BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 30 JULY 2008

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Allen, Barnett, Carden, Davey, Kennedy, Simson, Smart, Steedman and C Theobald

Co-opted Members Mr J Small (CAG Representative) and Mr R Pennington (Brighton & Hove Federation of Disabled People)

PART ONE

PRESENTATION: LASER MEASURING EQUIPMENT

Before proceeding to the formal business of the meeting a presentation was given by David Maltby of Maltby Land Surveyors demonstrating the practical and wide ranging applications of laser measuring equipment. Such equipment had been used recently when surveying the seafront bandstand prior to restoration works taking place. Following the presentation Members had the opportunity to ask questions.

45. PROCEDURAL BUSINESS

45.1

Councillor	For Councillor
Allen	Hamilton
Simson	K Norman

45B. Declarations of Interest

45.2 Councillor Davey declared a personal and prejudicial interest relative to Application BH 2008/1054, Sackville Trading Estate. He had previously expressed a view relative to the proposed scheme and would therefore leave the meeting during consideration and would take no part in the discussion or decision making thereon.

45C. Exclusion of Press and Public

45.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt

information as defined in Section 100A (3) or 100 1 of the Local Government Act 1972.

45.4 **RESOLVED** - That the press and public not be excluded from the meeting during the consideration of any items on the agenda.

46. MINUTES OF THE PREVIOUS MEETING

46.1 Councillor Kennedy stated that she rather than Councillor Steedman had proposed the site visit to 17 - 19 Oxford Street. Councillor Mrs Theobald stated that the comments attributed to her in Paragraph 41.10 had been made by another member. She had however made reference to the fact that in her view it would be appropriate to require a pedestrian crossing to be provided as part of any Section 106 Obligation entered into with the applicant.

46.2 Mr Small (CAG) requested that the second line of Paragraph 41.25 be amended as follows :

" Notwithstanding that the elements of the scheme would be set back he was of the view that the proposed "tower" would be higher than the main entrance building and would be overly dominant of it".

46.3 **RESOLVED -** That the minutes of the meeting held on 9 July 2008 be approved and signed by the Chairman subject to the amendments set out above.

47. CHAIRMAN'S COMMUNICATIONS

47. **RESOLVED -** That the position be noted in respect of all of the above.

48. PETITIONS

48.1 There were none.

49. PUBLIC QUESTIONS

49.1 There were none.

50. DEPUTATIONS

50.1 There were none.

51. WRITTEN QUESTIONS FROM COUNCILLORS

51.1 There were none.

52. LETTERS FROM COUNCILLORS

52.1 There were none.

53. NOTICES OF MOTION REFERRED FROM COUNCIL

53.1 There were none.

54. TO CONSIDER THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

54.1 **RESOLVED** - That the following site visits be undertaken by the Committee prior to determining the applications:-

The following site visits were agreed as set out below: Those suggested by the development control Manager were likely to be on the agenda for 20 August 2008.

APPLICATION	SITE	SUGGESTED BY
BH2008/00565	Stanmer Park Access Road	Councillor Steedman
BH2008/01326	18 Bishops Road	Councillor Barnett
BH2007/04674	68 – 70 High Street	Councillor Mrs Theobald
BH2008/10569	Wellsborne Centre, Whitehawk Road	Development Control Manager

Councillor Steedman stated that he considered it would be beneficial and informative for members to visit the BRE Innovation Park at Watford. The Development Control Manager responded that this could be considered as part of the Member Development and Training Programme.

55. PLANS LIST APPLICATIONS, 30 JULY 2008

(i) TREES

55.1 There were none.

(ii) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY

55.2 **Application BH2008/10554, Sackville Trading Estate, Sackville Road**– Demolition of existing buildings with construction of new comprehensive development providing a mix of uses focusing around a new public square, including : an A1 food store. A1 non-food retailing, associated A2 – A5 retailing, residential apartments, offices , underground car parking, associated infrastructure works including improved access, servicing and public realm improvements .

55.3 It was noted that the application had formed the subject of a site visit prior

to the meeting.

55.4 Ms Paynter spoke on behalf of objectors to the scheme, stating that notwithstanding that she considered the current scheme inappropriate and an overdevelopment, she also considered the current designation of the site for B1 use should be revisited in the light of current needs and shopping patterns and the fact that in reality the site no longer was an out of town location. Mr Holmes and Mr O'Callaghan spoke on behalf of the applicant in support of their application. It was their belief that the scheme was innovative and would provide a good mix of uses. They considered that the fundamental principles of the scheme were acceptable but that they would be happy for consideration of the application to be deferred in order for further discussions to take place with planning officers to amend some elements of the scheme.

55.5 Councillor Kennedy noted that the amenity areas relative to the social housing element within the scheme appeared to be segregated . It was explained that the scheme had been designed in that way at the behest of the potential social landlord. Councillor Steedman enquired regarding any measures which the applicants had taken / intended to take in order to improve permeability through the site. The applicants representatives explained that they had sought to purchase neighbouring properties in order to connect the site with other parts of the local road network and that these would be subject to further negotiations.

55.6 Councillor Mrs Theobald enquired whether discussions had taken place with the existing retailers on site regarding its future. It was explained that the leases currently held by existing retailers were due to be renewed in the near future. Following termination and completion of any new scheme they would have the opportunity enter into new lease arrangements for premises on the re developed site .

55.7 Councillor Barnett stated that she considered the proposal represented overdevelopment of the site and that the one access from Sackville Road was inadequate for the level of development proposed as was the level of amenity space proposed relative to the social housing on site. She also considered that it was unacceptable to segregate the amenity space in the manner suggested. Councillor Mrs Theobald considered that overall the scheme was too large, and would be overly dominant and would dwarf the neighbouring street scene. Councillor Carden concurred stating that he considered that the scheme would give rise to unacceptable levels of congestion to the adjacent road network. The only access / egress to the site would be from Sackville Road which was already very heavily trafficked . Councillors smart and Wells concurred that the scheme would be too large and would exacerbate existing congestion to the local road network.

55.8 Councillors Steedman and Kennedy considered that the lack of permeability through the site and the segregation of the various housing elements made the scheme unacceptable. Councillor Simson stated that she liked the design of the scheme and the mix of business/ residential uses proposed, although she had some concerns regarding the overall scale of the proposed

development.

55.9 In answer to questions regarding the proposed percentage for art relative to the scheme, the Development Control Manager explained that such monies were worked out in line with Council policy using an agreed formula. The form of the "art" to be provided was decided by a Panel and Local Ward Councillors were consulted in respect of this matter.

55.10 A vote was taken and on a vote of 9 for with 1 abstention planning permission was refused on the grounds set out below.

55.11 **RESOLVED -** That the Planning Committee having considered the above application considered that planning permission should be refused on the grounds that :

(1) The development by reason of scale, bulk, mix of uses and capacity of the site to accommodate the proposed development reliant on a single access point is considered to represent an overdevelopment of the site. The proposal is therefore contrary to policies TR1, QD1, QD2, QD3, QD27, HO3, HO4, HO5 and HO6 of the Brighton & Hove Local Plan ;

(2) The proposal would be contrary to policy EM3 of the Brighton & Hove Local Plan which seeks to restrict the loss of industrial / office uses unless it has been demonstrated that the use is no longer viable. Applicants are expected to demonstrate active marketing of the unit on competitive terms for a period of twelve months or more. No information has been submitted with the application to demonstrate the use of office space is no longer viable, particularly given the out of date information submitted. Furthermore, if a unit is demonstrated to be redundant , preference is given to alternative employment generating uses or affordable housing;

(3) The applicant has failed to demonstrate that the introduction of 5,488 a square metre food store to 5,155 square metres of retail floor space (with potential for approximately 3600 square metres of mezzanine space) would not have a detrimental impact on existing town and local centres in order to ensure that the vitality and viability is not compromised. The development is therefore considered contrary to PPS 6 and policies SR1 and SR2 of the Brighton & Hove Local Plan ;

(4) Policy SR12 of the Brighton & Hove Local Plan refers to large premises falling within A3 (restaurants and cafes) and A4 (pubs and bars) of the Use Classes order and states new cafes, restaurants, bars or public houses or extensions to such facilities with a total resultant public floor space in excess of 150 square metres will be permitted provided a) the premises would not be within 400m of another establishment falling into the above category ; b) the premises do not, or will not operate within , or abutting, premises containing residential accommodation except that occupied by staff of the premises; c) the use will not cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the premises l; and d) the use is unlikely to result in increased levels of public order disturbance to nearby residents as a result of people leaving the premises late at night and dispersing to transport

and other destinations . No information has been submitted in order to allow an assessment ;

(5) The proposed development, by reason of its form , bulk, scale and positioning in the site and external appearance, would be out of keeping with surrounding development and represents an incongruous feature that fails to respect the context of its setting. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, HO3 and HO4 of the Brighton & Hove Local Plan ;

(6) Policy HO3 requires developments to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing need. The proposed mix off residential accommodation fails to provide a sufficient number of three bedroom units. The proposal therefore fails top provide an adequate standard of accommodation to the detriment of future occupiers and the City's housing stock ;

(7) The proposal would result in an unsatisfactory level of private amenity space which would be to the detriment of the living conditions of any future residents of the scheme and is cont6rary to policies HO5 and QD27 of the Brighton & Hove Local Plan ;

(8) Policy HO6 of the Brighton & Hove Local Plan requires the provision for out door recreation space . Where it is not practicable or appropriate for all or part of the space - requirement to be provided on site , contributions to their provision on a suitable alternative site may be acceptable. The proposed communal amenity space fails to provide children's equipped play space and adult / youth outdoor sports facilities . Furthermore, the quality of the space provided is also questioned, given the close proximity of the amenity space to neighbouring commercial units and the service area for the retail units and residential units and the communal amenity space to the north will be overshadowed by the proposed building structures. It would be appropriate and practicable for a proportion of the outdoor recreation space to be provided on site in this location. The proposal would thereby be contrary to the policy , to the detriment of the amenities of the future occupiers of the properties;

(9) Policy H013 of the Brighton & Hove Local Plan requires new residential dwellings to be built to lifetime homes standards whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alterations. The scheme fails to incorporate lifetime home standards to the design of the flats and the scheme fails to provide an adequate number of wheelchair accessible flats and does not meet the required standards;

(10) the proposed development would by reason of its height, scale and positioning in close proximity to the north west boundary of the site lead to a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the loving conditions of existing occupiers. Furthermore, the development by reason of height and scale of the proposed blocks would have a detrimental impact on the amenity of future occupiers. The proposal would therefore be contrary to planning policies QD1, Qd2, and

QD27 of the Brighton & Hove Local Plan;

(11) the application proposes internal bathrooms throughout the development which would be reliant on artificial lighting and mechanical ventilation to an unacceptable level. The proposed development is therefore contrary to policy SU2 of the Brighton & hove Local Plan and SPGBH16 : Renewable Energy an d Energy efficiency in New developments ;

(12) The applicant has failed to demonstrate that the proposed CHP plant would deliver a reduction of 29% in carbon emissions as suggested in the supporting documentation and will not have a detrimental impact on neighbouring amenity by reason of noise and disturbance . the proposal would therefore be contrary to planning policies SU2, SU10 and QD27 of the Brighton & hove Local Plan ;

(13) A high proportion of the site falls into noise category C location for noise exposure. The applicant has failed to demonstrate that the proposed residential occupiers will not be unduly affected in terms of noise, disturbance and vibration from neighbouring industrial uses together with traffic from Old Shoreham Road and Sackville Road. It is thereby prohibiting a full assessment of the impact of neighbouring amenity and the applicants have failed to establish that the development is in accordance with policies QD27 and SU10 of the Brighton & hove Local Plan;

(14) Policy TR1 of the Brighton & Hove Local Plan requires developments to provide for the demand for travel that is created . The level of parking provided fails to provide for the demands generated by the development and the accompanying Transport Assessment fails to consider the ability of public transport and cycling networks to accommodate the increased demand. The application is therefore contrary to planning policy TR1 of the Brighton & Hove Local Plan;

(15) the applicant has failed to demonstrate how the car parking , disabled car parking and cycle parking will be allocated to the proposed uses of the development. Furthermore, the spacing of cycle stands is not adequate. The proposal is therefore contrary to policies TR14., Tr18 and Tr19 of the Brighton & Hove Local Plan;

(16) The applicant has failed to establish whether the proposed traffic signal controlled junction and surrounding junctions can work effectively and maintain the free flow of traffic on a strategic route for the city. The application is therefore contrary to policy TR1 of the Brighton & Hove Local Plan;

(17) Policy TR16 of the Brighton & Hove Local Plan states that planning permission will only be ranted for developments that will not affect the use of the railway sidings and coal depot adjacent to Hove Station, together with the road and rail access to them, because they have been identified as a potential site for the transfer of waste onto the railway system by policy WLP7 of the East Sussex and Brighton & Hove Waste Local Plan. Insufficient information has been submitted in support of the application to ensure the future protection of the allocated site to the south of the application site.

Informatives :
1. This decision is based on drawings submitted on 15 May 2008.(a list (a list would be provided on the Additional Representations List).

[**Note 1 :** Having declared a personal and prejudicial interest in respect of the above application Councillor Davey left the meeting during its consideration and took no part in the discussion or voting thereon].

[**Note 2:** Councillor Simson abstained from voting in respect of the above application].

55.12 **ApplicationBH2008/00955,Woodingdean Business Park, Bexhill Road, Woodingdean** – Continuation of master plan, with construction of 6 light industrial (B1) units in two buildings and the provision of 30 parking spaces and associated landscaping.

55.13 There was a presentation from the Senior Planning Officer.It was noted that this application had formed the subject of a site visit prior to the meeting.

55.14 Councillors Kennedy and Steedman sought clarification regarding provision of acoustic screening and the requirements placed on the applicant in meeting such conditions. It was explained that the applicant would be required to provide full details and an independent assessment prior to occupation of an independent assessment prior to occupation of the development. They were of the view that the additional condition suggested by the officer in her presentation would be appropriate i.e. to add a condition to provide acoustic / visual screening between the boundaries of the site and 576 Falmer Road and 21 - 39 Sandhurst Road inclusive.

55.15 Councillors Simson and Wells welcomed the scheme which represented further development of the site. Councillor Simson referred to the existing acoustic screen that had been provided elsewhere in the development concurring with the views of Councillors Kennedy and Simson and stating that this had been very effective in preventing noise breakout from the site to neighbouring residential properties.

55.16 Mr Pennington (Brighton & Hove Federation of Disabled People) sought confirmation regarding provision of disabled parking spaces on the site. It was confirmed that such spaces would be available to any who were mobility impaired and was not solely for use by blue badge holders.

55.17 Councillor Steedman formally proposed that an additional condition be added requiring addition acoustic fencing to be provided, this was seconded by Councillor Kennedy and approved by Members of the Sub Committee.

55.18 A vote was taken and Members voted unanimously that planning permission be granted in the terms set out below.

55.19 **RESOLVED -** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and subject

to a further condition to the effect that :

Notwithstanding the approved plans prior to commencement of development full details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority . The development shall be implemented in accordance with the approved plans and the boundary treatment shall be retained as such thereafter. Such details shall in particular provide for acoustic and visual screening between the boundaries of the site and 576 Falmer Road and 21 - 39 Sandhust Road inclusive .

(iii) DECISIONS ON MINOR APPLICATIONS WHICH VARY FROM THE RECOMMENDATIONS OF THE DIRECTOR OF ENVIRONMENT AS SET OUT IN THE PLANS LIST (MINOR APPLICATIONS) DATED 30 JULY 2008

55.20 **Application BH2008/01357, 17 - 19 Oxford Street, Brighton –** Change of use of ground and first floor from class A2 (finance and professional services) to class A3 (restaurant and café) and A4 (drinking establishment) with associated internal alterations and rear roof terrace.

55.21 There was a presentation from the senior Planning Officer. It was noted that this application had formed the subject of a site visit prior to the meeting .

55.22 Mr Merrington spoke on behalf of neighbouring objectors stating that the proposed use a café/ bar/ restaurant would operate from premises directly adjoining a terrace of residential dwelling houses. It was proposed that these premises would operate until 2.00am 7 days a week and it was considered that this would result in an unacceptable loss of amenity and noise disturbance which would be detrimental to the quality of life of those living in the neighbouring dwelling houses. There were children living in all of the neighbouring dwelling houses and six bedroom windows were located in close proximity to the proposed terrace at first floor level which would be in use until 10.00pm and as a smoking terrace thereafter.

55.23 Ms Badain spoke on behalf of the applicants in support of their application and explained that that the premises were intended to provide a high quality brasserie for use by local people and would display art work by local students. The crime rate within the area was relatively high and the current semi derelict condition of the building detracted from the area. Licensed door staff would be on employed at weekends and the applicant had worked closely with officers of the environmental health department to ensure that the premises would operate in a neighbourly manner and would not give rise to nuisance.

55.24 Councillor West spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme, which he considered were completely unacceptable in such close proximity to domestic dwellings. He reiterated the concerns of local residents.

55.25 Councillor Kennedy queried whether it had been established that a suitable use within the existing use class could not be found this was suited to the sites location whereas it was arguable whether the proposed use would be.

55.26 Councillor Barnett queried the requirement for door supervisors at the premises at weekends, given the type of establishment proposed. It was explained that such staff would be employed in order to contain any potential for noise or other nuisance. Although permission had been sought of the licensing authority to operate until 2.00am it was not intended that the premises would be open until that Time every evening . In response to further questions it was also explained that the tables and chairs on the roof terrace would be moved inside the first floor restaurant at 10.00pm each evening and that thereafter the terrace would be used to accommodate those wishing to smoke (no more than four would be permitted at any time), The roof space was fully enclosed and an acoustic wall would be provided to that area.

55.27 Councillor Kennedy enquired whether the roof terrace would be covered . The Environmental Health Officer explained that it would not but that the applicant would be required to provide full details regarding the acoustic screen and other soundproofing arrangements to be applied to the party walls with the neighbouring residential properties prior to the premises opening for business. In response to a question of Councillor Mrs Theobald regarding the number of diners permitted to be seated at tables upstairs and throughout the establishment as a whole it was explained that a maximum of 30 diners could be served upstairs, although it was envisaged that the actual number would often be fewer than that. In answer to questions of Councillor Smart it was explained that in view of the use class for that part of the building alcohol could only be consumed at first floor level by those who were purchasing a meal. The ground floor would operate as a bar .

55.28 Councillor Barnett stated that when visited the site it had been apparent that the premises would abut well maintained family homes . in her view she did not consider that it would be possible to operate as suggested without detriment to the neighbouring residential properties . Given the close proximity of a number of bedroom windows these neighbours would effectively be prevented from opening their windows irrespective of the weather as in doing so they would be subject to noise and fumes from those smoking on the terrace. Councillors Smart, Mrs Theobald and Wells concurred in that view . They were also of the view that there appeared to be a lack of clarity regarding the use to which the first floor was actually to be put given that reference had been made to it both as a conference / meeting space and as a restaurant . It was not considered that the available space was such that it could be used for both .

55.29 Councillors Davey, Kennedy and Steedman were of the view that irrespective of whether or not an acoustic wall was to be provided there would inevitably be noise break out if the terrace was not covered. Four people using the terrace to smoke could still generate a significant level of noise late at night . Overall Members were of the view that the amenity of residents should be respected and that the proposal ultimately ran contrary to planning policy and should be rejected .

55.30 A vote was taken and on a vote of 7 to 1 with 3 abstentions planning permission was refused on the grounds set out below.

55.31 **RESOLVED –** That having taken into consideration the reasons for the recommendation set out in the report Members are resolved to refuse planning permission on the grounds that the rear roof terrace and use of the building as a late night drinking establishment would, by reason of noise disturbance, unduly impact on the living conditions and amenity of the residents and occupiers of the neighbouring properties and as such the proposal is contrary to policies SU9, Su10, QD2, QD27 and SR12 of the Brighton & Hove Local Plan 2005.

[**Note 1 :** A vote was taken and on a vote of 7 to 1 with 3 abstentions Members voted that planning permission be refused on the grounds set out above].

[**Note 2 :** Councillor Kennedy proposed that planning permission be refused . This was seconded by Councillor Davey . A recorded vote was then taken. Councillors Allen, Barnett, Davey, Kennedy, Smart, Steedman and Mrs Theobald voted that planning permission be refused. Councillor Simson voted that planning permission be granted. Councillors Hyde (The Chairman), Carden and Wells abstained . Therefore on a vote of 7 to 1 with 3 abstentions planning permission was refused on the grounds set out].

(iv) Other Applications

55.32 **Application BH2007/01574, Hove Rugby Club, Hove Recreation Ground, Shirley Drive,** – Extensions to clubhouse to provide additional changing rooms, new clubroom and entrance porch .

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

55.34 Councillor Carden sought confirmation regarding the actual size of the hard standing around the clubhouse, that shown on the submitted plans appeared to be different from that indicated when the Development Control Manager had paced that area out during the course of the previous day's site visit. Councillor Steedman concurred that the actual area to be used for that purpose appeared to be significantly larger than that indicated by the plans . The Development Control Manager confirmed that there would need to be encroachment onto the existing hard standing area. It was agreed that Members would defer consideration of the application pending clarification of this matter .

55.35 **RESOLVED -** That consideration of the above application be deferred pending clarification regarding the actual change to and size of the hard standing around clubhouse.

55.36 **Application BH2008/00565, Stanmer Park Access Road, (off A270 Lewes Road), Brighton** – Upgrade and widening by up to 1 metre of Stanmer Park access road. To join with approved link road into Sussex University. This is an additional application to the approved Falmer Community Stadium application (ref : BH2001/02418).

55.37 Members considered that it would be beneficial to carry out a site visit prior to determining the above application.

55.38 **RESOLVED -** That consideration of the above application be deferred pending a site visit .

55.39 **Application BH2007/004483, R/o 63/ 65 Hove Park Road, Hove** - Demolition of existing garage and erection of single detached dwelling.

55.40 Councillor Mrs Theobald sought confirmation regarding the distance from the proposed dwelling house to the neighbouring property, regarding trees on site which were protected by tpo's and whether or not the frontage of the dwelling for which permission was sought respected the existing building line. The Planning officer explained that the space to the nearest dwelling was approximately five metres and that none of the existing on site trees were subject to tpo's. There would be a slight breach of the existing building line which was considered acceptable.

55.41 Councillor Mrs Theobald considered the proposal to be unacceptable in that the existing building line would not be respected , and as such would be detrimental to the prevailing street scene. She also objected to any diminution of the existing gardens forming the application site which would occur should planning permission be granted .

55.42 A vote was taken and on a vote of 10 to 1 planning permission was granted in the terms set out below.

55.43 **RESOLVED -** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the Conditions and Informatives set out in the report.

[**Note :** Councillor Mrs Theobald wished her name to be recorded as having voted that planning permission be refused .

55.44 **Application BH2008/01326, 18 Bishops Road, and Hove** - First floor extension and alterations to convert bungalow to two storey house (re submission).

55.45 Members considered that it would be beneficial to carry out a site visit prior to determining the above application.

55.46 **RESOLVED -** That consideration of the above application be deferred pending a site visit .

55.47 **Application BH2008/00939, Land on The Elms, The Green, Rottingdean** - Proposed new courtyard dwelling.

55.48 The Planning Officer gave a detailed presentation detailing the reasons refusal was recommended .

Mr Harris spoke as a neighbouring objector on behalf of objectors to the scheme and Rottingdean Parish Council . He stated that notwithstanding that the

grounds of The Elms were not open to the public they still formed part of Rudyard Kipling's original garden and as such their present form should be respected. It was considered that proposal would be detrimental to their setting, the setting of the listed building and to the surrounding conservation area. Mr Moore spoke on behalf of the applicant in support of their application. He explained that the proposals had received strong local support and would result in an attractive development which would meet all lifetime homes criteria to a very high standards. The development would only be visible from within the sites own boundaries.

55.49 Mr Small (CAG) reiterated the Group's objections stating that they objected to development of the site in principle bearing in mind its architectural and historical significance. Much of the original garden had been eroded over time and any further loss should be resisted. Councillor Kennedy stated that although in her view the scheme was sensitively it was inappropriate on the site proposed .

55.50 Councillor Wells considered the proposal to be unacceptable . if approved the scheme could set an unfortunate precedent which could make it difficult to resist further development taking place in the vicinity of this important site . Councillors Barnett and smart concurred in that view .

55.51 A vote was taken and Members voted unanimously that planning permission be refused on the grounds set out below .

55.52 **RESOLVED -** That the Committee has taken into consideration and agrees with the reasons for the recommendation hereunder and resolves to refuse planning permission for the following reasons:

(1) The proposal would result in a substantial loss of the green character of "The Elms" and historic original village green. It would intrude into the setting and views off the Kipling Gardens and the village green, detracting from the character and appearance of these important open spaces and this part of the Conservation Area, contrary to policies QD2, QD$, Qd20 and HE6 of the Brighton & Hove Local Plan;

(2) if this proposal were permitted the Local Planning Authority would be likely to find it more difficult to resist similar proposals in the vicinity, the cumulative effect of which would be to significantly alter the historic form and layout of properties within the immediate locality to the serious detriment of the character of this part of the Conservation Area, contrary to policy HE6 of the Brighton & Hove Local Plan;

(3) The principle of developing a new dwelling in the original cartilage of "The Elms", which is considered to be of significant historical merit and prime importance to the setting of this Listed Building in its entirety, is considered to be inappropriate and unacceptable, and would result in harm to the setting of the Grade 11 Listed Building, contrary to policy HE3 of the Brighton & Hove Local Plan ;

(4) The proposed dwelling by virtue of its size and position would result in a

substantial loss of the historic cartilage and open garden setting of "The Elms" representing intrusion upon the views of and from the house, detracting from this Grade 11 Listed Building, contrary to policy HE3 off the Brighton & Hove Local Plan.

(5) Having regard to the existing built form and layout of the adjoining properties which comprise residential dwellings set within spacious plots, the proposed dwelling by way of its limited site area and close proximity to Kipling Cottage and the Elms would represent a form of development which would be out of keeping with the present character of the area and detrimental to the quality of amenity currently experienced by neighbouring properties as a result of enclosing the existing space between the buildings contrary to policies QD1, QD2 and QD27 f the Brighton & Hove Local Plan; and

(6) The applicant has failed to demonstrate that the proposed dwelling would incorporate measures to ensure a satisfactory level of sustainability and has failed to demonstrate that the development would meet a minimum BREEAM / Echomes rating of at least "very good", or a Code for sustainable Homes rating of Level 3. As such the proposal is considered to be contrary to policy SU2 of the Brighton and Hove Local Plan.

Informative :
1. This decision is based on drawing nos.FW1/10.11.12,13B,14,15B,16B, 17B, 19B,20, 21B and 22, Design & access Statement and SAP & Environmental Impact Certificate all submitted on 14 March 2008.

55.53 **Application BH2008/00940, Land on The Elms, The Green, Rottingdean** – Proposed new courtyard dwelling on land at The Elms. .

55.54 A vote was taken and Members voted unanimously that listed building approval be refused on the grounds set out below.

55.55 **RESOLVED –** That the Committee has taken into consideration and agrees with the reasons set out hereunder and resolves to refuse listed building consent, for the following reasons :

(1) The principle of developing a new dwelling on the original cartilage of "The Elms", which is considered to be of significant historical merit and prime importance to the setting of this Listed Building in its entirety, is considered to be an unacceptable form of development resulting in harm to the setting of the Grade II Listed Building, contrary to policy HE3 of the Brighton & Hove Local Plan;

(2) The Proposed dwelling by virtue of its size and position would result in a substantial loss of the historic cartilage and open garden setting of "The Elms" representing an intrusion in the views of and from the house, detracting from the setting of the Grade II Listed Building, contrary to policy HE3 of the Brighton & Hove Local Plan ; and

(3) Insufficient information has been submitted by the applicant , in the form of

a method statement for the retention and protection during and after works, of the listed flint wall on the northern and eastern boundary of the application site. Therefore, the applicant has failed to demonstrate that the proposal would not result in harm to the structural integrity of this wall and would not harm its character, appearance and architectural and historic interest, contrary to policy HE1 of the Brighton & Hove Local Plan.

Informative :
1. This decision is based on drawing no. W1 /10, 11, 12, 13B, 14, 15B, 16B, 17B, 18B, 19B, 20, 21B and 22. Design & Access Statement , and SAP & Environmental Impact Certificate all submitted on 14 March 2008 .

55.56 **Application BH2007/04674, 68 - 70 High Street, Rottingdean** – Redevelopment of site to provide 9 three bedroom town houses with integral garages, built in 2 blocks, with accommodation on four floors (Amendment to previously approved scheme BH2007/00617 omitting the 4 visitor parking spaces)

55.57 Members considered that it would be beneficial to carry out a site visit prior to determining the above application .

55.58 **RESOLVED -** That the above application be deferred pending a site visit.

55.59 (**v) DECISIONS ON APPLICATIONS DELEGATED TO THE DIRECTOR OF ENVIRONMENT**

55.60 **RESOLVED –** Those details of the applications determined by the Director of Environment under delegated powers be noted.

[**Note 1:** All decisions recorded in this minute are subject to certain conditions and reasons recorded in the Planning Register maintained by the Director of Environment. The register complies with the legislative requirements].

[**Note 2 :** A list of representations, received by the Council after the Plans List reports had been submitted for printing had been circulated to Members on the Friday preceding the meeting. (For copy see minute book). Where representations were received after that time they would be reported to the Chairman and Deputy Chairman and it would be at their discretion whether these should (in exceptional cases), be reported to the Committee. This in accordance with resolution 147.2 of the then, Sub Committee held ion 23 February 2005].

56. SITE VISITS

56.1 The following site visits were agreed:

APPLICATION	SITE	SUGGESTED BY
BH2008/00565	Stanmer Park Access Road	Councillor Steedman
BH2008/01326	18 Bishops Road	Councillor Barnett

BH2007/04674	68 – 70 High Street, Rottingdean	Councillor Mrs Theobald
BH2008/10569	Wellsborne Centre, Whitehawk Road	Development Control Manager

Councillor Steedman requested that consideration be given to arranging a Members visit to the BRE innovation Park at Watford as he considered that this would be interesting and informative. The Development Control Manager stated that this could be considered as an item for the Member Development Programme.

57. APPEAL DECISIONS

57.1 The Committee noted letters received from the Planning Inspectorate advising on the results of planning appeals which had been lodged as set out on the agenda.

58. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

58.1 The Committee noted the list of Planning Appeals, which had been lodged as set out in the agenda.

59. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

59.1 The Committee noted the information set out in the agenda relating to information on Informal Hearings and Public Inquiries.

The meeting concluded at 6.00pm

Signed Chair

Dated this day of