

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 7 AUGUST 2013

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Mac Cafferty (Chair), Bowden, Hyde (Opposition Spokesperson), Cox, Gilbey, Hamilton, Phillips, Robins, Shanks, C Theobald and Wells

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

Officers in attendance: Jeanette Walsh (Head of Development Control), Nicola Hurley (Area Planning Manager), Anthony Foster (Planning Officer), Pete Tolson (Principal Transport Planning Officer), Annie Sparks, (Environmental Health Manager), Alison Gatherer (Lawyer) and Penny Jennings (Democratic Services Officer)

PART ONE

38. PROCEDURAL BUSINESS

38a Declarations of substitutes

38.1 Councillor Bowden was present in substitution for Councillor Davey, Councillor Phillips was present in substitution for Councillor Littman, Councillor Shanks was present in substitution for Councillor Wakefield and Councillor Robins was present in substitution for Councillor Carden.

38b Declarations of interests

38.2 Councillor Robins referred to Application BH2013/00370, 17 Hill Drive, Hove. He stated that as the applicant was known to him personally, although he remained of a neutral mind he was declaring a personal interest. He would leave the meeting during consideration of the application and would take no part in the discussion, debate voting or thereon.

38.3 Councillor Bowden referred to Application BH2013/01447, Essex Place, Montague Street, Brighton. He stated that although he had Chaired several tenants' meetings at which the proposals had been discussed he had not taken any part in those discussions nor had he expressed an opinion in respect of this application. He confirmed that he had not predetermined the application and that he remained of a neutral mind. He would therefore remain present at the meeting during discussion debate and voting thereon.

38c Exclusion of the press and public

38.4 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.

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

39. MINUTES OF THE PREVIOUS MEETING

39.1 Councillor Jones, the Deputy Chair, referred to the final sentence of Paragraph 12 on Page 13 of the minutes, the sentence should read:

“He (Councillor Jones), stated he would not be voting in support of the Officer recommendation.”

39.2 Councillor Shanks referred to Paragraph 5 on Page 7 clarifying that her concern had related primarily to the language (swearing etc) used by the students congregating outside the building.

39.3 Councillor C Theobald stated that she had indicated that she was a trustee of Brighton Race Ground and that this should be recorded.

39.4 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 17 July 2013 as amended as a correct record.

40. CHAIR'S COMMUNICATIONS

40.1 There were none.

41. PUBLIC QUESTIONS

41.1 There were none.

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

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

Application:	Requested by:
BH2013/01893, 58 Dean Court Road, Rottingdean – Householder Planning Permission	Councillor Hyde

43. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Major Applications

- A. BH2013/02219 - Veolia Environmental Services South Down Ltd, Hollingdean Lane, Brighton - Removal or Variation of Condition -Application for variation of conditions 3 and 4 (relate to opening hours), 5 and 6 (relate to HGV movements) and removal of condition 21 of application BH2011/03179 (Original application number BH2006/00900) to allow operational changes to the Materials Recovery Facility (MRF) and Waste Transfer Station (WTS), including 0700 - 2200 opening of the MRF and WTS Monday to Sunday including Bank Holidays and 0630 - 2200 for HGV movements Monday to Sunday including Bank Holidays.**
- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Case Officer, Mr Foster introduced the application and gave a presentation by reference to photographs, plans and elevational and sectional drawings; reference was also made to additional representations received and contained in the Late Representations List. Planning permission was sought for the variation of condition conditions 3, 4, 5 and 6 of permission reference BH2011/03179 and the removal of condition 21. The variation of the conditions would allow for operational changes to the site to enable the City Council as the waste authority to have greater flexibility in terms of collecting waste and in addition, potentially introduce further communal recycling. The site tonnage and overall number of vehicle movements would not change. The site had a number of conditions of which 3, 4, 5 and 6 restrict hours of operation for the MRF, WTS, and the receipt and handling of communal bins and street cleaning loads. Condition 3 of the consent currently set out the permitted times for the receipt and removal of materials at the MRF, including the operating hours of 07:00 and 19:00 hours Monday to Friday, and 07:30 and 16:00 hours on Saturdays following a bank holiday. This application sought revised opening hours for the MRF between 07:00-22:00. Monday to Sunday including bank holidays, with no operations on Christmas Day or Boxing day unless otherwise agreed in writing with the Local Planning Authority.
- (3) The main considerations in the determination of this application related to the impact of the extended hours of operation upon the amenity of the adjoining occupiers and also the impact of the proposals upon the existing highways network. The proposed variation of the conditions would not result in a significant impact on the amenity of adjacent properties or highways safety and congestion. It was considered that the variation would allow the site to continue operating in an efficient and effective manner in accordance with local plan policies in respect of a city wide approach to waste management, approval was therefore recommended.

Public Speakers and Questions

- (4) Mr Start spoke on behalf of neighbouring objectors. He stated that residents and neighbouring objectors had challenged the assertions made in relation to the original application and that since the plant had begun operating they had experienced noise and odour as they had feared and the agreed hours were not always adhered to. Removal of conditions 3 and 4 would simply result in greater nuisance for neighbouring residents who would suffer greater and more prolonged nuisance. Changes to the

highway arrangements had also given rise to a greater degree of nuisance. The proposals were unacceptable.

- (5) Councillor Lepper spoke in her capacity as a Local Ward Councillor setting out her objections. When planning consent had been granted the hours of operation had precluded weekend and bank holiday working nor had this been permitted on evenings during week days. These conditions had been added in order to protect the amenity of nearby residents and of the locality in general. These restrictions had acknowledged concerns of residents and notwithstanding these measures she had received complaints from residents. The current application would result in increased noise and disturbances as well as increased vehicle movements at weekends when residents should be able to expect some respite.
- (6) Councillor Lepper also commented that the application had been processed very speedily in a period when a number of those who would have wished to make representations were away on holiday and had therefore been unable to do so.

Mr Key spoke on behalf of the applicants in support of their application. Mr Key explained that the proposals would improve the service and lead to savings. The amount of waste and the number of vehicle movements would not change, but would result in the material being dealt with more quickly. He indicated that the applicant's would be happy to accept a condition preventing recycled glass from being removed from the site on Saturday or Sunday, which might address some of the concern expressed by residents in relation to noise emanating from the site.

Questions for Officers

- (7) Councillors Jones and Hamilton considered that the application appeared to have been processed very speedily and asked whether/why it had been fast tracked in this instance
- (8) The Head of Development Control, Mrs Walsh explained that officers did a lot of pre-application work with applicants and the speed with an application was brought forward was usually based on the quality of the information received and the speed with which it was submitted.
- (9) The Principal Transport Planning Officer, Mr Tolson clarified the position in respect of permitted traffic movements in the vicinity of the site and in answer to further questions from Councillors Gilbey and Robins, The case officer explained that it was not anticipated that there would be an increase in noise or the overall number of vehicle movements as a consequence of the proposals.
- (10) Councillor Jones sought clarification from the objector as to whether the main source of residents concerns related to noise and odour from the Waste Transfer Station or from the Council's City Clean Depot which was located adjacent.
- (11) In answer to questions regarding complaints received in relation to the existing operation, the Environmental Health Manager, Ms Sparks responded that recent

complaints received by Environmental Health had been discussed with the relevant parties but had not been such that they constituted a statutory noise nuisance. The area had a complex background noise climate and the data provided by the applicants was robust and they had indicated that neither the number of vehicles on site, nor the permitted site tonnage would change, safeguards were also proposed in relation to the number of HGV's permitted to the site in the evenings.

Debate and Decision Making Process

- (12) Councillors Bowden and Philips indicated that they had not heard a lot of noise emanating from the site when they had visited the previous day and wondered whether that was typical.
- (13) Councillor Cox sought clarification as to whether the Transfer Station processed waste from outside the city and it was explained that the facility processed waste generated within the city and a very small amount from West Sussex.
- (14) Councillor Hyde expressed concern that the noise tests had been taken from Richmond Road rather than Princes Road which was residential and was located closer to the depot. The Environmental Health Manager, Ms Sparks explained that readings had been taken from a number of locations for comparative purposes.
- (15) Councillor Wells stated that he did not feel able to support the proposals, if this was allowed he feared that there could then be another application for a 24/7 use.
- (16) Councillor Hamilton stated that he had been Chair when planning permission had been given for the facility in 2006. When approval had been given a number of conditions had been attached in order to protect the amenity of neighbouring residents. He considered that nothing had changed in the intervening years and was unable to support any changes which could in his view have a detrimental impact in the vicinity. He considered that the need for these changes had been brought about by recent changes to the Council's own collection arrangements.
- (17) Councillor Robins stated that there appeared to be confusion as on occasion the existing hours had been infringed. He noted that special arrangements appeared to be in place for Christmas Day and Boxing Day and considered that residents were entitled to periods of reduced activity from the site, anything which could result in a greater nuisance than was presently the case should be resisted.
- (18) Councillor Gilbey was also of the view that the sufficient conditions needed to be in place to protect residents from any potential additional nuisance.
- (19) Councillor C Theobald stated that the proposals would result in a better service for residents and would help to keep the city cleaner. If there were any problems she was confident that these could be resolved by the Environmental Health Department.
- (20) Councillor Hyde stated that she was prepared to support the proposal if the condition offered by the applicants that glass would not be taken from the site at weekends was to be included as a condition of grant.

- (21) The Legal Adviser to the Committee indicated that any additional should be deemed necessary on planning grounds.
- (22) A vote was taken and planning permission was granted on a vote of 5 to 4 with 3 abstentions.
- 43.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report and to the additional condition set out below:.

No processed glass recyclate shall be loaded and removed from the site on a Saturday or Sunday.

Reason: To protect the amenity of the occupiers of nearby residential properties and the amenity of the locality in general, to comply with policies QD27, SU9 and SU10 of the Brighton and Hove Local Plan and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

Minor Applications

- B. BH2013/00370 - 17 Hill Drive, Hove - Full Planning Permission -Demolition of existing dwelling and erection of a new 3 bed house -Demolition of existing dwelling and erection of a new 3 bed house.**

- (1) The Area Planning Manager, Mrs Hurley introduced the application and gave a presentation by reference to site plans, elevational drawings and photographs showing the existing property in the context of the site and neighbouring dwellings and the proposed scheme. Plans of the existing and proposed floor plans were also shown.
- (2) Planning permission was sought for the demolition of the existing dwelling and the erection of a replacement three-storey building. The three-storey section of the building would incorporate a gabled roof with a north-south ridgeline, with projecting flat-roofed sections to the front and side of the main building. A single-storey flat roofed side section of the building would incorporate a roof terrace. The building would feature render to all elevations with a slate roof. Although some of the reasons for refusal of an earlier scheme, BH2012/01831 had been overcome (refused 28/09/2012), it was considered that the development by reason of its scale, siting and detailing would appear unduly dominant and bulky in relation to adjoining properties and the wider surrounding area. It was considered that the proposed development would harm the existing character and appearance of Hill Drive. The development therefore failed to respond sufficiently to the scale, character and appearance of the existing built environment and refusal was therefore recommended.

Public Speakers and Questions

- (3) Ms Ralbovska spoke on behalf of the applicant spoke in support of their application. Ms Ralbovska explained that the applicant had sought to address the previous reasons for refusal, to make all of the amendments required and to provide a high quality of development. They did not consider that the scheme would be more dominant than

other schemes in Hill Drive which had a variety of building styles, nor that it was out of character with the prevailing street scene. It had taken 18 months to get to this point and they were very disappointed at the Officers' recommendations.

Questions for Officers

- (4) Councillor Shanks enquired why lifetime homes standards or to the protection off on site archaeology had not been sought. The Area Planning Manager explained that conditions in respect of these matters were been sought as a condition of grant of planning permission; when planning approval was recommended, this application was however recommended for refusal. Councillor Shanks also enquired why the letter of objection from Councillors Bennett and Brown had been included as it appeared to relate to the earlier scheme. The Area Planning Manager explained that objections were included unless they were withdrawn following notification of an amended scheme.
- (5) Councillor Phillips enquired whether all necessary amendments had been made to the earlier scheme and if so, why it was still recommended for refusal, the applicants had indicated that the building line to the front of the development had been scaled back by more than 2 metres. The Development Control Manager explained that notwithstanding any discussions which had taken place Officers remained of the view that the proposals would appear unduly dominant and create an unacceptable contrast and sense of bulk in relation to the adjoining properties and within the wider surrounding area.

Debate and Decision Making Process

- (6) Councillor C Theobald stated that the configuration of the proposed dwelling within the site was unusual enquiring whether if it been aligned differently it might have been acceptable. The Area Planning Manager that the applicants had chosen to submit the scheme in its current form, concerns regarding design of the scheme had not been overcome sufficiently.
- (7) Councillor Hyde sought further clarification of the differences between the previous refused application and that before the Committee that afternoon. This information was given by reference to the relevant drawings. Councillor Hyde stated that although she considered a new development could be appropriate on for the site she did not consider this scheme was and was in agreement with the Officers' recommendation. Councillor C Theobald also concurred in that view.
- (8) Councillor Gilbey sought clarification of the extent and location of glazing to the proposed south elevation.
- (9) Councillor Cox stated that although he liked the design of the scheme he did not consider it appropriate to the application site considering that it would give rise potentially to an unacceptable degree of over looking.
- (10) Councillor Bowden sought clarification of the building line of the proposed development in relation to the neighbouring dwellings and within the context of the surrounding street scene. He did not agree that it would be detrimental or overbearing and considered that overall the scheme was acceptable.

- (11) Councillor Shanks was of the view that scheme would not have a negative impact on amenity and Councillor Phillips agreed, considering that the proposed building represented a good modern design which was in keeping with its neighbours and set on the diagonal as it was, would not be too far forward of the existing building line.
- (12) A vote was taken and the 11 Members of the Committee present when the vote was taken voted that planning permission be refused on a vote of 6 to 4 with 1 abstention.
- 43.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reasons set out below:

Reasons for Refusal:

1. The development by reason of its scale, siting and detailing would appear unduly dominant and create a contrast and sense of bulk which, in relation to adjoining properties and the wider surrounding area, would harm the existing character and appearance of Hill Drive. The development therefore fails to respond sufficiently to the scale, character and appearance of the existing built environment, and is contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

Informatives: 1. 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. 2. This decision is based on the drawings listed below:

Plan Type Reference Version Date Received

Site location plan L(-1) 100 06/02/2013
 Existing Site Plan L(-1) 101 06/02/2013
 Existing Ground Floor Plan L(-2) 101 06/02/2013
 Existing Sections, A-A, B-B L(-3) 101 06/02/2013
 Existing Elevations (*front and side*) L(-4) 101 06/02/2013
 Existing Elevations (*rear and side*) L(-4) 102 06/02/2013
 Proposed Site Plan L(-1) 301/2 A 10/06/2013
 Proposed Lower Ground Floor L(-2) 301/2 10/06/2013
 Proposed Ground Floor Plan L(-2) 302/2 A 10/06/2013
 Proposed First Floor Plan L(-2) 303/2 A 10/06/2013
 Site Location Plan – as proposed L(-1) 300
 Proposed Section A-A L(-3) 301/2 A 10/06/2013
 Proposed Section B-B L(-3) 302/2 A 10/06/2013
 Proposed Section C-C L(-3) 303/2 A 10/06/2013
 Proposed Section D-D L(-3) 304/2 A 10/06/2013
 Proposed Side Elevation L(-4) 301/2 A 10/06/2013
 Proposed Side Elevation L(-4) 302/2 A 10/06/2013
 Proposed Front Elevation L(-4) 303/2 A 10/06/2013
 Proposed Rear Elevation L(-4) 304/2 A 10/06/2013
 Proposed Side Elevation –boundary wall elevation L(-4) 305/2 A 10/06/2013

Note: Having declared an interest in the above application Councillor Robins left the meeting during its consideration and took no part in the discussion, debate or decision making process.

C. BH2013/01447 - Essex Place, Montague Street, Brighton - Full Planning Permission-Removal of brick balconies and enclosure with UPVC double glazed windows. Replacement of existing windows with UPVC double glazed windows to North and East elevations. Installation of insulated render cladding, new rising gas mains pipe work and associated external alterations.

- (1) It was noted that this application had been deferred in order for a site visit to take place prior to the meeting and for sample floor plans (subsequently received) to be submitted for clarification.
- (2) It was considered that the proposed development would not detract from the surrounding area, neither was the proposal considered to impact significantly on the residential amenity, approval was therefore recommended.

Debate and Decision Making Process

- (3) Councillor Bowden stated that he was aware that the tenants had differing views about the proposals, some supported them and some did not. Councillor Wells indicated that he did not feel able to support them and would be voting against.
- (4) A vote was taken and of the 11 Members present when the vote was taken planning permission was granted on a vote of 10 to 1.

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

Note: Councillor Shanks was not present when the vote was taken in respect of the above application.

D. BH2013/01655 - 15 Lenham Avenue Saltdean, Brighton - Removal or Variation of ConditionApplication for variation of condition 3 of application BH2012/00752 (Demolition of existing dwelling and erection of 2no detached dwellings.) to state that no extension, enlargement or other alteration of the dwelling houses excluding works covered by Class B of the Town and Country Planning (General Permitted Development) Order 1995, shall be carried out without planning permission obtained from the Local Planning Authority.

- (1) The Area Planning Manager, Mrs Hurley explained that there was an error in the final sentence of Paragraph 4.2 of the report. It should read, "Part B of the Town and Country Planning General Permitted Development) order 1995 refers to *roof* alterations."
- (2) The Area Planning Manager gave a presentation detailing the scheme by reference to site plans and photographs and by reference to the previous planning history of the site. The main considerations in determining the application related to the impact of the

proposed variation of condition 3 on neighbouring residential amenity. Condition 3 of the original planning permission had removed permitted development rights as it had been considered that further development could cause detriment to the amenities of the residents of nearby properties and had therefore sought to control future development by that means. Officers' remained of the view that they would wish to control any future development to the roof of the property on the basis that roof extensions could cause material harm to neighbouring amenity and could result in overlooking and refusal of request to vary Condition 3 was therefore recommended. Removal of permitted development rights did not preclude further works properties but did ensure that planning permission had to be sought for any future development and that it complied with policies QD4 and QD27 of the Local Plan.

Public Speakers and Questions

- (3) Mr O'Connell spoke on behalf of the applicant in support of their application. He referred to the configuration of the site which sloped downwards. Various amendments had been made to the scheme in order to address objections in relation to overlooking which had been received from some neighbours. Given the configuration of the site and distance of the development from some of the neighbouring properties he did not agree that there overlooking would occur, particularly as obscured glazing had been proposed.
- (4) Councillor Hyde asked the applicant why they sought to vary existing conditions rather than submitting a new application, Mr O'Connell explained that a variation had been sought in preference to submitting a new planning application which they believed would be a longer process.

Questions for Officers, Debate and Decision Making Process

- (5) Councillor Robins stated that he was confused by references to properties abutting the site, particularly by references to nos 12 and 17 Eileen Avenue, there did not appear to be a no17. It was confirmed that this was not so and references on some of the applicant's drawings actually related to no 12 Eileen Avenue.
- (6) Councillor Hyde stated that she supported the recommendations contained in the officer's report considering that Condition 3 had been included in the original permission in order to protect neighbouring amenity and to ensure that the Local Planning Authority was able to control any future development.
- (7) A vote was taken and planning permission was refused on a vote of 9 to 2 with 1 abstention.

- 43.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason(s) set out below:

Reasons for Refusal:

The Local Planning Authority would wish to control any future development to the roof of the property on the basis that roof extensions could cause material harm to neighbouring amenity by way of overlooking contrary to QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. 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. 2. This decision is based on the drawings listed below:

Plan Type Reference Version Date Received

Proposed plan, elevations and site plan 1124-21 A 22 May 2013

Existing plans, elevations and site plan

E. BH2013/01112 - Land Rear of 37 & 38 Cromwell Road, Hove - Full Planning Permission- Erection of two storey three bedroom eco house with associated improvements.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager, Mrs Hurley, gave a presentation and detailed the proposed scheme by reference to plans and block plans and photographs showing the site, including from above showing it in relation to the rear of neighbouring properties and in relation to the neighbouring plots. The site comprised open land to the rear of 37 and 38 Cromwell Road with the street frontage onto Wilbury Villas. Ground levels across the site fell away from Wilbury Villas to an considerable extent with the rear of the site being considerably below street level. At the present time the site was enclosed by fencing and was overgrown. The adjoining buildings in Cromwell Road, to the south of the site, were large Victorian gault brick semi-detached villas with slate roofs. To the north was a 1960's 4/5 storey block of flats, Stirling Court. The site adjoined the Willett Estate Conservation Area and lay to the west of a Grade II Listed building, 39 Cromwell Road.
- (3) As a result of ground level changes across the site the dwelling would be single storey above the level of Wilbury Villas and two storey to the side and rear and would incorporate a flat roof form accommodating angled photovoltaic panels and a green roof. Hedgerow planting was proposed to the front and side boundaries of the site.
- (4) The planning history of the site was important because although the applicant had identified the site as being vacant land with no previous use, there appeared to be some previous landscaping of the site but based on the information submitted, the planning authority considered the land to be private open space. Policy QD20 of the Brighton & Hove Local Plan did not support development of an open space unless there were exceptional circumstances for developing the area. The proposal would involve the loss of open space which was considered important to the setting of the Willett Estate Conservation Area and the wider street scene. It was also considered to be contrary to policy QD20 of the Brighton & Hove Local Plan. It was also considered to be contrary to QD1, QD3, QD4 and HE3 and HE6 to virtue of its bulk form and massing in close proximity to neighbouring boundaries and that it would result in an excessive, overbearing and un neighbourly form of development, both within the neighbouring

street scene and in the context of the adjacent listed building. It was considered that the scheme represented a cramped form of development.

- (5) The decision of the Planning Inspectorate in relation to an earlier appeal was important as it had been dismissed and in doing so the Inspector had agreed with the grounds on which planning permission had been refused with the exception of those relating to the quality of the development and private amenity space. It was considered that the proposed form of development would result in a harmful loss of openness which contributed to the neighbouring street scene, conservation area and listed building and would constitute a contrived form of development. The proposal would fail to emphasise and enhance the positive qualities of the local neighbourhood, nor preserved the character or appearance of the conservation area and refusal was therefore recommended.

Public Speakers and Questions

- (6) Mr Hedley spoke on behalf of the applicants in support of their application. He explained that the applicant did not agree that the site was represented an open space. It was currently an overgrown eyesore and the proposal represented the opportunity to provide a high quality sustainable modern building which would meet lifetime homes standards and would achieve Code Level 5. The building would be small scale, would have a low impact on neighbouring dwellings and would be effectively screened as a result of the changes in level across the site. Local Ward Councillors had also indicated their support for the scheme.

Questions for Officers

- (7) Councillor Gilbey sought clarification regarding objections received, particularly from those occupying basement flats to the rear of the site in Wilbury Villas.
- (8) Councillor Robins queried whether the site would constitute loss of open space, given that there was no public access to the site. The Area Planning Manager stated that the land was considered to be private open space and as such provided a space between all of the neighbouring properties.

Debate and Decision Making Process

- (9) Councillor Bowden stated that he considered that the site was a weed choked eyesore which did not contribute positively to the character of the neighbouring street scene. The proposal represented a good use of the site and a significant improvement on its current state and would provide a high quality modern dwelling which would provide much needed accommodation.
- (10) Councillor Phillips stated that all of the Local Ward Councillors supported the scheme and was in agreement that the application would improve the site and provide a much needed additional property in the area. Currently the site was a complete mess.
- (11) Councillor Robins stated that he was concerned that if approval was given in this case other developers might put forward proposals for housing development on back land sites which had become overgrown.

- (12) Councillor Gilbey stated that she considered that it was important to protect the amenity of neighbouring residents by maintaining a gap between the properties. The proposed form of development would be overbearing and would overshadow the basement flats in Wilbury Villas.
- (13) Councillor Wells concurred in that view considering that that the amenity of neighbouring residents should be protected.
- (14) Councillor Shanks stated that it had been clear at the site visit that the site was completely overgrown. Also, CAG supported the principle of the development albeit that they would have preferred a pitched roof development. She considered that an exception should be made to policy in this instance and did not agree that the development would have the negative impact suggested.
- (15) Councillor Jones stated that he considered the proposals represented clever use of an awkward site. The form of the development could be controlled by condition.
- (16) The Development Control Manager stressed that it was important for Members to set to one side their views regarding the current condition of the site and to consider the application in the context of the Brighton & Hove Local Plan.
- (17) A vote was taken and following an initial vote of 7 to 5 for the grant of planning permission the proposer, Councillor Bowden and seconder Councillor Jones put forward the reasons for grant which were then agreed and voted on by the Committee. Following a recorded vote planning permission was granted on a vote of 7 to 5 as set out in Paragraph 43.4 below.

43.4 **RESOLVED** - That the Committee is **MINDED TO GRANT** planning permission as the proposed scheme was considered to be of a good design, represented good use of an awkward site, that it had no value as an open space and that it had an acceptable impact on residential amenity. The Committee were satisfied with the visual impact on the listed building and that it would enhance the visual amenity of the area. Conditions for grant of planning permission to be agreed by the Chair, proposer and seconder in consultation with the Development Control Manager.

This decision is based on the drawings listed below:

Plan Type Reference Version Date Received

Proposed Floor Plans & Sections AD100 - 08/04/2013

Proposed Elevations AD101 - 08/04/2013.

Note1 : A vote was taken and it was agreed that planning permission be granted on a vote of 7 to 5.

Note 2 : Following proposal of the grounds for approval of planning permission by Councillor Jones which were seconded by Councillor Shanks a recorded vote was taken. Councillors Mac Cafferty (Chair), Councillor Jones (Deputy Chair), Bowden, Cox, Phillips, Shanks and Wells voted that planning permission be granted. Councillors

Gilbey, Hyde, Hamilton, Robins and C Theobald voted that planning permission be refused therefore planning permission was granted on the grounds set out above.

F. BH2013/01296 - Land to Rear of 141 Stanmer Park Road, Brighton - Full Planning Permission- Erection of 1no two bedroom detached dwelling.

- (1) The Area Planning Manager gave a presentation detailing the scheme by reference to site plans, block plans and an aerial view of the site. Except for a slight extension on the south-eastern side, the footprint of the dwelling now proposed was the same as the previously approved ground floor level and would accommodate the provision of two bedrooms, a living room/dining room, a kitchen and bathroom across one floor level.
- (2) The application related to land to the rear of properties on Stanmer Park Road and Stanmer Villas. The site adjoined the rear garden areas of 141 Stanmer Park Road and 109, 117, 119 and 121 Stanmer Villas. Access to the site was gained via a pathway/driveway located between 141 Stanmer Park Road and 109 Stanmer Villas formerly linked to 117 Stanmer Villas Road. This small plot of land lay behind properties in the northern section of the site and comprised a steep slope, which was located adjacent to Hollingbury Rise West, as a result of the topology of the area.
- (3) It was considered that the development would make efficient and effective use of the site and that its height, design and bulk would relate well to that of the other properties within the vicinity of the site and would not have a significant adverse effect on the amenities of neighbouring properties, approval was therefore recommended.

Public Speakers and Questions

- (4) Ms Stephens spoke as an objector. Ms Stephens referred to the weight of local opposition to the application and to number of neighbouring residents who would be affected. In her view a number of neighbouring residents had been misinformed regarding their right of access to the right of way, details of the width of the access way were also incorrect. She explained that she had sold access to the site to the applicant in order for them to use it as storage for a boat, not as building land. Rights of way to the land were clearly set out in deeds relating to the site and were not ambiguous as had been indicated by the applicant. The loss of trees would also have a detrimental impact as they would remove screening and privacy from neighbouring dwellings.
- (5) Councillor Lepper spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme. She stated that this small plot of land lay behind properties in Stanmer Park and Stanmer Villas. The development would have a detrimental impact and would give rise to overshadowing and loss of privacy. Councillor Lepper was also concerned that a number of trees which had a tree preservation order were to be felled, as the land was on an incline with a steep road at the back. This would have a detrimental impact on properties in Hollingbury Rise West and could also have a detrimental impact on the bank itself.
- (6) Mr Carter spoke on behalf of the applicant in support of their application. He stated that the application represented an improvement on the extant scheme which had been granted in 2010 and which could still be built. The scheme had been well designed and would offer a high standard of accommodation which would respect the neighbouring

properties. Trees to be removed from the site were poor specimens which had been the subject of a full arboriculturist's report.

Questions for Officers and Debate

- (7) Councillor Phillips sought confirmation regarding the number and variety of species of trees on site and was informed that there were currently 30 Sycamore/Ash trees, 2 Beech Trees and 1 oak tree.
- (8) Councillor Shanks referred to the access/right of way issues referred to by the objector. The Legal Adviser to the Committee confirmed however that these were separate from consideration of the planning application before the Committee and were not a relevant planning consideration.
- (9) Councillor C Theobald expressed concern regarding access arrangements to the site by emergency vehicles given the configuration and steep nature of the site.
- (10) Councillor Robins referred to the steep incline of the neighbouring bank asking whether there was a danger that these works could undermine the bank which had been referred to.
- (11) Councillor Hyde that she considered that the site was an awkward one and that it would be beneficial to carry out a site visit prior to determining the application. A vote was taken and Members concurred in that view.
- (12) Members concurred with Councillor Hyde's suggestion that it would be beneficial to carry out a site visit prior to determining the application and consideration of the application was therefore deferred.
- (13) The Chair confirmed for the record that as the decision to carry out a site visit had been taken after each of the public speakers had the opportunity to speak that there would be no further public speaking in respect of this application.

43.6 **RESOLVED** - That determination of the above application be deferred pending a site visit.

G. BH2013/01893 - 58 Dean Court Road, Rottingdean, Brighton - Householder Planning Permission-Erection of two storey side and rear extension with a loft conversion Incorporating roof extensions, rooflights and associated external alterations.

- (1) Members were of the view that it would be appropriate to carry out a site prior to determining this application.

43.7 **RESOLVED** - That consideration of the above application be deferred in order to enable a site visit to take place.

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

- (1) It was noted that consideration of this application had been deferred by the Committee at its meeting on 5 June 2013. The report had been updated to include further submissions from the applicant, comments from the Heritage Team and an additional representation.
- (2) The Area Planning Manager, Mrs Hurley gave a presentation by reference to site plans photographs of neighbouring properties, including Cinderford to the north and Brunswick, immediately opposite, in the context of the proposed development as amended. Following the Committees’ decision to defer the application, further discussions had taken place between officers, the applicants and their agent and amendments had been submitted. The revised scheme differed in two primary respects, the design of the first floor front windows by introducing traditional proportions and the palette of materials for the building which had been rationalised, with the timber cladding removed. The proposed scheme was now considered to have an acceptable impact on the character and appearance of the recipient property and the wider Preston Park Conservation Area, as well as the amenity of neighbouring residents; approval was therefore recommended subject to the Conditions and Informatives set out in the report.

Questions for Officers, Debate and Decision Making Process

- (3) Councillor Cox sought confirmation that the although originally recommended for refusal, as a result of the amendments made to the scheme, the grounds for refusal had now been overcome and in consequence it was recommended that planning permission be granted. It was confirmed that was the case.
- (4) A vote was taken and Members voted unanimously that planning permission be granted as set out below.

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

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

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

Application:	Requested by:
BH2013/01893, 58 Dean Court Road, Rottingdean - Householder Planning Permission	Councillor Hyde
BH2013/01296, Land to rear of 141 Stanmer Park Road, Brighton – Full Planning Permission	Councillor Hyde

45. APPEAL DECISIONS

45.1 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.

46. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

47. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

48. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

49.1 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 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 5.50pm

Signed

Chair

Dated this

day of