

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 20 NOVEMBER 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, C Theobald and Wells

**Co-opted Members:** Mrs Selma Montford

**Officers in attendance:** Jeanette Walsh (Head of Development Control); Nicola Hurley (Area Planning Manager); Rob Fraser (Head of Planning Strategy); Liz Arnold (Senior Planning Officer); Steve Tremlett (Senior Planning Officer); Steven Shaw (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Ross Keatley (Acting Democratic Services Manager).

**PART ONE**

**99. PROCEDURAL BUSINESS**

**99a Declarations of substitutes**

99.1 There were none.

**99b Declarations of interests**

99.2 There were none.

**99c Exclusion of the press and public**

99.3 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.

99.4 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

**99d USE OF MOBILE PHONES AND TABLETS**

99.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

**100. MINUTES OF THE PREVIOUS MEETING**

100.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 30 October 2013 as a correct record.

**101. CHAIR'S COMMUNICATIONS**

101.1 There were none.

**102. PUBLIC QUESTIONS**

101.1 There were none.

**103. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

103.1 There were none.

**104. GOLDSTONE RETAIL PARK, NEWTOWN ROAD, HOVE: REQUEST FOR A VARIATION OF S106 DATED 11 APRIL 1996 SIGNED IN ASSOCIATION WITH APPLICATION 3/95/0748**

104.1 The Committee considered a report of the Executive Director of Environment, Development & Housing in relation to a request for a variation of s106 agreement signed in association with 3/95/0748 – Goldstone Retail Park, Newtown Road. The Area Planning Manager, Nicola Hurley, explained that the applicant sought the subdivision of one of the units to create 5 units in total on the site, and the application sought to bring the s106 agreement in line with this. The application did not conflict with policy, and the amendment would not allow for any additional floor space. For the reasons outlined in the report the application was recommended for approval.

104.3 **RESOLVED** – That the Committee allow the completion of a variation to the s106 agreement dated 11 April 1996 relating to Goldstone Retail Park to amend the number of units permitted within the main block of Goldstone Park to be increased from 4 units to 5 units.

**105. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A. BH2013/02838 - Richmond House, Richmond Road, Brighton - Full Planning -** Demolition of existing 2no storey building and construction of part three storey part five storey building providing 138 rooms of student accommodation, with associated ancillary space, 76 cycle spaces, removal of existing trees, landscaping and other associated works.

(1) It was noted that this site had been the subject of a site visit prior to the meeting.

- (2) An update was provided in relation to the policy context by the Senior Planning Officer, Steve Tremlett, resulting from an Inspector's decision on another site which was received the day before the meeting that updated the policy comments submitted in regard to the application. The policy comments previously stated that Policy CP21 could be afforded 'significant' weight; the Inspector had determined that the policy had 'limited' weight; however, by doing so the Inspector had still acknowledged the policy had some weight. The Inspector also confirmed that Policy CP21, by promoting the retention of housing sites, is in compliance with the National Planning Policy Framework (NPPF). The recommendation of the policy team in regard to the application under consideration was therefore unaltered.
- (3) The Senior Planning Officer, Liz Arnold, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. In reference to the above information in relation to policy; it was noted that the wording at 8.12 should be amended to give 'limited' weight to the policy rather than significant and that there was an error in recommended reason for refusal 2 in that reference to Policy QD27 of the Brighton & Hove Local Plan should not have been included. Since the publication of both the agenda and the Late List a further two representations had been received, but these highlighted no new material considerations. The application sought demolition of the existing building and construction of a new two storey building to provide 138 self-contained units for student accommodation. The site was currently vacant and adjacent to the Roundhill conservation area; to the north of the site was Diamond Court a new residential development which had been recently occupied, and an industrial estate to the north-west. Another application for student accommodation had been refused by the Committee earlier in the year for reasons in relation to design; the redundancy of the existing use and the principle of the development in relation to the emerging City Plan. The proposed scheme would be 3-storeys fronting onto Richmond Road; there would be 4 wheelchair accessible rooms and lifts on each floor; as well as associated facilities and common areas and 76 cycle spaces.
- (4) In relation to the considerations it was noted that the applicant had not adequately demonstrated that the existing use was redundant – which was in contradiction to policy. Furthermore the emerging City Plan identified the site for housing, as part of the Strategic Housing Land Availability Assessment (SHLAA), and student accommodation on the site could compromise the ability of the Council to meet housing targets. The proposed building had been designed to follow the curves of the road; however, the mass and bulk were considered excessive and would compromise some of the views into the conservation area. Officers were also concerned with the impact on amenity, and felt it was unneighbourly in relation to Diamond Court. There was also concern with some aspects of the design where units faced out onto the cycle storage, and lack of information from the applicant to demonstrate sufficient daylight or sunlight to some of the ground floor rooms. For the reasons outlined in the report the application was recommended for refusal.

### **Public Speakers and Questions**

- (5) Ms Annie Rimington spoke in opposition to the application in her capacity as a local resident stating that residents were not opposed to development at the site or students living on the site, but had concerns about the impact on the conservation area.

Residents were also unconvinced about the argument that the development would reduce the number of HMOs in the city as the accommodation would be provided for foreign students, who normally stayed with host families and were not 'typical renters'. The population density of the area would be approximately three times that of a medium sized city suburb. The development would also damage an important green corridor; as well blocking views in and out of the conservation area. Concern was also expressed in relation to the safety of the access, and nearby traffic. The Committee were asked to refuse the application.

- (6) In response to Councillor Davey it was explained by Ms Rimington that the building had been vacated this year, but it had not been properly maintained in recent years.
- (7) Councillor West addressed the Committee in his capacity as the Local Ward Councillor and stated that the previous application had been refused by the Committee approximately six months ago. Whilst the applicant had made some changes to address concerns the fundamental reasons for refusal still remained that housing was vitally needed in the city, and the views in and out of the conservation area would be compromised. Issues still remained with the massing and bulk and concern remained with the access to the site through the conservation area; as well as noise from the windows and terraces. There was also a lack of details in relation to cycle and refuse storage, and proper consideration of flood and contaminated land. There was strong opposition to the scheme from residents, and thanks were extended for their efforts to come together a second time.
- (8) Mr Lomax and Mr Burges spoke in support of the application in their capacities and the architect and planning agent respectively. Mr Lomax stated that there was an entirely different approach to the development; he took great care in the developments he was involved within the city, and would not have proposed a scheme that he felt was not appropriate. He explained that the amenity space had been moved the centre to create a noise buffer, and concerns with amenity had also been dealt with. The building would be pitched on the south-west elevation with different treatments, and it was reported that the Conservation Advisory Group (CAG) had no objection to the scheme. The line of the railway embankment had limited life, and the main green barrier was outside of the development site. The issues in relation to cycle and refuse storage could be easily dealt with by condition, and it was highlighted there was a growing need for this type of accommodation as both universities were planning to expand.
- (9) Councillor Cox asked about Ms Rimington's comments that the type of student would not be those that would normally live in HMOs and in response it was explained by Mr Lomax that it was difficult for him to make an assessment, but he highlighted that there was low provision of specialised student housing within the city. Mr Burges confirmed the accommodation would be for both UK and overseas students.
- (10) Councillor Davey asked Mr Lomax for more information in relation to overshadowing and access, and in response it was explained that at the move in and out dates all students would be allocated time slots to ease access. In relation to overshadowing there was adequate distance between the proposed development and Diamond Court; the proposal would also be set back at the top level.

- (11) Mrs Montford clarified on behalf of the CAG that the group had not objected to the scheme on conservation grounds.

**Questions for Officers**

- (12) The Head of Planning Strategy, Rob Fraser, explained that evidence suggested the increase in the number of students within the city was being broadly addressed through the plans from the two universities. A statement of common ground had been agreed with the University of Brighton to seek further sites for student accommodation in Part Two of the emerging City Plan.
- (13) In response to queries from Councillor Hyde it was explained that the site was identified in the SHLAA for 12 dwellings as part of a mixed use scheme and the nearest distance between the proposal and Diamond Court was clarified. In response to a further query it was explained that the inspector decision, which had informed the weight given to policy CP21, had been received the day before the Committee, but it was important to give it consideration in view of this application and the weight that could be placed on the policy.
- (14) In response to Councillor Carol Theobald the position of the dormer windows was clarified.
- (15) Councillor Gilbey asked if the accommodation had the support of either of the two city universities, and Officers explained that they had received written confirmation to this extent, and this had not formed part of the reason for refusal.
- (16) In response to a query from Councillor Davey it was explained that the information provided had not demonstrated enough sunlight to aspects of Diamond Court; in particular as some of the units were single aspect.

**Debate and Decision Making Process**

- (17) Mrs Montford reinforced the comments that had been made by the CAG that the proposal was too solid; too sombre, and too dark in contrast to the bright colours of the conservation area.
- (18) Councillor Hyde explained that she knew the area very well; she appreciated the need for student housing, but felt the proposal was too much for the site and would be cramped and bulky. The suggested allocation of a mixed residential and commercial scheme seemed much more appropriate, and she would be voting in support of the Officer recommendation.
- (19) Councillor Carol Theobald stated she was torn on the application, and she acknowledged that the scheme had been amended since the previous refusal; the CAG had also not objected on conservation grounds and the proposal would 'free up' housing elsewhere as well as provide student accommodation.
- (20) Councillor Davey stated that he was concerned about the impact on Diamond Court, and he did not believe that the redundancy of the existing use had been demonstrated.

- (21) Councillor Cox noted his concern that the recent decision of the inspector had, in his view, undermined the recommendation from the Case Officer; however, he was unconvinced by the applicant's argument that the proposal would allow existing students homes to go back into residential use in the city. Councillor Cox added that he was torn, but acknowledged that the scheme was not without merit.
- (22) Councillor Jones stated that there were aspects which were an improvement, but overall the bulk and massing remained an issue. He also stated that the proposed other uses of the site had merit, and, like Councillor Cox, he was not convinced it would free up other homes within the city.
- (23) A vote was taken and planning permission was refused on a vote of 7 to 0 with 3 abstentions.

105.1 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **REFUSE** planning permission for the reasons set out below:

Reasons for Refusal:

- i. The submitted elevational plans lack detail and clarity. Notwithstanding the lack of detail the proposed development, by virtue of its design, which includes a bulky roof form, bulky mansard dormer features and projecting bay details, is unacceptable and would cause harmful impact upon the visual amenities of the Richmond Road/D'Aubigny Road street scenes and the wider area including the Round Hill Conservation Area and would fail to emphasis and enhance the positive qualities of the neighbourhood. The mass, scale and bulk of the development is substantially larger than the existing office building and would appear out of scale and overly prominent in views of the Round Hill Conservation Area. In addition the actual/visual loss of the existing embankment would result in the erosion of the distinct barrier between the Conservation Area and the less cohesive streetscape located to the north of the site, this in turn would have a harmful impact upon the distinctive layout and predominance of green space of the area when seen in longer views. The proposal is therefore contrary to development plan policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.
- ii. Part of the proposed development would occupy a site which is identified as having potential for housing provision in the Council's Strategic Housing Land Availability Assessment, which would therefore compromise the Council's ability to meet its housing needs and set an unwelcome precedent for the approval of student accommodation on other housing sites across the City in the future. For this reason the proposed development is contrary to the National Planning Policy Framework and policies CP1 and CP21 of the Brighton & Hove City Plan Part One.
- iii. The applicant has failed to demonstrate that the existing B1 office use is no longer viable and genuinely redundant by failing to adequately market the ground floor/entire building on competitive terms for a period of at least twelve months. In the absence of such evidence, the proposal would involve the unacceptable loss of employment generating floorspace. As such the proposal is contrary to policies EM3 and EM5 of the Brighton & Hove Local Plan and policy CP3 of the Brighton & Hove City Plan Part One.

- iv. The applicant has failed to demonstrate that the proposed north facing accommodation would receive sufficient levels of daylight/sunlight Furthermore it is considered that the ground floor units would have an oppressive outlook due to the positioning of the proposed cycle storage facilities, facilities which would also create noise disturbance to the ground floor residents. As such the proposal would provide a poor standard of accommodation to the future ground floor residents, harmful to the amenity of future occupiers. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
- v. The applicant has failed to demonstrate that the proposed development would not have a significant impact upon the amenities of the new development located to the north of the site, between Hollingdean Road and Sainsbury's Service road, with regards to received levels of daylight/sunlight and over-shadowing. The proposed massing, scale and bulk of the building is considered to result in an unneighbourly form of development which is considered likely to have an adverse effect on the amenities of the neighbouring northern development by way of loss of daylight/sunlight, especially in respect of the single aspect flats. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan and CP21 of the Brighton & Hove City Plan Part One.
- vi. The applicant has failed to demonstrate that adequate refuse and recycling provision can be provided. The proposed refuse store is not large enough for a development of the size proposed based on a weekly collection by the Council. No details of private refuse and recycling collections have been submitted as part of the application. Failure to provide adequate refuse and recycling facilities would have a harmful impact upon the amenities of future occupiers of the development and neighbouring properties As such the proposal is contrary to policies SU9 and QD27 of the Brighton & Hove Local Plan and PAN 05 on Design Guidance for the Storage and Collection of Recyclable Materials and Waste.

Informatives:

- i. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & 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: Councillors Duncan and Littman were not present at the meeting.**

**B. BH2013/03146 - Waitrose Ltd, 130-134a Western Road, Brighton - Full Planning - Removal of trolley bay and creation of 2no trolley shelters and creation of 2no cycle racks within rear car park**

- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application site was located on the northern side of Western Road, and access to the car park was via Montpelier Road and exit via Hampton Road. The proposed shelter was typical of its type, and would be made from Perspex with a curved roof.

Consideration related to the impact on the conservation area and the impact of the amenity of the neighbouring properties; Officers were of the view that that the siting would not be harmful, and the intended use was appropriate in conjunction with the retail premises. For the reasons set out in the report the application was recommended for approval.

### **Public Speakers and Questions**

- (2) Mr Roger Amerena spoke in objection to the application in his capacity as a local resident; he stated that 5 listed buildings, and 25 residential buildings abutted the site and residents had no objection to the principle of the trolley shelter, but rather to the structures themselves as they were too long and too large. The northwest shelter would create difficulties for cars parking, and was located under a lime tree which would discolour the shelter when it produced sap. The shelters also acted as an attraction for antisocial behaviour, and residents had ongoing problems in the area. It had been suggested directly to the applicant that the shelters be relocated, but no response had been received, and it was also requested that a previous 'code of conduct' be reinstated, that had been part of a 1998 planning permission, to address the problems in relation to antisocial behaviour – in particular to issues such as lighting.
- (3) In response to Councillor Hyde it was confirmed by Mr Amerena that the residents' objection related to the location of the shelters and that the car park was continually lit all night, and added that the shelters would add to the existing problems.
- (4) Councillor Davey asked Mr Amerena if the supermarket had a working relationship with the local residents, and in response it was explained that this had deteriorated in recent years, and the code of conduct he had made reference to had expired approximately two years ago; until that point the supermarket had been communicative with residents. He added that there had not been any consultation in relation to the current planning application.
- (5) Mr Amerena explained, in response to Councillor Gilbey, that as the car park was lit all night it made the problems with antisocial behaviour worse.
- (6) In response to Councillor Jones it was explained by Mr Amerena that the siting of the shelters was key to the residents' concerns in relation to the application.

### **Questions for Officers**

- (7) The Area Planning manager clarified that the proposed shelters would not be lit, and the planning authority were not able to consider the 'need' for the shelters.

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

- (8) Councillor Hyde stated that she now had concerns in relation to the application, but was aware that some of the issues raised by Mr Amerena were not planning considerations. The Head of Development Control, Jeanette Walsh, noted that the enforcement matters highlighted by the public speaker could be investigated outside of the meeting; Councillor Hyde welcomed this approach, and proposed that the

application be deferred so that the Committee could be provided with more information; this was seconded by Councillor Carol Theobald. The Area Planning Manager clarified that the 1998 planning permission referred to did not make any reference to a code of conduct.

- (9) A vote was taken on the motion to defer the application and this was carried on a vote of 4 to 3 with 3 abstentions.

105.2 **RESOLVED** – That the application be deferred.

**Note: Councillors Duncan and Littman were not present at the meeting.**

**C. BH2013/02995 - 131 Islingword Road, Brighton - Full Planning** - Conversion of existing public house (A4) to form 1no two bed and 1no three bed dwelling including erection of new front garden wall, formation of light wells to front and rear elevations, alterations to fenestration and associated works.

- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application site related to a two storey building with authorised use as a public house; permission was sought for the conversion into a two bedroom house and a three bedroom house which would include a new boundary wall treatment; new lightwells and alterations to the fenestration. The main considerations related to the principle of the conversion; the impact of the works and the impact on amenity and sustainable transport. The public house was in community use and policy HO20 stated that such premises could serve as an important community function; however, the building was one of many public houses in close proximity and the loss was not considered contrary to policy – the proposed use was also acceptable. The size of the units was acceptable, and the potential noise and disturbance was not considered to be greater than the current use. For the reasons set out in the report the application was recommendation for approval.

#### **Questions from Officers**

- (2) It was confirmed for Councillor Hyde that the detailing on the front of the original public house would remain.
- (3) In response to Councillor Theobald it was confirmed that Officers were satisfied that the application was in compliance with policy HO20.

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

- (4) Councillor Carol Theobald stated that it was a pity to lose the public house, and she would not support the Officer recommendation as she was against such closures.
- (5) Councillor Hamilton noted that where businesses were not viable they could not keep on going, and he made reference to closures in his own Ward; he added that many premises now tried to diversify their businesses with a wider food offer.

- (6) In discussion of the community asset register it was clarified by the Senior Solicitor, Hilary Woodward, that the legislation was primarily concerned with allowing communities to purchase important assets, and might lack the impetus the Committee were discussing.
- (7) A vote was taken and planning permission was granted on a vote of 6 to 3 with 1 abstention.
- 105.3 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **GRANT** planning permission.

**Note: Councillors Duncan and Littman were not present at the meeting.**

- D. BH2013/03117 - 56 London Road, Brighton - Removal or Variation of Condition -** Application for variation of condition 1 of application BH2011/02890 to permit the premises to be in use between the hours of 08.00 and 04.00 daily with counter sales to cease at 01.00.
- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The site related to a hot food takeaway, Dominoes, on London Road, and planning permission was sought for a variation of condition to amend the hours of operation to 04.00 hours daily; with counter sales ceasing at 01.00 hours. The main considerations related to the potential impact on neighbours, and Officers were of the view that these hours were acceptable. It was also noted that the current licensed hours were until 04.00 hours, but licensing and planning were two separate regimes. For the reasons set out in the report the application was recommendation for refusal.

**Questions for Officers Debate and Decision Making Process**

- (2) In response to Councillor Carol Theobald Officers were not able to confirm the operational hours of the other nearby 'Dominoes' takeaway.
- (3) Councillor Davey stated that he agreed with the Officer recommendation and that as London Road was improving an extension to the hours of opening as proposed was not appropriate in this location.
- (4) Councillor Carol Theobald agreed that the application was unreasonable, and noted there would be additional noise created elsewhere in the city.
- (5) A vote was taken and planning permission was unanimously refused.
- 105.4 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **REFUSE** planning permission for the reasons set out below:

Reasons for Refusal:

- i. The proposed hours of operation, including deliveries until 04.00 on a daily basis, would cause significant increased noise and disturbance to the detriment of the amenity of residents in the immediate vicinity of the application site. The proposed hours of operation are therefore contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

- i. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & 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: Councillors Duncan and Littman were not present at the meeting.**

**E. BH2013/02616 - Land rear of 285 Dyke Road, Hove - Full Planning -** Erection of 1 no three bedroom bungalow with access from The Droveaway.

- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The site related to the rear garden of 285 Dyke Road which was a large three storey building divided into three flats. Permission was sought for a detached bungalow; a similar type of rear garden development been granted permission at no. 283; however, it was noted that this site had a series of fundamental differences. Considerations related to the design, the siting; the impact on neighbouring amenity and the impact on highways and sustainable transport. The proposed bungalow would be close to the boundaries of the plot, and it was noted that the proposal differed from the implemented permission at no. 283 as the garden was smaller and the bungalow closer to the host property; the remainder of the garden was small – leading Officers to the view that the proposal was over-dominant. Concern was also expressed that there would a significant lack of privacy for the future occupier of the proposed bungalow. For the reasons in the report the application was recommended for refusal.

**Public Speakers and Questions**

- (2) Ms Julie Cattell spoke in support of the application in her capacity as the agent acting on behalf of the applicant. She stated that the design and bulk form would be similar to the neighbouring bungalow; the standard of accommodation was good, and would meet lifetime homes standards, and minor issues raised by the Case Officer could be resolved. In relation to the issue of overdeveloped it was argued that the site coverage was comparable for the area, and the distances between the building and the boundary were also comparable with the development at no. 283. In relation to overlooking it was noted that the back to back distance was less than 20 metres, and the Committee had approved schemes with similar distances.
- (3) In response to Councillor Carol Theobald it was confirmed by Ms Cattell that the land sloped away at the rear of the plot.

**Questions for Officers**

- (4) It was confirmed for Councillor Hyde that the remainder of the host building's garden would be 7.6 metres.
- (5) In response to Councillor Davey it was confirmed that the site was greenfield and the applicant had confirmed they were able to meet Code Level 5 for sustainable homes, and the planning authority had no reason to doubt this submission. It was confirmed for Councillor Cox that if the applicant felt they were unable to meet Code Level 5 then they would have to apply to vary the condition.
- (6) It was confirmed for Councillor Hamilton that, whilst the Area Planning Manager had no evidence to confirm, it looked likely the development at no. 283 was also this type of back garden development.
- (7) It was confirmed in response to Councillor Gilbey that the front door did not face out directly onto the access area, and the windows that would be overlooked by the property to the south were a kitchen and a toilet.

**Debate and Decision Making Process**

- (8) Councillor Hyde stated that her initial reading of the proposal had changed following the site visit where it had become clear that the garden of the host building was shorter than that of no. 283; at the visit the size of the plot had been measured and it was evident that it was small. Councillor Hyde went on to say that the proposal would be of detriment to the host building; however, the plot could potentially accommodate a smaller building with more garden space. It was also felt that the loss of the garden would change the character of the host building, and as such, she would be voting in support of the Officer recommendation.
  - (9) Councillor Carol Theobald echoed these comments and added that it was clear to her from the site visit that there would be little garden left for the host property; she added that the proposal was over-development and was particularly concerned in relation to overlooking. She stated that the Officer recommendation was correct and she would be supporting it.
  - (10) Councillor Gilbey also added that there was a balcony at first floor level which could potentially make the overlooking issues worse.
  - (11) Councillor Hamilton stated that what was proposed was too much for the site, and referenced an application at no. 287 which Officers confirmed was for an ancillary building.
  - (12) A vote was taken and planning permission was refused on a vote of 6 to 2 with 2 abstentions.
- 105.5 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **REFUSE** planning permission for the reasons set out below:

Reasons for Refusal:

- i. The scheme, by reason of its scale, excessive footprint and positioning would represent an inappropriate and unsympathetic addition and would appear as an overdevelopment of the site. The scheme is therefore considered to be contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.
- ii. Having regard to the close proximity of the proposed bungalow to the host property, the west facing windows and roof terrace at no.285 Dyke Road would directly overlook the east facing windows and garden of the proposed bungalow. This is not considered to be an appropriate relationship and would result in a loss of amenity and a poor standard of accommodation. The scheme is therefore considered to be contrary to policy QD27 and HO5 of the Brighton & Hove Local Plan.

Informatives:

- i. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & 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: Councillors Duncan and Littman were not present at the meeting.**

**F. BH2013/03023 - 30 Aymer Road, Hove - Householder Planning Consent - Erection of boundary fence (retrospective).**

- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application site related to a bungalow on a corner plot; which was located in a conservation area that was the subject of an Article 4 Direction. The proposal scheme related to an existing boundary fence, and the application sought to reduce the height to 1.6 metres. The main considerations related to the impact on the character of the building and the conservation area; whilst reducing the height addressed the concern in that respect it did not address the appropriateness of the materials and design which were considered detrimental. For the reasons outlined in the report the application was recommended for refusal.

**Public Speakers and Questions**

- (2) Mr Hoye addressed the Committee and spoke in his capacity as the applicant. He stated that since moving into the property 2.5 years ago he and his family had undertaken work to restore the property. The original boundary had been a high overgrown hedge, and the applicant had consulted with the neighbours prior to construction of the new fence. All materials were recycled and would weather appropriately. Mr Hoye also added that the family had two large dogs and the fence was necessary for their safety and he had done his best to help improve the area.

- (3) In response to Councillor Jones it was explained by Mr Hoye that he had investigated alternative materials, and potentially retaining the hedge.

#### **Questions for Officers**

- (4) It was confirmed for Councillor Cox that boundary walls over 1 metre in height required planning permission.
- (5) It was noted in response to Councillor Gilbey that issues in relation to the applicant's pets were not material considerations.
- (6) It was confirmed for Councillor Carol Theobald that there was an objection to the materials which formed part of the reasons for refusal.

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

- (7) Councillor Hyde stated that she understood for reasons for removing the original hedge, and appreciated the problems for the owner in relation to their dogs, but she did not like the appearance of the fence and felt it was 'exceedingly unsightly'. She felt confident that the reasons for refusal could be overcome whilst still addressing the applicant's personal circumstances, but felt that the Officer recommendation was correct and she would support it.
- (8) Councillor Cox noted that the blocks, which had now been removed, had not been appropriate, and added that if the fence were reduced in height it would be more appropriate. He added that there were no objections to the fence, and he would not support the Officer recommendation.
- (9) Councillor Carol Theobald added that the fence was unsightly, and the material was not good enough for the area; she would support the Officer recommendation.
- (10) A vote was taken and planning permission was refused on a vote of 6 to 2 with 2 abstentions.

- 105.6 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **REFUSE** planning permission for the reasons set out below:

#### Reason for Refusal:

- i. The fence and entrance gate by virtue of their heavy, bulky and excessive horizontal emphasis would result in significant harm to the character and appearance of the recipient property, and the character, appearance and setting of the Conservation Area. As such, the development would be contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

#### Informatives:

- i. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & 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: Councillors Duncan and Littman were not present at the meeting.**

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

106.1 There were none.

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

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

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

108.1 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.]

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

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

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

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

**111. APPEAL DECISIONS**

111.1 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.

The meeting concluded at 16.32

Signed

Chair

Dated this

day of