

PLANNING COMMITTEE

Agenda Item 2

Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 16 MAY 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Mac Cafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Cobb, Davey, Gilbey, Hamilton, Hawtree, A Norman and Randall

Officers in attendance: Paul Vidler, Deputy Development Control Manager; Claire Burnett, Area Planning Manager (East); Nicola Hurley, Area Planning Manager (West); Guy Everest, Senior Planning Officer; Jason Hawkes, Planning Officer; Hilary Woodward, Senior Lawyer; Steven Shaw, Principal Transport Planning Officer and Penny Jennings, Democratic Services Officer

PART ONE

183. PROCEDURAL BUSINESS

183a Declaration of substitutes

183.1 Councillor Randall was present in substitution for Councillor Kennedy, Councillor Gilbey was present in substitution for Councillor Farrow and Councillor A Norman was present in substitution for Councillor Wells.

183b Declarations of interest

183.2 There were none.

183c Exclusion of the press and public

183.3 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.

183.4 **RESOLVED** - That the public be not excluded during consideration of any item of business on the agenda.

184. MINUTES OF THE PREVIOUS MEETING

184.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 25 April 2012 as a correct record.

185. CHAIR'S COMMUNICATIONS

185.1 The Chair stated that as it was his last meeting in the Chair he wished to place on record his thanks to officers for their professionalism and support and to his colleague councillors.

185.2 Councillor Hyde, the Deputy Chair thanked the Chair for the high standard of leadership and professionalism he had given to the role.

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

186.1 There were none.

187. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

187 .1 BH2011/03765 - 19-27 CARLTON TERRACE

(i) Major Applications

A. BH2011/03765- 19-27 Carlton Terrace, Portslade

(1) Demolition of existing buildings and erection of new 3 no storey block of 41 retirement apartments with communal facilities, car parking and landscaping works, erection of new 2no.storey block of 4no. affordable apartments with car parking and landscaping and associated works.

(2) It was noted that this application had formed the subject of a site visit prior to the meeting.

(3) The Planning Officer Jason Hawkes gave a presentation detailing the proposed scheme by reference to photographs and drawings. He explained that the current scheme was for a much larger development than the existing outline consent for 15 units. Its bulk and scale would be significantly greater. The proposal could be divided into two distinct sections, these were detailed. The scale of the main three storey building, due to its bulk, extensive site coverage and limited open space, would be an overdevelopment of the site, and an over dominant feature in contrast to the character and context of the surrounding area. Whilst it was felt that the plot width and roof height of the Carlton Terrace elevation was acceptable and in line with the rest of the street there were however concerns that the front elevation was

inappropriate partly due to the inclusion of a set back balcony area. This set back reduced the size of the roofs and gave the buildings a three storey appearance with a higher eaves height than the adjacent buildings. The set back at second floor level was not seen in any other adjacent buildings on the street which are mainly traditional two-storey Victorian houses with gabled and pitched roofs. The scheme also proposed a building line which came forward of the building line of the adjacent buildings to the immediate north and south. The proposed front elevation was 2.1m further forward than the front building line of no.18 Carlton Terrace. This along with the elongated appearance and set back at second floor level would result in a front elevation which would have an inappropriate visual impact in the context of the rest of the street scene.

- (4) Whilst the loss of the industrial use was deemed appropriate and the use of the site for residential purposes was acceptable in principle the proposal for 45 retirement flats was deemed contrary to the Local Plan and NPPF as it did not propose good design represented an inappropriate form of development out of context with its surroundings, did not promote sustainable transport, or provide an adequate provision of affordable housing or propose suitable measures to mitigate the impact of the proposal on the surrounding area. For those reasons the application was recommended for refusal.

Questions of Officers, Debate and Decision Making

- (5) Councillor Mrs Theobald queried the level of affordable housing being sought as she thought that that a level of up to 40% was required. Mr Hawkes explained that the level of affordable housing was negotiable provided that a scheme was considered to be acceptable in all other respects. The level of affordable housing proposed by the previous scheme had been 26.6% for a development comprising 15 units; this scheme was of a far higher density and the applicants had not made a robust case to demonstrate that was so.
- (6) Councillor Randall sought to ascertain how far below the lifetime homes standard the development fell and it was explained that had the form of development proposed been considered acceptable these matters could have been secured by condition. In his view whilst the site was an ideal location for this type of housing this scheme was not.
- (7) Councillor A Norman enquired whether the applicants had been made aware of officers concerns regarding the proposed scale of this development which was far higher than that previously put forward. It was concerned that the height of some elements of the site and overall density was far greater than that of the previous scheme.
- (8) Councillor Mrs Theobald stated that it was unfortunate no representatives were present on behalf of the applicants to respond to questions from members. She considered that the scheme was a bulky overdevelopment and concurred with the officers recommendations as did Councillor Hyde.
- (9) Councillor Cobb stated that although she was not unduly concerned by the low level of affordable housing she considered that this scheme was too bulky and not in keeping

with the area. She was also concerned that the development went right up to the site boundary.

- (10) Councillor Hamilton stated that the existing site was an eyesore which was ideally suited to this type of development. He hoped that the developer would come back with a scheme addressing the issues raised as he remained to be convinced that a better alternative use could be found for the site.
- (11) Councillor Hawtree stated that the current scheme represented a very poor form of development which looked as if it had “landed” on the site and was not appropriate to it.
- (10) Councillor Summers agreed with the officers recommendations concurring with the reasons for refusal cited.
- (12) A vote was taken and planning permission was refused on a vote of 10 with 2 abstentions.

187.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in this report and resolves to **REFUSE** planning permission for the following reasons:

1. The scale of the main three-storey building, due to its bulk extensive coverage of the site and limited open space would appear as an overdevelopment of the site and an over dominant feature in contrast to the character and context of the surrounding area. Additionally, the proposal results in a front elevation which is significantly further forward than the existing adjacent building line on Carlton Terrace. This coupled with the design of the front elevation with the design of the front elevation with a second floor set back and three storey appearance would make the front elevation dominate the street scene and is considered to represent inappropriate development which poorly relates to the character and appearance of the street scene. For these reasons the development is contrary to policies QD1, QD2, QD3, H4 and HO6 of the Brighton & Hove Local Plan which seek to ensure that new developments emphasise and enhance the positive qualities of the local neighbourhood.
2. The proposed development by reason of its height, scale, excessive footprint, fenestration detailing and positioning would result in an unneighbourly development and lead to a sense of enclosure, increased overlooking and perceived overlooking to neighbouring properties to the detriment of the living conditions of occupiers. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
3. The proposal includes 4 affordable housing units out of 45 units which equates to an 8.9% element of affordable housing. Policy H02 of the Brighton & Hove Local Plan requires a 40% element in schemes of 1 or more dwellings. The applicant has failed to provide a robust and comprehensive justification for a significantly low level of affordable housing. The scheme is therefore considered contrary to the above policy.
4. The applicant has failed to demonstrate that the impact of the development will be significantly mitigated in matters directly related to planning by means of planning obligations as outlined in policy QD28 of the Brighton & Hove Local Plan. These matters relate to the impact of the development in terms of policy TR1, that requires development proposals to provide for the demand for travel they create, policy HO6 that states that new development will not be permitted unless the requirement for outdoor

recreation space is suitably provided, policy QD6, which requires development to provide new public art in major development schemes and the requirement of the scheme to contribute towards local employment and training schemes. The scheme is therefore considered contrary to the above policies of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the Statement of Community Involvement , Planning Statement, Embodied CO2 Estimator Sheet, Affordable Housing Statement, Energy/Sustainability Statement, Design, Access and Sustainability Statement, Refuse and Waste Minimisation and Management Plan, Utilities Statement, Sustainability Checklist, Drainage Survey, Traffic and Transport Consultation, Extended Phase 1 Habitat Survey, Site Investigation Report, Viability Assessment and Review, Validation Statement, Assessment of Potential Noise Impact, Biodiversity Checklist Statement, Assessment of Potential Noise Impact, Biodiversity Checklist and drawing nos.10-1769-100, 101, 102, 103, 104, 105, 106, 107, 108, 109, MCS441/Drg01A, PP/2813/M&S/201/A, B2452-02, 03 & 04 received on 9 December 2011 and 16 February 2012.

B. BH2011/03791- Land Adjoining Unit 5, 274 Old Shoreham Road, Hove

- (1) Erection of new single storey non-food retail unit with mezzanine floor
- (2) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (3) The Planning Officer, Guy Everest gave a presentation detailing the proposed scheme by reference to photographs and plans indicating the style and siting of the unit and elevational drawings. He explained that that it had been demonstrated that there was a need for the development which could not be met from a sequentially preferable site and that the impact on surrounding established shopping centres would be limited. The additional car parking requirements resulting from the development could be accommodated within existing facilities and no harmful demand for travel would be created. The proposed development was the same as that approved in 2009, except for the inclusion of additional floorspace in a mezzanine floor.
- (4) The development was of an appropriate height, scale, bulk and design having regard to the immediate surroundings and would not result in unacceptable harm to the amenity of neighbouring occupiers by reason of loss of light or increased noise and disturbance, minded to grant approval was therefore recommended.

Questions of Officers, Debate and Decision Making

- (5) A vote was taken and on a vote of 11 to 1 minded to grant planning approval was given.

187.2 RESOLVED – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and the guidance in section 7 of the report and resolves that it is **MINDED TO GRANT** planning permission subject to the completion of a S106 Agreement and to the conditions and informatives set out in the report.

(ii) Minor Applications**C. BH2011/03950 – 3 Kelly Road, Hove**

187.3 It was noted that this application had been withdrawn at the request of the applicant.

D. BH2012/00531 – 130 Old Shoreham Road

- (1) Display of 3no internally illuminated fascia signs.
- (2) The Area Planning Manager (West), Nicola Hurley gave a presentation detailing the scheme by reference to photographs and drawings. It was noted that this was separate from the application for change of use of the application site from retail (A1) to restaurant and take away (A3/A5) with part re-cladding of the existing building and associated parking which had been refused on 20 April 2012. It was also noted that the applicant had included visual examples of similar signs on other properties. No information had been provided regarding the location of those properties and it was not considered that these supported the proposals seeking consent for this site. The KFC lettering signs were considered to have acceptable visual impact. The internally illuminated 'Colonels Head' logo was considered excessive in size and its design and location extending forward from the front of the building failed to relate to the existing building and it was considered it would harm the overall street scene. A split decision was therefore recommended.

Questions of Officers, Debate and Decision Making

- (3) Councillor Hawtree stated that he considered it rather surreal that the Committee were in the position of being asked to determine an application in relation to a building which had been refused planning permission for this use. He also referred to the emerging City Plan and to the fact that this application also ran contrary to that. The Senior Lawyer confirmed that only limited weight could be attached to the emerging plan at the present time.
- (4) Councillors Hyde and Mrs Theobald sought clarification as to why the refused application had been able to be dealt with under delegated powers whilst this application had been brought forward to Committee and it was explained this related to representations received.
- (5) Councillor Cobb sought confirmation regarding the colour(s) of the illumination/lettering to be used.
- (6) A Vote was taken and on a vote of 8 to 2 with 2 abstentions a split decision was made as set out below.

187.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to make a **SPLIT DECISION** for advertisement consent.

REFUSE advertisement consent for the internally illuminated “Colonel’s Head” sign shown on drawing no 0000/211/A110b and A903b for the following reason:

1. The proposed illuminated sign by virtue of its design, size and positioning extending forward from the front elevation of the building fails to relate to the existing building. The sign would be an overly dominant feature which would be visually intrusive to the detriment of the appearance of the building and the overall street scene. This sign is contrary to policy QD12 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Document on Signs SPD07.

GRANT advertisement consent for the internally illuminated KFC sign(s) shown on drawing nos 0000/2011/A110b, A901a, A902a, and subject to the conditions and informatives set out in the report.

E. BH2012/00587 – 20 Rutland Gardens, Hove

- (1) Change of use from residential house (C3) to child care facilities (D1) with self contained living accommodation to second floor.
- (2) The Area Planning Manager (West), Mrs Hurley gave a presentation detailing the proposals by reference to photographs, site plan, proposed floor plans and elevational drawings. Mrs Hurley went on to explain that representations had been received concerning potential reduction of value on neighbouring properties. This was not however a material planning consideration that could be taken in to account in a planning application. The impact of the development on neighbouring occupiers had been assessed in the relevant section of the report. In regards to concerns about setting a precedent for this type of application, and the potential for future proposals to increase the number of children over time, each application would need to be assessed on its own merits.
- (3) It was considered that the conversion of this semi-detached property with a small garden from a residential house to a nursery would give rise to potential significant noise and disturbance to the occupiers of neighbouring properties. In the absence of an acoustic report, the applicant had failed to demonstrate that the premises can operate whilst preserving the residential amenity of neighbouring occupiers. The proposal is contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan which seek to protect amenity, refusal was therefore recommended.

Questions of Officers, Debate and Decision Making

- (4) Councillors A Norman and Mrs Theobald sought confirmation that the applicant had been aware that of the requirement to provide an acoustic report and it was explained that they had been made aware and had done so in respect of their existing premises in Scott Road, Hove.
- (5) Councillors Gilbey and Mrs Theobald sought clarification regarding the size of the outside space /garden and it was confirmed that this was approximately 49 sqm.

- (6) Councillor Mrs Theobald stated that whilst the need for increased nursery provision was recognised she considered the application site to be inappropriate, both the building itself, a semi detached dwelling house and its associated garden which in her view were too small for this use. Councillor A Norman concurred in that view.
- (7) Councillor Hawtree was in agreement that the application should be refused.
- (8) A vote was taken and Members voted unanimously that planning permission be refused.

187.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the following reason:

1. The conversion of this semi-detached property with a small garden from a residential house to a nursery gives rise to potential significant noise and disturbance to neighbouring properties. In the absence of an acoustic report, the applicant has failed to demonstrate that the premises can operate whilst preserving the residential amenity of neighbouring occupiers. The proposal is contrary to policies SU10 and QD7 of the Brighton & Hove Local Plan which seek to protect amenity.

Informatives:

1. This decision is based drawing nos.2011.64.01 02 and supporting statements received on 24 February 2012.

F. BH2012/00248 – Glebe Villas, Playing Fields, Chelston Avenue, Hove

- (1) Removal of existing pavilion and erection of new single storey building (D1 use) incorporating teaching and changing facilities.
- (2) The Planning Officer, Jason Hawkes gave a presentation detailing the proposed scheme by reference to photographs showing views across the site which included the existing pavilion and drawings detailing the proposed new single storey building. He stated having regard to the existing pavilion, the proposed development was not considered to have a significant impact on the amenities of the occupiers of adjacent properties nor would it have a significant impact on trees within the vicinity of the site. The proposal was also considered acceptable in terms of its design and appearance in relation to the recipient building and surrounding area. Subject to the recommended conditions, the development would represent sustainable development in accordance with development plan policies and the National Planning Policy Framework, approval was therefore recommended.

Questions of Officers, Debate and Decision Making

- (3) Councillor Mrs Theobald enquired regarding times at which the facility would be used querying whether the school would hold matches on Saturday afternoons. Mr Hawkes stated that use of the facility between 8 – 6, Monday to Friday had been requested, if the applicant subsequently required use at weekends they have to apply for a variation.

- (4) Councillor Davey enquired whether the Committee considered it appropriate to restrict times at which vehicles could drive onto the site and the number of vehicles permitted to park there but Members were satisfied with the conditions proposed.
- (5) A vote was taken and Members voted unanimously that planning permission be granted.

187.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in 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 the report.

G. BH2012/00229 – Wolseley Build Centre, 19 Bristol Gardens, Brighton

- (1) Demolition of existing building and erection of 9no residential dwelling houses with associated parking and landscaping.
- (2) The Area Planning Manager (East), Claire Burnett gave a presentation detailing the proposals by reference to photographs and illustrative drawings showing views across the site and explained that the current application represented a variation to a similar earlier permission granted in 2010. A new application had been required as the appearance of the development had been altered. The previous approval had given consent for a predominantly rendered development, on a low brick base, with recessed areas to be timber clad. The current application had sought to amend that. Plots 1-3 would utilise an engineered blue/grey brick across the ground brick level and part of the first floor with white rendered blocks at first floor level. The window shape at first floor level had also been revised. The application proposed changes to Plots 4 and 6, which was to be a fully rendered building, with revised fenestration. Plot 5 was to be constructed completely from engineered blue/grey brick and Plot 7 was to be fully rendered and both included minor fenestration alterations. Plots 8 and 9 would replace the recessed timber cladding elements with the same blue/grey engineered brick. It was considered that that the amendments represented an improvement to the previously approved scheme and minded to grant approval was therefore recommended.

Questions of Officers, Debate and Decision Making

- (3) Councillor Mrs Theobald sought confirmation that as with the previous scheme it was proposed that only part of the wall surrounding the site was to be removed and it was confirmed that element of the scheme remained unchanged. Councillor Cobb asked whether in addition to parking provided for each house, visitor parking would also be provided on site. It was explained that on site parking provision was shared, there would not be any separate visitor parking and additional vehicles could be accommodated on street.
- (4) A vote was taken and Members voted unanimously that minded to grant planning permission be given.

187.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and in the policies and guidance in section 7 of the report and resolves that it is **MINDED TO GRANT** planning permission

subject to the applicant entering into a deed of variation of the s106 dated 13 September 2010 relating to BH2009/01355 and to the conditions and informatives set out in the report.

H. BH2012/00712 – 9 Ridgeside Avenue, Brighton

- (1) Demolition of existing garage and erection of a granny annexe ancillary to the main dwelling house.
- (2) The Area Planning Manager (East), Claire Burnett gave a presentation detailing the scheme by reference to photographs and drawings. The current scheme was not significantly different from any of the earlier refused schemes. It was noted that the existence of badger setts had been alleged by neighbouring occupiers and that a letter had been received from the South Downs Badger Protection Group. The applicant's attention had therefore been drawn to the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981 (as amended). The issue of boundary lines has been raised by neighbours and objectors. The proposed development appeared to be completely independent of rather than ancillary to the main dwelling house and it was considered that the applicant had failed to address matters relating to the small plot size and amount of space around the proposed annexe. The development failed to enhance the positive qualities of the neighbourhood and was out of character with the surrounding area which was predominantly spacious in character. Furthermore there was concern as to whether it would be genuinely be used as an ancillary building. Refusal was therefore recommended

Public Speakers and Questions

- (3) Councillor Pidgeon spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme. He stated that the proposed development was very similar to that which had been rejected on numerous previous occasions. The house would lie in an identical position to that in the previous application virtually wedged against the north fence. The granny annex would be expected to be more closely connected to the main house but it was entirely separate and there did not appear to be any special facilities for anyone who was elderly and/or disabled. There were concerns in relation to the impact on the local badger population, the proposed development would also result in increased traffic which would reduce the quality of the residential environment for neighbouring residents. There had been 5 failed applications, all very similar and 3 appeals which had been dismissed by the Planning Inspectorate and the Committee were also invited to reject this application. The site was totally inappropriate for the proposed form of development.

Questions of Officers, Debate and Decision Making

- (4) Councillor Mrs Theobald concurred in the views expressed by Councillor Pidgeon stating that successive applications had been made for essentially the same scheme which in her view was completely inappropriate for the site.
- (5) Councillors Hawtree and Randall were in agreement that the proposed scheme was not appropriate to the site and appeared as a separate dwelling unit rather than as an

annexe which was ancillary to the 9 Ridgeside Avenue, they were in agreement it should be refused.

- (6) A vote was taken and members voted unanimously that planning permission be refused.

187.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the following reasons:

1. The development fails to enhance the positive qualities of the neighbourhood. It would be out of character with the surrounding area as it would appear cramped within the plot of the main dwelling, and the positioning and layout of the ancillary accommodation would fail to reflect the spacious character of the area. The application is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
2. Notwithstanding reason for refusal 1 above, the submitted drawings suggest the development would result in the formation of a separate residential unit which would not be ancillary to the primary residence. The space within the site is of an inadequate size to accommodate an additional dwelling whilst preserving the open character of the area. The proposal represents an over development of the site, out of keeping with the surrounding area, and contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan which seek to ensure a high standard of design, and secure an intensity of development appropriate to the locality.

Informatives:

1. This decision is based on drawing nos.0045.EXG.01, 0045.PL502A, 0045.PI500A, and 0045.PL.501A received on 8 March 2012.

I **BH2011/03487 – 247 – 249 & Land Adjacent to 251 Ditchling Road, Brighton**

- (1) Erection of 2 no residential dwellings to replace 247 – 249 Ditchling Road, Brighton. Erection of two storey office building (B1) and single storey retail/financial and professional services building (A1/A2) over existing basement to North.
- (2) The Area Planning Manager (East), Claire Burnett gave a presentation detailing the proposed scheme, by reference to photographs of the site and drawings showing its relationship to the Ditchling Road frontage and the neighbouring residential dwellings and commercial premises. The proposed development was considered to conserve the character and appearance of the conservation area by utilising high quality materials, which would be controlled by condition. The applicant had demonstrated that the proposal would cause no undue harm to residential amenity, trees, highway issues and would be constructed to an acceptable level to ensure a sustainable development. As such the proposal was considered to be in accordance with the National Planning Policy Framework and the Brighton & Hove Local Plan and approval was therefore recommended.

Public Speakers and Questions

- (3) Mr Moore spoke in objection to the scheme and on behalf of other neighbouring objectors. He stated that he considered the photographs and plans displayed were

misleading in that they did not accurately reflect the levels of overshadowing and loss of light and amenity which would result to the properties backing onto the site from Stanford Avenue including the outside area of the nursery which backed onto the site which would be detrimentally effected. Levels varied across the site and in consequence the distances from neighbouring properties was less than indicated and the roof heights of properties on the development would be higher than that of the surrounding residential development.

- (4) Mr Bareham spoke on behalf of the applicants in support of their application. He stated that the development had been designed in order to bring the site back into use to fit into the scale and be of a complimentary appearance with the neighbouring residential dwelling houses and the adjacent Fiveways Centre and to fill in the broken Ditchling Road frontage. In answer to questions of Councillor Davey Mr Bareham explained that the lighting assessment had been undertaken by independent experts who had confirmed that any potential loss would be within acceptable levels. Mr Bareham confirmed that the roofline which was stepped was slightly higher than that of properties located in Stanford Avenue and the development would be 10-12m distant from the boundary of those properties.

Questions of Officers, Debate and Decision Making

- (5) Councillor Randall noted that the development would attain a Level 3 sustainability and queried whether it was required to be a Level 4. It was explained that this was not required on brown field sites of less than four dwellings. In answer to further questions it was confirmed that solar panels or photovoltaic panels would be provided to the rear roof slopes of the buildings
- (6) Councillor Mrs Theobald sought clarification of the differences between this proposal and the previously refused application and also enquired regarding retention of the on site trees. It was confirmed that the major tree adjoining the site was to be retained, albeit that it was located on the neighbouring site and that measures would be taken to ensure that it was protected throughout the course of the on site works.
- (7) A vote was taken and Members voted unanimously that planning permission be granted.

187.9 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below 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 the report.

J BH2011/03488 – 247 – 249 & Land Adjacent to 251 Ditchling Road

- (1) Demolition of two storey building at 247 – 249 Ditchling Road, Brighton
- (2) A vote was taken and Members voted unanimously to grant conservation area consent.

187.10 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations set out in the report and the policies and guidance

in section 7 of the report and resolves to **GRANT** Conservation Area Consent subject to the conditions and informatives set out in the report.

K BH2012/00801, 128 Beaconsfield Villas, Brighton

- (1) Replacement of raised timber decking to rear (retrospective)
- (2) The Area Planning Manager (East), Claire Burnett gave a presentation by reference to drawings and photographs of the structure and views from it across and in relation to the gardens and windows of neighbouring properties. Although the applicant had indicated that the current structure replaced an earlier one in exact detail and dimensions evidence to that effect had not been forthcoming. It was considered that this rear terrace, due to its elevated height and its location near to the northern boundary of the site with no. 130 Beaconsfield Villas, represented an overbearing addition and un-neighbourly development for the residents of this neighbouring property by reason of increased overlooking, loss of privacy and disturbance at an elevated position. The development is therefore of detriment to the amenities of this neighbouring property. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan. The development also represented an overbearing addition for the residents of southern and eastern neighbouring properties by reason of an increased sense of overlooking and loss of privacy. The proposed screening to the north of the terrace (as shown on the plans rather than as installed on site) would have an adverse impact upon the amenities of the occupiers of the upper level of 130 Beaconsfield Villas with regards to loss of light/sunlight.
- (3) The site was subject to an Enforcement Investigation as a result of the Council receiving a complaint following the construction of this raised terrace area. The applicant has stated that the terrace was a replacement of a former terrace area which provided access from the door within the rear elevation of the projecting wing of the property to the lower garden area. However the applicant has been unable to provide evidence of what the original structure had looked like.
- (4) Following withdrawal of an earlier application the applicant has altered the existing terrace area. The main differences to the structure seen during the Case Officers site visit in respect of application BH2011/03470 and the development with the current application were the reduction in width of the area from approximately 3.8m to 3.3m and the planting of vegetation along the northern edge of the terrace. However in view of the negative impact on neighbouring properties, refusal was recommended for the reasons set out.

Public Speakers and Questions

- (5) Mr MacColl the applicant spoke in support of his application. He stated that that he refuted the position as set out in the report stating that when he had purchased the property 10 years previously this wooden structure had been dilapidated and in a poor state of repair. The structure had been beyond repair and had therefore been replaced. The gardens of properties in Havelock Road which lay to the rear of his property occupied an elevated position and therefore overlooked properties in

Beaconsfield Villas including his own. Properties and gardens in the locality were configured in such a way that there was a degree of oblique mutual overlooking.

Questions of Officers, Debate and Decision Making

- (6) Councillor Hyde sought further information from the applicant regarding the degree of purported overlooking.
 - (7) Councillor Randall enquired whether the earlier structure had been the same height as currently and whether there had always been a door from the main house onto the decked area. The applicant confirmed that as stairs were not proposed to the garden this would reduce the use of the structure to a terrace, rather than as an access to the garden and not compromise the amenity of the neighbouring property. It was confirmed in answer to further questions that based on information confirmed by neighbours the previous structure had been in place for at least 18 years.
 - (8) Councillor Mrs Theobald enquired why the earlier application had been withdrawn and the applicant explained that this had been in order to seek to overcome the objections raised by his neighbours.
 - (9) Councillor Hawtree proposed that determination of the application be deferred pending a site visit, this was seconded by the Chair, Councillor MacCafferty. A vote was taken and it was agreed on a vote of 9 to 2 with 1 abstention that a site visit would take place.
- 187.11 **RESOLVED** – That consideration of the above application be deferred pending a site visit.

L. BH2012/00471 – 6 Challoners Close, Rottingdean

- (1) Alterations to existing ground floor and extension at first floor level to form a two storey four bedroom house and installation of rooflights to front and rear and to low level roof side elevations (part retrospective).
- (2) The Area Planning Manager (East) Claire Burnett gave a presentation detailing the proposals by reference to detailed plans, photographs and elevational drawings delineating the differences between the earlier and this current application. Whilst it was stated on the plans that the proposed rooflights to the converted loft would serve a storage area it was noted that this space could be used as living space without the need for any further planning consent. Notwithstanding this, it was not considered that the proposed rear rooflights would result in any significantly increased overlooking towards the neighbouring properties over and above existing levels from the centrally located dormer or the proposed first floor windows approved in application BH2010/00977. Furthermore, it was noted that the angled nature of the rooflights, set back from the rear elevation would also help reduce potential overlooking towards neighbouring properties.
- (3) The Area Planning Manager (East) went on to explain that the front rooflights were sited over 20m from the properties to the opposite side of Challoners Close and it

was not considered that there would be any significant increase in overlooking towards these properties. The rooflights to the side roofslopes were sited above head height and would not result in any overlooking to adjoining properties. The additional first floor window to the north elevation would serve a shower room, would be obscure glazed and it was not considered that it would result in any overlooking towards the side elevation of the adjoining property to the north, No.8 Challoners Close. It was not considered that the proposed rooflights would result in any significant increase in noise disturbance to neighbouring properties. Concerns had been raised as to the possibility of the building being used as a multiple rental development with potential increased demand on parking provision and refuse/recycling collections. The application does not propose a change of use from a single dwelling house to a house of multiple occupancy (HMO), however, these issues were not considered to be material planning considerations. The proposed development is not considered to detract significantly from the appearance or character of the property or the surrounding area and approval was therefore recommended.

Public Speakers and Questions

- (4) Mr De Young spoke as a neighbouring objector and on behalf of other objectors. He stated that the height and impact of the development was very detrimental to the character of the area and amenity of neighbouring residents and would have an even greater negative impact than that resulting from earlier permissions. In his view the earlier applications should not have been granted, but the Committee now had the opportunity to remedy the situation by refusing this application. The applicant was so confident that he would obtain permission that works had continued on site in advance of permission being granted.
- (5) Councillor Webzell spoke in his capacity as a Member of Rottingdean Parish Council setting out their objections to the proposals. He displayed photographs which he considered illustrated that true nature of the development which constituted a complete overdevelopment of the site, the building was too big for its plot and towered above and overlooked its neighbours and was completely out of keeping with the prevailing street scene. It was understood that following completion the developer was intending to use the property as a student let this would increase in traffic in the area and increased pressure in on street parking. The Committee were requested to refuse this application.

Questions of Officers, Debate and Decision Making

- (6) Councillor Hyde sought clarification of the officer in respect of the precise location of the rooflights proposed to each elevation, which elevations would present a blank wall to neighbouring properties and the location of the obscurely glazed window. Councillor Hyde also sought confirmation as to whether the height and dimensions of the roof space were greater in this application than that for which approval had previously been given. It was confirmed that they were not.
- (7) A vote was taken and on a vote of 8 to 3 with 1 abstention planning permission was granted.

187.12 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations set out in 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 the report.

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

188.1 There were none.

189. APPEAL DECISIONS

189.1 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.

190. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

191. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

192. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

193.1 **RESOLVED** – That those details of applications determined by the Strategic Director of Place 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 Strategic Director of Place. 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 5.00pm

Signed

Chair

Dated this

day of

