consider relocation to a more appropriate location. She also highlighted there was no disturbance from the Salvation Army, and the letters of support for Mr Ellis were not from local residents.

- (3) Mr Bareham spoke in support of the application in his capacity as the agent for the applicant; he was accompanied by Mr Ellis the owner. Mr Bareham stated the NPPF encouraged mixed use development, and the scheme was supported by Officers in Economic Development; the proposals also had social benefits for the users of the services. There was also good access to the site by public transport, the application also sought the same hours of operation as in the previous application.

### Questions for Officers

- (4) It was confirmed for Councillor Gilbey that the uses comprised two different businesses, and the recommended conditions sought to restrict activities tightly to the specific use. The application proposed that, should these activities cease, the premises would revert back to the B1 use rather than remain dormant.
- (5) Councillor Mac Cafferty asked for further clarification in relation to the number of trips by car to the site, and in response Officers explained that the driver for the calculation of trips was floor area, and given that this was not changing it was not envisaged this would be significantly different from the current B1 use. It was also confirmed for Councillor Wealls that the number would not necessarily be the same, but not significantly different.

### Debate and Decision Making Process

- (6) Councillor Carol Theobald thought the use and the hours were appropriate, and the area was already in the city centre; she acknowledged the restricted access, but felt on balance she would support the Officer recommendation.
- (7) A vote was taken and planning permission was granted on a vote of 9 to 1.
- 6.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.

**Note:** Councillor Littman was not present at the Committee, and Councillor Davey withdrew during the consideration and vote on this application.

### H. BH2013/01182 - 27 Hill Brow, Hove - Householder Planning Permission - Erection of single storey front extension.

- (1) A vote was taken and planning permission was unanimously granted.

- 6.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.

**Note:** Councillor Littman was not present at the Committee, and Councillor Carol Theobald was not present during the consideration and vote on this application.

**I. BH2013/00900 - 13 Lloyd Road, Hove - Householder Planning -** Erection of part single part two storey extension to the front, side and rear.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager introduced the application, and gave a presentation by reference to plans, photographs and elevational drawings; attention was also drawn to information on the Late List. The application sought to enlarge the property to create a 'granny flat' on the ground floor, and enlarge the living and bedroom space across the rest of the house. To achieve this the application sought to replicate the front gable creating a double fronted property increasing the overall street frontage. The proposed extension would be prominent to the south and north; Officers were of the view that there was scope for a sizeable extension, but felt that this needed to be subservient to the parent building to be more 'polite' and not harm the character of the area. This current application was considered overbearing and prominent; Officers were happy to continue discussions for a smaller two-storey extension. The application was recommend for refusal for the reasons set out in the report.

**Public Speakers and Questions**

- (3) Mrs Dibsdall spoke in support of the application in her capacity as the owner and applicant. She explained that the extension was necessary to house her elderly mother, and the house was an 'arts & crafts' building and the proposed extension sought to retain this character with the extension blending seamlessly with the original house. The suggestions of a smaller more subservient extension were too hard to introduce, for structural reasons, and the proposed annex would provide enough independent living space for her elderly mother. All of the neighbours were in support of the scheme, and in particular the neighbours who would potentially be most affected. The scheme had been designed to protect privacy and the extension was considered modest.
- (4) Councillor Carol Theobald asked if a garage would be retained elsewhere on the site, and Mrs Dibsdall confirmed it would not.

**Questions for Officers**

- (5) Councillor Davey asked about some sort of compromise in relation to the application, and in response Officers explained that an alternative scheme had been proposed by the Case Officer; however, it was the prerogative of the applicant to apply for their preferred scheme, and the Committee had to consider the application before them.

- (6) It was confirmed for Councillor Carol Theobald that the side of the proposed extension had two high level roof lights and a secondary window into a bedroom. Following a further query from Councillor Hyde it was explained that the neighbouring property these windows would face had no side windows.

### **Debate and Decision Making Process**

- (7) Councillor Carol Theobald noted that the house was on one of the largest plots; all of the houses in that area were quite different and there was room for an extension. She stated she would be voting against the Officer recommendation.
- (8) Councillor Hyde echoed these comments and stated that she did not feel the house was of any 'great design' and noted the suggested alteration to make it subservient would be too expensive. She felt that the proposed extension would give the impression that the building had been built in that form, rather than looking like a later addition; reference was made to the NPPF and the presumption to approve development; as such she would be voting against the Officer recommendation.
- (9) Councillor Randall stated his view that the extension would improve the appearance of the house, and would help to tidy up the scruffy looking garage. He would be voting against the Officer recommendation.
- (10) Councillor Mac Cafferty noted there was an emerging SPD due to be approved that would help to clarify matters in relation to such extensions.
- (11) A vote was taken and the Officer recommendation to refuse was not carried on a vote of 6 to 5. Councillor Hyde proposed reasons for approval and these were seconded by Councillor Cox; a short adjournment was then held to allow Councillor Mac Cafferty, Councillor Hyde, Councillor Cox, the Deputy Development Control Manager, the Senior Solicitor and the Area Planning Manager to draft the reasons for approval in full. These reasons were then read to the Committee, and it was agreed they reflected what had been put forward by Members. A recorded vote was then taken with the proposed reasons for approval and Councillors Jones, Hyde, Cox, Carol Theobald, Wealls and Randall voted that planning be granted and Councillors: Mac Cafferty, Carden, Davey, Gilbey and Hamilton voted that permission be refused.

6.9 **RESOLVED** – That the Committee has taken the Officer recommendation to refuse into consideration, but resolves to **GRANT** planning permission for the reason and subject to conditions, set out below:

- i. The proposed development is acceptable in terms of massing, form, scale and its forward position and is not detrimental to neighbouring properties in terms of amenity. The proposed development is in keeping with the mixture of styles in Lloyd Road and is an improvement to the current design of the existing property.

#### Conditions:

- i. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- ii. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

- iii. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

Additional Informative:

- i. The applicant is advised that planning permission has been granted on the basis that the granny annex is ancillary to the dwelling and that its use as a separate residential dwelling would require further planning permission.

**Note:** Councillor Littman was not present at the Committee.

**J. BH2013/00491 - Westview, Cornwall Gardens, Brighton - Householder Planning -**  
Extensions and alterations to existing chalet bungalow to form a two storey house.

- (1) The Area Planning Manager introduced the report, and gave a presentation by reference to plans, photographs and elevational drawings. The application proposed a two-storey extension that would raise the roof of the bungalow and also extend into the side retaining the existing garage. This would create a two-storey building with two fully glazed gables at the front; which would be a very prominent feature. Officers were not concerned with the proposed bulk, but felt the design fell down in relation to some of the detailing. The building also proposed a slate roof and a large roof light at the front both of which were considered inappropriate, and some of the materials and characteristics were felt to be out of keeping with the area and potentially visually harmful. It was important that development within the conservation area was appropriate, and would not cause harm; for the reasons set out in the report the application was recommended for refusal.

**Public Speakers and Questions**

- (2) Mr Anderson spoke in support of the application in his capacity as the owner and applicant. He explained he worked from home, and his children went to school locally, and the application was to make their 1950's bungalow more sustainable and efficient. He explained that pre-application advice had been given that there was no objection to raising the roof to create a second storey. After the first application was refused the second had sought to address the reasons for refusal; then they were informed that the second application was likely to be recommended for refusal in relation to the proposed materials. They had also not been made aware of any objection to the fully glazed gabled windows, and they were happy to amend this; as well using materials

that would be appropriate. Mr Anderson explained he had letters of support from his neighbours, and felt the extension would be an improvement to the existing building.

- (3) Councillor Wealls asked about the choice of materials, and Mr Anderson explained that they had considered a number of different options, and they had tried to pick those they considered to be in keeping; they were more than happy to negotiate the materials, but had not until now received any feedback on this.

**Questions for Officers**

- (4) Councillor Mac Cafferty asked about some of the contradictory advice that the applicant had made reference to, and in response the Deputy Development Control Manager highlighted the Conservation Officers comments in the report, and stated these were clear.
- (5) Following a query from Councillor Hyde it was explained by Officers that they would normally expect the objection to the fully glazed gable windows to have been raised, and it was felt that in this case it should have been picked up.
- (6) In response to a query from Councillor Davey the Area Planning Manager explained that Officers would be happy to work with the applicant, if the Committee were minded to refuse, to look at a scheme that could be suitable for delegated approval.
- (7) Councillor Mac Cafferty stated his concern with the lack of information and clarity in relation to application process; he suggested the application be deferred to allow further discussion between the applicant and Officers. This position was echoed by Councillor Hamilton.

6.10 **RESOLVED** – That the application be deferred to allow further discussion on design and external materials between the applicant and Officers.

**7. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**

7.1 There were none.

**8. APPEAL DECISIONS**

8.1 The Committee noted the content 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.

**9. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

9.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.



**10. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**11. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

11.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

**12. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)**

12.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

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

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members 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.]

The meeting concluded at 5.26pm

Signed

Chair

Dated this

day of