

### BRIGHTON & HOVE CITY COUNCIL

#### PLANNING COMMITTEE

2.00pm 12 DECEMBER 2012

COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

**Present:** Councillors Hawtree (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Cobb, Davey, Gilbey, Mac Cafferty, Pissaridou, Robins, Shanks, C Theobald and Wells

**Officers in attendance:** Jeanette Walsh, Head of Development Control Forum; Aidan Thatcher, Senior Team Planner; Shannon Waaldijk, Area Planning Manager (West), Pete Tolson, Principal Transport Planning Officer; Alison Gatherer, Lawyer and Ross Keatley, Democratic Services Officer.

#### PART ONE

#### 114. PROCEDURAL BUSINESS

##### 114a Declarations of substitutes

114.1 Councillor Shanks was present in substitution for Councillor Phillips; Councillor Robins was present in substitution for Councillor Hamilton and Councillor Pissaridou was present in substitution for Carden.

##### 114b Declarations of interests

114.2 Councillor Pissaridou declared an interest in Item 119D (Application BH2012/02675 - 94-103 London Road & 6-11 & 12 Baker Street) by virtue of her membership of the Labour & Co-Operative Party, but she noted that she would remain present during the debate and vote on this item.

##### 114c Exclusion of the press and public

114.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the 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.

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

**115. MINUTES OF THE PREVIOUS MEETING**

115.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 21 November 2012 as a correct record.

**116. CHAIR'S COMMUNICATIONS**

116.1 It was explained that Item 119G (BH2012/01545 - 151 & 151A Marine Drive, Rottingdean) had been deferred pending the receipt of a pallet of materials.

**117. PUBLIC QUESTIONS**

117.1 There were none.

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

118.1 There were none.

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

**Major Applications**

**A. BH2012/02675 - 94-103 London Road & 6-11 & 12 Baker Street - Full Planning Permission** – Partial demolition of former Co-Operative building allowing for the retention of the existing façade. Erection of a new building ranging from 3 to 6 storeys providing 351 units of student accommodation (sui generis) and 3no retail units (A1) at ground floor level, incorporating new access routes, 3no new disabled parking spaces, 150 cycle spaces and other associated works.

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

(2) The Major Projects Officer, Kate Brocklebank, introduced the application and gave a presentation by reference to photographs, plans, elevational drawings, and concept images; a scale model of the scheme had also been provided. The application was for the partial demolition of the existing buildings and retention of the 1930's façade of the original Co-Operative building, it was noted that there was an area of land that formed part of the scheme accessed from London Terrace that was currently under the control of the applicant and used for informal parking. Additional items were highlighted, and in particular a letter received from Caroline Lucas MP; however, none of these raised any new material planning considerations. Photographs were used to show an earlier scheme that had been refused by the Committee in 2011, and it was noted that the refusal related mostly to design and amenity. Following this refusal the Committee recommended that the façade of the building be placed on the Local List, and discussions had been held with the South-East Regional Design Board in relation to the current design. It was proposed that London Terrace be extended through the site

with access to Baker Street, and timed gates for daytime access only. There would be 134 cycle spaces and 3 disabled parking spaces.

- (3) The accommodation would be set in cluster flats with 2-5 bedrooms using a shared living, dining and kitchen space; the proposals would also include some studio flats. There would be two additional amenity spaces, one used for smoking; as well as an internal common room. The retail units on the ground floor and basement were considered acceptable, and it was highlighted that there was no locally adopted policy specifically in relation to student accommodation, and as such no objection to this use. The design retained the significance of the historic building, and the extension to London Terrace would create a better designed street layout. In relation to amenity the proposal would be an improvement on the current arrangement for residents on Kingsbury Road, and the block would create a similar relationship; meeting BREEAM standards. A number of properties in Baker Street would marginally fall below the standard; however, this was considered acceptable given the marginal level and the nature of the city centre location. The arrangements for services and deliveries would be largely the same as in the previous scheme, with the refuse access to the rear and a lay-by on London Road for the deliveries to the retail units. A Travel Plan would be in place to monitor cycle provision, and deal with any increase in demand, and it was proposed to extend the pavement to the front of the property, and designate the lay-by as shared space. The larger area would be re-paved with a series of improvements to the existing paving; furthermore the informal parking area at London terrace would be formalised and improved for use in relation to the management of the site. The whole developed would meet BREEAM standard excellent featuring photovoltaic panels and edible landscaping. The application was recommended to be minded to grant for the reasons set out in the report.

### **Public Speakers and Questions**

- (4) Ian Brown spoke on behalf of local residents in objection to the application, and read a statement from a resident of London Terrace who had lived in the street for 25 years. It was explained that previously the properties on London Terrace had been owned by the Co-Operative and rented out to employees, and over the years the properties had been sold off to private buyers. It was considered that the plans would engulf the area and create unacceptable levels of noise and loss of privacy. In particular health, amenity and noise concerns were expressed in relation to the smoking terrace. It was felt that the nature of the area would be changed with the increased number of students living in the immediate area, and this would affect the quality of life of the residents. Concern was also expressed in relation to access for emergency vehicles and increased traffic.
- (5) In response to a query from Councillor Davey it was explained that the levels of anti-social behaviour had been gradually increasing in the area year on year, and there were ongoing problems with drug abuse.
- (6) Councillor Jones asked if the ambition to let the units to post-graduate and overseas students would impact on the objections of local residents. In response it was explained that this would help with some of the objections, but it was felt this kind of accommodation would be more attractive to first year students.

- (7) Councillor Deane spoke in her capacity as one of the Local Ward Councillors, and stated that whilst she welcomed the building being bought back into use there was still strong objection to the high number of students that would be bought into the area if the application were granted. There would be a negative impact on the commercial mix in London Road, and the space would be better suited for family or elderly use. It was also noted that there was the potential for other sites in close proximity for student accommodation to come forward increasing the overall number of students in this part of the city as a whole. The creation of a new thoroughfare would make a shortcut to the London Road Railway Station and change the nature of these otherwise quieter roads. Concern was also raised in relation to the management of traffic at the start and end of the terms. Councillor Deane asked the Committee to consider the letters of objection before making their decision.
- (8) Councillor Davey asked for more information in relation to how the development might impact on the retail mix of the London Road area, and in response it was explained that this could relate to issues at late night licensed premises such as off-licences, and it would not contribute to a better commercial mix.
- (9) Mr Gillespie spoke on behalf of the applicants and stated that the scheme included a number of improvements to the public realm. The site would be managed by on-site staff 24 hours per day, and the management were keen to ensure that the development was a conducive environment for students to study. There would be no access through the Baker Street gate after 21.00 and until 07.00 each day, and students were asked to sign an agreement as part of their tenancy preventing them from bringing cars. To manage the movement at the beginning and end of terms a timeslot system was to be used; however, it was felt this would be less of a problem as the students would be post-graduate and overseas and more likely to stay for the duration of their tenancy.
- (10) In response to a query from Councillor Cobb it was explained that the policy in relation to cars largely worked across all of the sites the applicant managed nationally; when a student did break this rule the management would take steps to ensure they removed the car.
- (11) In response to a query from Councillor Shanks it was explained that the university had confirmed the majority of the units would be let to overseas and post-graduate students as they were committed to accommodating all first year students on campus.
- (12) Councillor Robins asked for information about the control of cars on the site, and it was explained that this formed part of the tenancy agreement, and when the management found out about them they would enforce the policy, and ensure the car was removed.
- (13) Following a query from Councillor Carol Theobald it was confirmed that the units were let on 51 week contracts, and students would be able to leave their possessions there even if they went away during the holidays. The site also had 24 hour surveillance.
- (14) Councillor Davey asked for more information on how the site would operate and it was explained that there would be two shifts of staff in the day with a manager on duty, and security staff would be present 24 hours a day; as well as resident wardens.

- (15) Councillor Mac Cafferty asked for information on how breaches of rules would be enforced, and it was explained that the site would be operated in partnership with the University; this would mean that breaches of the rules could also be enforced through the University, and potentially affect a student's position on their course.
- (16) In response to a query from Councillor Pissaridou it was explained that both outside terraces would be screened; the first would be closed at 7 p.m. and the second at 11 p.m. for smokers to use. The later closing area would be the one furthest away from residents.
- (17) Councillor Carol Theobald asked if any of the internal features could be kept, such as period tiling, and it was explained that this would not be possible; however following a suggestion from Councillor Mac Cafferty it was agreed that this could be recorded photographically.

**Questions for Officers**

- (18) Following a query from Councillor Hyde it was explained that as the Council did not have any policies in relation to student accommodation it would not be possible to attach conditions in relation to the 'type' of students the units could be let to.
- (19) Following a query from Councillor Cobb it was explained that part of the S106 Agreement funds would be used to improve the community space nearby across from Saint Bartholomew's Church. The provision for public art would be considered through the normal procedure in consultation with the Local Ward Councillors.
- (20) It was confirmed for Councillor Pissaridou that the total number of students on the site would be 351.
- (21) In response to a query from Councillor Gilbey the relationship between the proposed building and the properties on London Terrace was outlined in comparison with the existing building. In response to further question about sewage it was explained that the necessary works would be secured through condition.
- (22) Councillor Davey asked for more information on the proposed improvements in the area, and it was explained that there would be public realm improvements including a new pavement on London Terrace; there would be general works to tidy up the area and work to be undertaken in conjunction with highways. In relation to Baker Street it was explained that the pavement could not be widened as the street was quite narrow, but the street would be resurfaced.
- (23) Following a series of questions in relation to age of students who would potentially be living at the site the Head of Development Control, Jeanette Walsh, explained that it was the policy of the University of Sussex to accommodate all first year students at the main Falmer Campus; however, it would not be possible to condition the age or 'type' of student who the units could be let to.
- (24) In relation to the existing informal parking it was explained that this would be formalised to create 3 parking spaces, but Officers could not comment on the use of the spaces. More information was also provided on the units such that they would all

be en-suite sharing a communal kitchen, dining and living area; there would also be 41 studio flats, and no additional catering facilities such as a canteen would be provided.

- (25) Councillor Gilbey asked a question in relation to a twitten that had been seen during the site visit, and it was explained that the twitten did not form part of the application, and the Council had not been able to confirm who the owner was.
- (26) Councillor Davey asked if the parking area could be monitored to help alleviate residents concerns, and in response it was explained that this could be done, and the Management Plan would also have control of the gates, and it was proposed the north gate be closed earlier, and access could only be made from Baker Street with a key-fob.
- (27) Councillor Hyde asked about controls during construction and it was explained that a Construction Environmental Plan would need to be agreed to manage construction in this tight urban location.
- (28) The Head of Development Control followed up a number of queries and stated that: the twitten did not form part of the application; there would be control over the application for uses for the commercial units and this would be predominantly retail; a TRO would prevent any resident of the development from applying for a residential parking permit, and following a query from Councillor Carol Theobald it was agreed that an informative could be added to request that the public art be from local artists.

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

- (29) Councillor Carol Theobald stated that she would have preferred to see the site remain as one large retail unit; or be used for elderly people; she went onto state her concerns with the height and suggested there could have been more disabled parking. However the building had been empty for some time, and it could help free up large homes elsewhere in the city that could be occupied by families; she praised the design and particularly welcomed the retention of the original façade. She stated that she would probably support the application.
- (30) Councillor Wells stated that the view for residents on London Terrace would be improved compared to the current arrangements; the commercial units would help regenerate the London Road area, and he was satisfied about assurances in relation to the management of the site. The design was also considered to be an improvement on the previous application, and for these reasons he would be voting in support of the Officer recommendation.
- (31) Councillor Mac Cafferty stated that he had been the Chair at the time of the previous refusal, and had helped to ensure that the façade was added to the Local List. He was disappointed that a development had not come forward to retain the whole building as a single retail unit, but this scheme would help to free up family homes elsewhere in the city. He stated that he heard the concerns of local residents, but felt that the decaying nature of the site and the positive regeneration for the area helped to overcome these.

- (32) Councillor Shanks stated that students should not necessarily be seen as a negative impact on an area as many would stay on and work in the city; she highlighted the necessity for the city to continue to be an education hub, and hoped the development would improve the London Road area.
- (33) Councillor Jones noted some of the concerns raised by local residents, but stated that this sort of development would help to free up family homes elsewhere in the city; he also stated that some of these concerns could be alleviated through the properly implemented management plan. He stated that if granted he would like to see the University engage with the LAT, and welcomed the retention of the original façade.
- (34) Councillor Robins stated that he found it difficult to support the scheme based on the concerns raised by local residents.
- (35) Councillor Davey stated that he understood the concerns and the local significance of the building, but the vacant site currently comprised a large portion of the London Road shopping parade, and this negatively impacted on the wider commercial area. He stated this development could bring a much needed boost and would trust in the proper management. He also welcomed the improvements to the public realm.
- (36) Councillor Hawtree stated that he hoped this would enhance the London Road area.
- (37) Councillor Gilbey stated she was pleased that the façade of the building was retained; she expressed her concerns in relation to the amenity spaces, but hoped these could properly be managed by the operators; she also welcomed the improvements to Kingsbury Road.
- (38) A vote was taken and planning permission was granted on a vote of 11 in favour with 1 against.

119.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations, and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the reports, and the additional Informative set out below:

- i. Members of Planning Committee felt that the selection of a local artist to carry out the commission by the Public Art Commissioning Panel should be considered should this permission be implemented.

**B. BH2012/03050 - Woodingdean Business Park, Sea View Way - Full Planning Permission** – Erection of storage/distribution building (B8) with associated offices, service area, parking and landscaping.

- (1) The Planning Officer introduced this application and gave a presentation by reference to plans and photographs. The site related to phase 6 of the Woodingdean Business Park, and photographs showed that areas around the site had already been developed. The application sought consent for the construction of a warehouse. Outline permission had been granted in 2002 for the business park and the application was subject to consultation. The site was identified for industrial and business use with warehouses and complied with Council policy by meeting an identified need set in the

business park. The scale, bulk, massing and design were considered acceptable and would not unduly impact on the business park. The proposal would include two parking areas. Details in relation to financial viability had been used by the applicant to justify a reduction in BREEAM; and the submitted information satisfied ecology and biodiversity. The application was recommended to be minded to grant for the reasons set out in the report.

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

119.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations, and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

### Minor Applications

**C. BH2012/02416 - 107 Marina Drive - Full Planning Permission** – Demolition of existing dwelling, with associated B&B facilities and erection of new building to provide 6no 2 bed flats and 1no 1 bed flat. Erection of 1no detached 4 bed house accessed via Chailey Avenue.

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

(2) The Planning Officer gave a presentation by reference to plans, photographs and elevational drawings. The application sought the demolition of the existing building, and the erection of a new property. The site was 'L' shaped, and located above Marine Drive characterised by large single properties; Challey Avenue was characterised by smaller detached properties. The proposals would sub-divide the plot into two. The front plot would provide six 2-bedroom flats and one 1-bedroom flat, and the rear plot would provide a four bedroom house accessed via Challey Avenue. The sub-division of the plot was considered logical, and the current use as a B&B was outside of protection. The proposed units were considered adequate for future occupiers, and the design was not considered harmful to the characteristics of the area; further the height and foot print would not exceed the existing building. The site would also provide off-street parking, and at least one cycle parking space per unit. S106 funds would be used to improve the pedestrian environment in Challey Avenue. The application was recommended for approval for the reasons set out in the report.

### Debate and Decision Making Process

(3) Councillor Hyde stated that she considered this to be a good development which would be in-keeping with the area, and she would be voting in support of the Officer recommendation.

(4) A vote was taken and Planning permission was granted on a vote of 11 in favour with 1 abstention.

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



and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**D. BH2012/02882 - The Bungalow, 11 Hangleton Lane, Hove - Householder Planning Permission** – Erection of single storey side, front and rear extensions incorporating associated roof alterations.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application sought permission for a single storey extension to the front and rear of the property; the property was located in the Hangleton Lane Conservation Area, and there was a detached Grade 2 listed dwelling to the rear. The proposal featured a chimney stack which would be prominent in the street scene. Earlier in the year an application for 3 extensions was refused on the grounds that the design would create a simplified building form detracting from the listed building and the conservation area, but there were approvals on the site for a side extension. The Heritage Team objected to the scheme, and the application was recommended for refusal for the reasons set out in the report.

**Public Speakers and Questions**

- (3) Mr Dapier spoke in support of the application as the agent for the applicant, and stated that the property already had support for the side extension, and the application would allow the owner additional bedroom and bathroom space for a relative; the other extension was in relation to the owner's Coptic faith. Neither of the two proposed additional extensions could be seen from the conservation area and there had been no objections to the application.
- (4) Councillor Mac Cafferty asked for more information on the necessity for the room in relation to the applicant's faith; however, Mr Dapier explained he did not have any.
- (5) Following a query from Councillor Carol Theobald it was explained that the side garage would be lost as part of the application, but there would still be space on the driveway to park.
- (6) Councillor Hawtree asked about the prominent chimney and the applicant explained that he believed this had been designed for aesthetic reasons.

**Questions for Officers**

- (7) Following a query from Councillor Mac Cafferty the sizes of the three proposed extensions were highlighted, and it was clarified that there was no objection to the side extension.
- (8) Councillor Hyde asked specific questions in relation to the curtilage of the listed building, and it was explained that part of the garden of the property was now within

the curtilage of the listed building as the curtilage was established by its listing even if it was subdivided over time.

### Debate

- (9) Councillor Cobb stated that the design was not be out of keeping, and it presented an attractive and differing design which would have little overall impact.
- (10) Councillor Hyde stated that she did not share this view completely, and noted that the roof of the listed building could be seen.
- (11) Officers confirmed that the approvals in 2008 had been for flat roofs, and the one in 2011 had been for a pitched roof.
- (12) A vote was taken and planning permission was refused on a vote of 7 to 3 with 2 abstentions.

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

- i. The proposed development, by virtue of its increased bulk, form and prominence within the street, represent an incongruous set of additions to a sensitive site that would detract from the appearance of the Hangleton Manor Conservation Area, and the setting of the Grade II and Grade II\* listed buildings adjacent, contrary to policies QD14, HE3 and HE6 of the Brighton & Hove Local Plan.

**E. BH2012/03157 - Flat 37, The Van Alen Building, 24-30 Marina Parade - Householder Planning Permission** – Erection of single storey side extension over existing terrace.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Planning Officer introduced this application and gave a presentation by reference to plans and photographs; additional items on the Late List were also highlighted. The application sought permission for a single storey side extension on the top floor penthouse apartment; the modern building was neo-art deco in design and comprised of 38 units. It was also in the East Cliff Conservation Area and near other listed buildings. The proposed extension would be set back from the southern building line to retain part of the terrace. It was considered that the proposals would change the boundary treatment, and affect the bulk and massing; creating an overbearing impact by increasing the prominence of the top floor, and harmful to the visual impact of the wider area. The application was recommended for refusal for the reasons set out in the report.

### Public Speakers and Questions

- (3) Mr Yates spoke in objection to the scheme as a local resident, and he stated that part of the design process of the original building had been to ensure it harmonised with the

surrounding buildings; ensuring the maximum number of units could be achieved without compromising the appearance of the building, and the height at either end of the top storey had been dropped to achieve this. Other measures such as special elevators and water tanks in the basement had been chosen to achieve this. The extension would be visible from beach, and if approved this application could set a precedent for something similar on the eastern side. Mr Yates stated it was important to maintain the original design and integrity of the building.

- (4) Mr Gill spoke in his capacity as the agent for the applicant and stated that the proposed extension would be set back to have minimal impact, and it could not be seen when viewed from the east at all; on the south it was masked by St James flats. When viewed from the west the applicant was of the view that it improved the setting, and the strong form of the penthouse would create a rhythm at roof level. The proposed extension would help to break up the elevation and better disguise the building; positively enhancing it.

### Debate and Decision Making Process

- (5) Councillor Cobb stated that the pictures shown give a different impression from seeing the building itself; she was of the mind that the building did not look symmetrical from the western elevation, and had a 'boxy' look to it. She did not think the proposed extension would be too overbearing or adverse, and would welcome the addition to the building.
- (6) Councillor Carol Theobald stated that the extension would be set back and not overly visible, and she did not have any strong objection to the scheme.
- (7) Councillor Wells echoed these comments and added that it could only be viewed from further away.
- (8) Councillor Gilbey noted that the potential impact could be seen when the building was viewed from the east, and this addition would impact on the symmetry of the building.
- (9) Councillor Pissaridou asked if an extension to the west of the building could set a precedent for a similar extension on the east, and the Head of Development Control stated that each application would be considered on its own merits, but it would be harder to refuse a similar application for the east if one had already been granted at the west.
- (10) A vote was taken and planning permission was refused on a vote of 9 to 3.

119.5 **RESOLVED** – That the Committee has taken into consideration, and agrees with the reasons for the recommendation, and the policies and guidance set out in the report and resolves to **REFUSE** planning permission for the reasons for set out below.

- i. The proposed development by reason of its site, location, scale arrangement and massing would create a poorly conceived rooftop transition arrangement between the property and the adjacent building to the west (19-23 Marine Parade). The resulting set piece would be harmful to the character and appearance of the East Cliff Conservation

Area in wider views along Marine Parade and to strategic seafront views. The proposal is therefore contrary to policy HE6 of the Brighton & Hove Local Plan.

- ii. The proposed rooftop extension would by reason of its size, location, scale, arrangement and massing result in a form of development having an adverse impact on the architectural arrangement of the host property (the Van Alen Building) by introducing a discordant and disruptive addition to a currently well considered roof form and arrangement. The proposal is therefore contrary to policies QD1, QD2, QD4 and QD14 of the Brighton & Hove Local Plan.

**F. BH2012/02815 - Mile Oak Recreation Ground, Graham Avenue Portslade - Removal or Variation of Condition** – Application for variation of condition 3 of application 3/95/0255(F), (Erection of eight 16 metre columns each carrying two lamps to provide floodlighting of pitch), to allow floodlights to be used on Saturdays and Public Holidays between 2.30pm and 6pm, and for evening matches between 6pm and 10pm, and for one evening game a week to be permitted.

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

119.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations, and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**G. BH2012/01545 - 151 & 151A Marine Drive, Rottingdean - Full Planning Permission**

- 119.7 This application was deferred.

**H. BH2012/02138 - 19 Third Avenue - Householder Planning Permission** – Erection of summer house to South East corner of rear garden.

- (1) The Planning Officer introduced the item and gave a presentation by reference to photographs and plans, and noted a minor typographical in the report at paragraph 4.1. The site was located in a conservation area, and the principle building was a two storey detached property; divided into two flats. The summer house would not be visible above the rear wall of the property, and there had previously been a summer house in the garden. Images were used to show the intended summer house that the applicant planned to build. The application was recommended for approval for the reasons set out in the report.

### **Public Speakers and Questions**

- (2) Mr Hooper and Mr Onama both spoke in objection to the scheme as local residents. They stated that the recommendation for approval was based on the assumption that the summer house would not be higher than the wall, and it was their view that this assumption was wrong. The recommendation had not taken account of the foundations, and the structure when finished would be visible above the wall. They also cited concerns in relation to the potential noise and the 'terracing' impact of the summer house. They also referenced Council Policy and a decision from an appeal to

support their case; in conclusion it was noted that there would be no objection to the scheme if it was below the height of the wall.

- (3) In response to a query from Councillor Robins it was explained that the property was divided into two flats.

### Questions for Officers

- (4) The height of the wall and the proposal was confirmed for Councillor Gilbey, and Officer stated that none of the windows of the summer house would overlook neighbouring gardens. The Head of Development confirmed that measurements had been taken at the site visit which showed there was a slight change in levels in the garden, but this was not significant.
- (5) In response to a query from Councillor Cobb it was noted that there was nothing in the application in relation to treating the wood of the summer house.

### Debate and Decision Making Process

- (6) Councillor Hyde stated that there would be no overlooking from the summer house itself, and Councillor Carol Theobald agreed with these comments.
- (7) A vote was taken and planning permission was granted on a vote of 11 in favour with 1 abstention.

119.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations, and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

I. **BH2012/03379 - 27 Hill Brow, Hove - Householder Planning Permission** – Erection of first floor extension to create a two storey dwelling (revisions to BH2010/01488).

- (1) The Planning Officer introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application sought permission for a first floor extension to a detached bungalow for create a two-storey house; seeking amendments to an earlier approved scheme. The proposal would have 0.5 metre ridge height, and a window on the east elevation would now serve a bedroom instead of a bathroom which would be obscurely glazed and fixed shut to prevent overlooking. One objection had been received from the neighbouring property in relation to overlooking and a condition was recommended to address this. The application was recommended for approval for the reasons set out in the report.

### Public Speakers and Questions

- (2) Mr Pridell spoke on behalf of the neighbours in objection to the application. He stated that the neighbouring property had a private patio and courtyard which lead into a dining room through patio doors, and they had originally been under the impression that the window on the eastern side would be for a bathroom and had no objection at this point. He was of the view that to use obscured glazing in a bedroom was an

inappropriate solution, and the neighbours were concerned that the window could be changed in future and overlook their patio, and the solution was not sufficient.

- (3) In response to a query from Councillor Hyde in relation to the reasons for objection Mr Pridell stated that the neighbours were concerned the window might not be installed as conditioned, and this could lead to enforcement proceedings.

**Questions for Officers**

- (4) It was confirmed for Councillor Shanks that this would be the only window in the bedroom.
- (5) Following a query from Councillor Hyde it was explained that between the window and the neighbouring patio there would be the single storey ground floor that was not forming part of the application for the extension.
- (6) Following queries the Head of Development Control explained that the view of the Officer was that the side to side was acceptable given the suggested condition and the single storey bulk between the window and the neighbouring property.

**Decision Making Process**

- (7) A vote was taken and planning permission was granted on a vote of 9 to 1 with 2 abstentions.

119.9 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations, and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

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

120.1 There were now.

**121. APPEAL DECISIONS**

121.1 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.

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

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

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

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

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

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

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

125.1 That the Committee notes the details of applications determined by the Strategic Director of Place 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 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 5.46pm

Signed

Chair

Dated this

day of

