



**Brighton & Hove
City Council**

Plans List

PLANNING COMMITTEE

2.00PM, WEDNESDAY, 14 MARCH 2012

COUNCIL CHAMBER, HOVE TOWN HALL

BRIGHTON & HOVE CITY COUNCIL ENVIRONMENT

PLANS LIST
PLANNING COMMITTEE
Date: 14 March 2012

MAJOR APPLICATIONS

| | Application Number | Area | Ward | Address | Proposal | Recommendation | Page |
|-----------|---|------|---------------------|----------------------------------|--|-----------------|-----------|
| A. | BH2011/03796 Extension to time limit full planning | East | Hanover & Elm Grove | 18 Wellington Road | Application to extend time limit for implementation of previous approval BH2008/03248 for part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 26 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities. | Minded to Grant | 5 |
| B. | BH2011/03887 Extension to time limit full planning | West | Withdean | Land East of 55 Highcroft Villas | Application to extend the time limit for implementation of previous approval BH2007/03843 for the erection of an apartment building containing 24 flats with parking and access. | Minded to Grant | 19 |

MINOR APPLICATIONS

| | Application Number | Area | Ward | Address | Proposal | Recommendation | Page |
|-----------|-------------------------------|------|-----------|----------------------|--|----------------|-----------|
| C. | BH2011/02845 Full planning | East | Patcham | 150 Ladies Mile Road | Demolition of garage and out building in garden to north side of existing bungalow and erection of new two storey detached dwelling. | Grant | 35 |
| D. | BH2011/03629 | West | Hove Park | 21 Dyke Road | Erection of porch extension to front, | Grant | 47 |

| | Householder planning | | | Avenue | | | |
|-----------|---|------|--------------|------------------------|---|-----------------|------------|
| E. | BH2011/03705 Householder planning | East | Preston Park | 23 Lowther Road | single storey side and rear extension and balcony area above existing rear conservatory. Erection of single storey side and rear extension. | Grant | 55 |
| F. | BH2010/03696 Full planning | East | Queens Park | 6-8 St James's Street | Installation of storage containers incorporating sound insulated panelling and removal of Dawson's chiller unit from service yard. Removal of existing palisade fencing and erection of new acoustic fencing and gates to service yard. | Grant | 65 |
| G. | BH2010/03717 Removal or variation of condition | East | Queens Park | 6-8 St James's Street | Variation of condition 5 of permission BN84/0222/F (Erection of supermarket complex comprising of 1no floor of retail space with 1no level of open car parking for 96 cars) for delivery hours to be extended to 07.00 to 20.30 on Monday to Saturday (including Bank Holidays) and 09.00 to 16.00 on Sunday. | Grant | 77 |
| H. | BH2011/03901 Full planning | East | Queens Park | 106 St James's Street | Change of use of basement from ancillary retail storage (A1) to tattoo studio (SUI Generis). | Grant | 89 |
| I. | BH2011/03432 Full planning | West | Withdean | Blocks E & F Kingsmere | Roof extension to Blocks E & F to provide 8 no. flats each with own private roof garden. | Minded to Grant | 103 |
| J. | BH2012/00047 Advertisement | West | Withdean | 227-233 Preston Road | Display of internally illuminated fascia (letters only) and projecting signs, and non-illuminated ATM surround and totem sign. | Grant | 117 |
| K. | BH2011/03509 Full planning | West | Hove Park | 7 Elm Close | Erection of 1no five bedroom house. (Part Retrospective) | Minded to Grant | 125 |
| L. | BH2011/03803 Listed building | West | Regency | 83 Upper North Street | Installation of French doors to replace existing ground floor rear window. | Refuse | 137 |

Determined Applications:

Page 137.

PLEASE NOTE IN LINE WITH THE DECISION OF THE SUB-COMMITTEE TAKEN AT ITS MEETING ON 27 APRIL 2005, copies of "Determined Applications" items are now available as hard copies at public inspection points or may be downloaded from the Council website. Copies of these papers are emailed to individual Committee Members.

LIST OF MAJOR APPLICATIONS

| | | | |
|--------------------------------------|---|----------------------------|--------------------------------|
| <u>No:</u> | BH2011/03796 | <u>Ward:</u> | HANOVER & ELM GROVE |
| <u>App Type:</u> | Extension to Time Limit Full Planning | | |
| <u>Address:</u> | 18 Wellington Road, Brighton | | |
| <u>Proposal:</u> | Application to extend time limit for implementation of previous approval BH2008/03248 for part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 26 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities. | | |
| <u>Officer:</u> | Aidan Thatcher, tel: 292265 | <u>Valid Date:</u> | 12/12/2011 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 12 March 2012 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove | | |
| <u>Applicant:</u> | The Baron Homes Corporation, c/o Lewis & Co Planning | | |

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and is **MINDED TO GRANT** planning permission subject to a s106 agreement and the Conditions and Informatives set out below.

(i) A Section 106 obligation to secure the following:

- A financial contribution towards off-site highway improvements: £5 900
- A clause restricting the use of the development to provision of housing for those with learning and physical disabilities.

(ii) The following Conditions and Informatives:

Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The development hereby permitted shall be carried out in accordance with the approved drawings nos. 0769-004 Photographic Site / Street Survey submitted on 6th October 2008, 0769-002(A) Aerial Image, 0769-003(A) Site Survey, 0769-005(A) Existing Basement & Ground Floor Plan, 0769-006(A) Existing First & Second Floor Plan, 0769-007(A)

Existing Elevations - North & West, 0769-008(A) Existing Elevations - South & East, 0769-016(A) Photomontage & Bay Study, 0769-017 Sun Studies submitted on 21st October 2008, 0769-014(A) Proposed Site Sections submitted on 30th October 2008, 0769-001(B) OS & Block Plan, 0769-009(B) Proposed Site Plan, 0769-010(B) Proposed Ground Floor Plan, 0769-011(B) Proposed Basement, First and Second Floor Plan, 0769-012(D) Proposed Elevations- North & West, 0769-013(D) Proposed Elevations- South & East submitted on 16th December 2008.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of development drawings at 1:20 scale illustrating the detail and finishes of the ramps, and handrails, and details of the glazed link, must be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

4. The windows servicing the bath and shower rooms shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5. The windows on the west elevation of the new build block which adjoins the boundary with Ainsworth House and those within the east elevation of the extended block which adjoins the boundary with number 20 Wellington Road shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

6. The lower half of the sash windows in the rear elevation at first and second story level servicing units labelled '13', '20' and the 'staff accommodation' on drawing number 0769-011B shall not be glazed otherwise than with obscured glass and shall be fixed shut and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

7. No development shall take place until samples of the slate to be used in the construction of the external surfaces of the roofs of the development and the windows to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 of the Brighton & Hove Local Plan.

8. The external finishes of the development hereby permitted shall match in

material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

9. The railings shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

10. Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to, and improved in writing by the Local Planning Authority. The scheme shall then be approved in strict accordance with the approved details.

Reason: To enable the Local Planning Authority to control foul sewerage and surface water drainage in accordance with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.

11. All showers within the wheelchair units (number 5, 6, 7, and 8) shall have level access.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

12. Notwithstanding the approved plans, prior to the commencement of development, details of the parking areas shall be submitted to and approved in writing by the Local Planning Authority. They shall include the provision of two designated disabled parking bays on the site near the main entrance. The parking areas shall be implemented in accordance with the approved details and thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: In the interest of highway safety and in accordance with policy TR1 and TR18 of the Brighton & Hove Local Plan.

13. Development shall commence until, detailed drawings, including levels, sections and constructional details of the proposed vehicle access and egress, surface water drainage, outfall disposal, have been submitted to and approved in writing by the Planning Authority and be subject to its approval. The scheme shall be implemented in strict accordance with the approved details.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and in accordance with TR1 and TR7 of the Brighton & Hove Local Plan.

14. The development hereby permitted shall not be commenced until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car and to comply with policy TR14 of the Brighton & Hove Local Plan.

15. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.
16. Prior to the commencement of development, details of measures to ensure that the converted element of the development achieves an “Excellent” BREEAM rating and the remainder of the development achieves Level 4 of the Code for Sustainable Homes shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.
17. The new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
18. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme for landscaping, which shall include permeable hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with policy QD15 of the Brighton & Hove Local Plan.
19. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with policy QD15 of the Brighton & Hove Local Plan.
20. No development shall commence until a scale plan showing the extent of the demolition proposed and a written methodology for the demolition has been submitted to and approved in writing by the Local Planning

Authority. The works shall then be carried out in accordance with the approved details.

Reason: To ensure satisfactory preservation of the existing building and to comply with QD14 of the Brighton & Hove Local Plan.

21. All existing external mouldings, including architraves, hood mouldings, cornices, eaves brackets and corner quoins, shall be retained unless they form part of the building to be demolished, as shown on a demolitions plan. All new mouldings shall exactly match the profile and detail of the existing mouldings.

Reason: To ensure satisfactory preservation of the existing building and to comply with QD14 of the Brighton & Hove Local Plan.

22. No development shall commence until 1:20 scale elevations of the entrance doors/fanlights to the existing and new buildings has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 of the Brighton & Hove Local Plan.

23. The existing chimney stacks shall be retained and restored in accordance with a specification of works to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

24. The trees covered by a Tree Preservation Order shall all be protected to BS 5837 (2005) Trees on Development Sites during the development. A plan showing the line of protective fencing and a method statement on its construction should be submitted to and approved in writing by the Local Planning Authority prior to any development commencing and the protective fencing shall be completed prior to any demolition, use of the site for storage of materials, lifting of hard and soft surfaces within the site or other works in connection with the development which may affect the root systems of the existing trees on the site.

Reason: To ensure adequate protection of the trees in accordance with QD16 of the Brighton & Hove Local Plan SPD06 Trees and Development sites.

25. A Method Statement regarding the treatment of surfaces in the vicinity of tree roots of the Beech Trees at the rear of the site shall be submitted to and approved in writing by the Local Planning Authority. These trees shall be protected to BS 5837 (2005) Trees on Development Sites during the development.

Reason: To ensure adequate protection of the trees in accordance with QD16 of the Brighton & Hove Local Plan SPD06 Trees and Development sites.

26. No development shall take place until a written statement consisting of a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of

limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

27. Scrub clearance and demolition shall not be undertaken during the bird nesting season, from the beginning of March and the end of August.
Reason: To protect nesting birds in accordance with policy QD18 of the Brighton & Hove Local Plan.
28. No development shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A bat survey carried out between May and August. The findings of the bat surveys shall be accompanied by an appropriate bat mitigation and enhancement strategy which should provide assurance that the development will comply with wildlife legislation and address the provision of adequate artificial bat roosting structures, soft landscaping and the lighting proposals for the scheme as appropriate to ensure bat habitat is conserved and enhanced on the site. The scheme shall then be implemented in accordance with the approved details.
Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.
29. No development shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A Swift survey has been carried out between May and August. The findings of the surveys shall be accompanied by an appropriate mitigation and enhancement strategy. The scheme shall then be implemented in accordance with the approved details.
Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.
30. No development shall commence until nature conservation enhancement as part of the site landscaping scheme has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and the details of the proposed green wall planting and artificial external lighting.
Reason: To ensure the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

The principle of the development has been accepted under planning permission BH2008/03248; the site has not significantly changed since permission was granted in 2009. There have been no changes in local planning policy guidance since the previous approval; therefore the development remains acceptable in principle.

- 2) Please note in relation to Condition 14 that cycle parking area shown on the approved plans is in an unacceptable location and should be sited more conveniently within the development.
- 3) The applicant is advised that a European Protected Species Licence must be obtained from Natural England if bats are found to be present on site.

2 THE SITE

The application site is a former Church of England Children's Home and its curtilage comprises 0.2 hectares of land. The property is situated on the southeast side of Wellington Road at a point approximately 50 metres short of its junction with Franklin Road.

The existing building is a large attractive detached Victorian Villa with extensions to its north elevations. There are two existing vehicular access points with a tarmac driveway running parallel to its Wellington Road frontage linking the two access points.

The surroundings are residential and characterised by a mixture of contemporary and period properties. Opposite the application site is a local authority housing estate comprising one low rise block of four storeys and three high rise seven storey blocks of flats. Immediately adjacent to the south of the site is a part three/part two storey block of flats, beyond this is a three storey period property and further down the road is another part three/part two storey block of flats. Beyond the flats on the opposite side of the road is group of Victorian terrace houses. To the rear of the site (the east) occupying higher ground are three storey terrace houses, while to the north of the site, occupying lower ground than the application site are a pair of Victorian houses.

The property is not a statutorily listed building or within a designated conservation area and neither does it appear on the local list of buildings of historic or architectural interest.

3 RELEVANT HISTORY

BH2011/01019: Erection of 9no flats with associated parking and landscaping. Refused 12/07/2011.

BH2008/03796: Part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities and the

provision of a drop-in learning disability centre for people with learning/physical difficulties. Approved 29/01/2009.

BH2008/00297: Change of use and renovation of existing Victoria villa, including part demolition and rebuilding of east end of building, together with new block of apartments. Withdrawn 21/04/2008.

92/0152/FP: Front single storey addition to form reception area with ramp for disabled persons. Granted permission 12/03/1992.

BN77/495: Change of use from residential children's home to day care centre. Granted permission 26/04/1977.

4 THE APPLICATION

Planning permission is sought to extend the time limit for implementation of previous approval BH2008/03796 for part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 26 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical difficulties.

5 CONSULTATIONS

External:

Neighbours: Six (6) letters of representation have been received from **20 Wellington Road, 23, 29A, 37 and 41 De Montfort Road** and **one unaddressed, objecting** to the application for the following reasons:

- Lack of parking.
- Loss of privacy – overlooking 24/7.
- Loss of light/overshadowing.
- Overdevelopment.
- There will be a negative impact on the building – which is the last remaining Victorian Villa in the road.
- Lack of public consultation – until too late.
- People with learning disabilities should be integrated – not put into an institution.
- Poor integration – segregation of those with learning/physical disabilities.
- Overbearing development – from single storey elements to two.
- Loss of views.
- Increased noise and traffic pollution.
- Drop-in centre – need is queried due to the close proximity of Wellington House and it will lead to greater pressure on parking.
- Lack of amenity space and landscaping to the rear of the site.
- Impact on wildlife.
- Cramped living conditions with poor outlook.

Sussex Police: No objection – the comments on the previous application remain extant.

Southern Water: No objection.

Fire Services: No comment to make on this application.

Southern Gas Networks: No objection subject to the use of hand dug trial holes being used within the vicinity of gas mains.

UK Power Networks: No objection.

Internal:

Heritage: No comments received.

Access Consultant: No comments received.

Occupational Therapist: No comments received.

Sustainable Transport:

No objection: Recommended approval with conditions to protect the interests of the public using the roads and footways.

Environmental Health: No comments received.

City Infrastructure: No details provided on how waste and recycling will be dealt with. This information will be required prior to the commencement of development.

Planning Policy: No comments received.

Housing Commissioning: Support the application to extend the time limit for implementation of previous approval BH2008/03248 for part demolition and conversion of the existing building and construction of a new 3 storey block to provide a total of 26 self contained units along with the provision of a drop in centre for people with learning/ physical disabilities

The scheme would provide much needed accommodation with 24 hour care and support for people with learning/ physical disabilities.

Adult Social Care and Health: Object to the application for the following reasons:

- As you are aware, the current planning permission provides for 24 self contained flats with staff accommodation for people with learning disabilities, some of whom may have physical disabilities. However, since the planning application was approved in February 2009 there have been further developments in government policy and needs assessment that have led to a review of the council's need for the accommodation. In particular;
- The increasing move towards personalisation and individualised budgets requires that those eligible for social care can choose where they live and how they spend their allocated budget. The proposed concentration of 24 one bedroomed flats on the site is not considered to appropriately reflect

current service models nor to provide the necessary flexibility and choice for people with learning disabilities.

- The proposed development is offered to the council under a leasing arrangement that is a higher cost than maximum Housing Benefit payable, requiring top up funding from the social care budget. The need for top up funding will further limit choice and control for social care clients and could increase the costs of support in many instances. The costs to the social care budget arising from the lease are also likely to increase in the light of future reductions in Housing Benefit.
- The Learning Disability Joint Strategic Needs Assessment (JSNA) that commenced in 2010 has provided a more detailed picture on local need and gaps in provision. This has highlighted service gaps for challenging behaviour, low cost supported living options and learning disability services for people with mental health and substance misuse problems. The JSNA has also identified some over provision of residential care and supported living for people with low to moderate needs. As the proposed development is unsuitable to meet the service gaps identified, there is a risk that there will be a shortfall in local referrals that will create additional financial pressures for the authority.

It is therefore concluded that the proposed development at Wellington Road is not needed for people with learning disabilities and as a result we do not support an application to extend the time limit for implementation.

Arboriculturist: No objection but would like to re-iterate their comments to the previous application:

(Previous Application Comments)

The Survey is comprehensive and the Arboricultural Section are in full agreement with it. No objection is raised to the application being granted consent, with the imposition of conditions relating to protection of trees covered by a Tree Preservation Order to BS5837 (2005) Trees on Development Sites and a Method Statement to be submitted regarding the treatment of surfaces in the vicinity of tree roots again to BS5837 (2005). Details of the new planting should also be submitted stating the species.

The trees protected by a Tree Preservation Order should all be protected to BS 5837 (2005) Trees on Development Sites during the development, a plan showing the line of protective fencing and a method statement on its construction should be submitted to and approved by the Arb Section prior to any development commencing.

A Method Statement should also be submitted regarding the treatment of surfaces in the vicinity of tree roots - the Beech Trees at the rear are surrounded by tarmac and it is presumed this will need to be lifted and replaced as part of the development. Again, BS 5837 (2005) refers.

Drawing number 0769-009 shows extensive new planting, which is

commendable, however a species list is needed.

Ecology: No objection subject to conditions 27 & 28 relating to application no. BH2008/03248 are retained as part of any planning approval.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

| | |
|------|---|
| TR1 | Development and the demand for travel |
| TR4 | Travel plans |
| TR5 | Sustainable transport corridors and bus priority routes |
| TR7 | Safe development |
| TR8 | Pedestrian routes |
| TR10 | Traffic calming |
| TR13 | Pedestrian network |
| TR14 | Cycle access and parking |
| TR18 | Parking for people with a mobility related disability |
| TR19 | Parking standards |
| SU2 | Efficiency of development in the use of energy, water and materials |
| SU3 | Water resources and their quality |
| SU4 | Surface water run-off and flood risk |
| SU5 | Surface water and foul sewerage disposal infrastructure |
| SU9 | Pollution and nuisance control |
| SU10 | Noise nuisance |
| SU13 | Minimisation and reuse of construction industry waste |
| SU15 | Infrastructure |
| SU16 | Production of renewable energy |
| QD1 | Design – quality of development and design statements |
| QD2 | Design – key principles for neighbourhoods |
| QD3 | Design – efficient and effective use of sites |
| QD5 | Street frontages |
| QD6 | Public art |
| QD15 | Landscape design |
| QD16 | Trees and hedgerows |
| QD27 | Protection of amenity |
| QD28 | Planning obligations |

| | |
|------|--|
| HO3 | Dwelling type and size |
| HO4 | Dwelling densities |
| HO5 | Provision of private amenity space in residential developments |
| HO6 | Provision of outdoor recreation space in residential development |
| HO15 | Housing for people with special needs |
| HO13 | Accessible housing and lifetime homes |
| HO20 | Retention of community facilities |

East Sussex and Brighton & Hove Waste Local Plan

| | |
|-------|--|
| WLP11 | Reduction, Re-use and Recycling during Demolition and Design, and Construction of New Developments |
|-------|--|

Supplementary Planning Documents:

| | |
|--------|-----------------------------------|
| SPD03: | Construction and demolition waste |
| SPD08: | Sustainable Building Design |

Supplementary Planning Guidance Notes:

| | |
|---------|-------------------|
| SPGBH4: | Parking standards |
|---------|-------------------|

8 CONSIDERATIONS

The development proposed in this application for an extension to the time limit for the implementation has already been granted consent. The extant consent expired on 29 January 2012. This application was submitted prior to that date. The determining issues to consider relate to whether there have been any new material planning considerations.

The site has undergone some alteration since the approval of the 2008 application. Specifically, a non-original part of the Victorian Villa has been demolished and the windows to the Villa itself have been bricked up in an attempt to stop the building being squatted.

A legal opinion has been obtained as to whether the demolition of part of the site has in effect implemented the consent, however as the pre-commencement conditions had not been discharged prior to the expiry of the permission, it has been confirmed that the permission has not been implemented.

Issues relating to design, residential amenity, accessibility, ecology, sustainability, trees and transport remain identical to the previous application.

There has been no change in local or national policy that would affect these issues and planning conditions would need to be used to ensure the development remains acceptable on these issues.

Conditions

Planning Approval BH2008/03248 was approved with 29 conditions attached, all of which are repeated here, with an additional condition relating to approved plans.

Other Issues

The objections received are noted however the issues of the scale of the development, impact on traffic and amenity were considered when the 2008 application was approved and there have been no change in local or national policy that would affect these issues in the present day and it is considered that for these reasons the development remains acceptable.

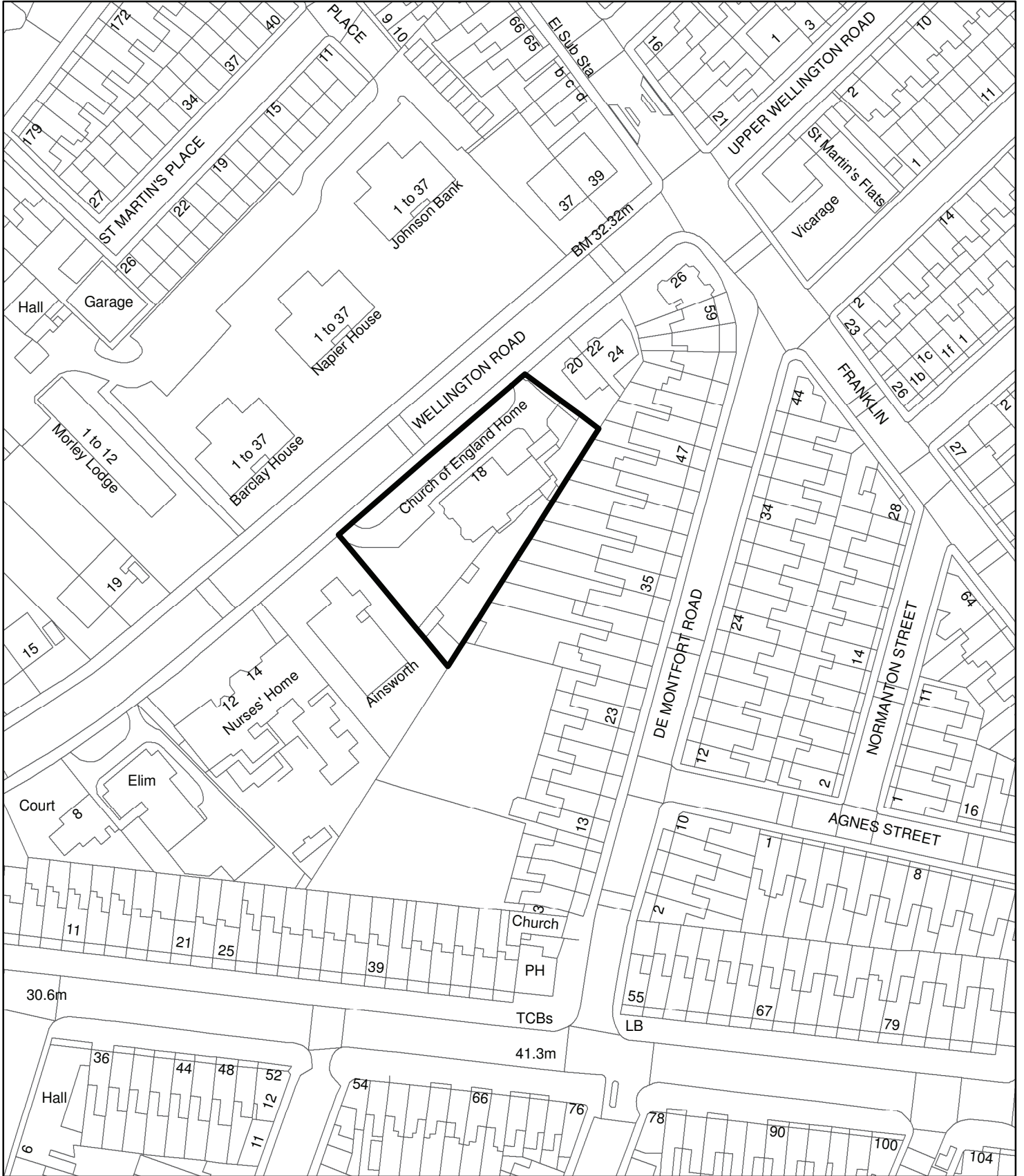
9 CONCLUSION

The principle of the development has been accepted under planning permission BH2008/03248; the site has not significantly changed since permission was granted in 2009. There have been no changes in local planning policy guidance since the previous approval; therefore the development remains acceptable in principle.

10 EQUALITIES IMPLICATIONS

Two disabled parking bays will be secured by condition to the front of the site. The Council's Occupational Therapists are satisfied with the layout of the development with respect to accessibility.

BH2011/03796 18 Wellington Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|-----------------|
| <u>No:</u> | BH2011/03887 | <u>Ward:</u> | WITHDEAN |
| <u>App Type:</u> | Extension to Time Limit Full Planning | | |
| <u>Address:</u> | Land East of 55 Highcroft Villas, Brighton | | |
| <u>Proposal:</u> | Application to extend the time limit for implementation of previous approval BH2007/03843 for the erection of an apartment building containing 24 flats with parking and access. | | |
| <u>Officer:</u> | Guy Everest, tel: 293334 | <u>Valid Date:</u> | 21/12/2011 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 21 March 2012 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | Town & Country Planning Solutions Ltd., Sandhills Farmhouse, Bodle Street Green, Hailsham | | |
| <u>Applicant:</u> | Kingsbury Estate Ltd, Maria House, 35 Millers Road, Brighton | | |

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to a Section 106 Agreement and to the following Conditions and Informatives:

S106

- The provision of 10 units of affordable housing, the details of which are to be submitted and approved in writing by the Local Planning Authority prior to commencement of development;
- A contribution of £43,940.05 towards the enhancement and maintenance of existing outdoor space and/or outdoor sports facilities in the vicinity of the site;
- A contribution of £35,145 towards the improvement of education facilities in the vicinity of the site;
- A contribution of £18,000 towards improvements to sustainable transport infrastructure in the vicinity of the site, and £2,000 to amend a TRO (removing on-street parking bays) to allow construction of the site access; and
- The translocation of slow worms from the site to an agreed (Council owned) receptor site, and a contribution of £3,440 towards habitat management of the receptor site.

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance

with the approved drawings no. 0561/SO2 A, 0561/P300, 0561/P301, 0561/P304, 0561/P305, 0561/P306 & 0561/P307 received on 12th October 2007; and approved drawings no. 0561/P302 E & 0561/P303 E received on 9th July 2008.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) The bathroom windows within the west (side) elevation of the building hereby approved shall be glazed with obscure glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 4) The balcony screens to the west (side) elevation of balconies shall be obscure glazed and 1.5m in height. The screens shall be provided before occupation of the dwellings and thereafter be permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 5) All planting, seeding, or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 6) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 7) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and

- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 8) The development hereby permitted shall not commence until a working method statement in respect of the demolition and construction period of the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify hours of working, the provision of wheel cleaning apparatus, details of parking for site operatives and visitors, details of the siting of temporary buildings and stacking of materials. The development shall be carried out in accordance with the working method statement so approved.
- Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 9) No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, planting of the development, and details of any trees/shrubs to be retained, together with measures for their protection in the course of development.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 10) Prior to commencement of the development hereby permitted, details of fencing to be provided around the boundaries of the site and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the scheme so approved by the Local Planning Authority shall be erected prior to the first occupation of the site and retained thereafter to the approval of the Local Planning Authority.
- Reason:** To ensure a satisfactory appearance to the development, safeguard the amenities of the occupiers of nearby properties and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 11) The development shall not commence until fences for the protection of trees to be retained have been erected to a specification and in positions to be agreed in writing by the Local Planning Authority. These fences shall be maintained in good repair until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 12) Prior to the commencement of the development the applicant shall submit to the Local Planning Authority a written report from an appropriately

qualified person, advising upon the stability of the land, most particularly, but not exclusively, in relation to its impact on the role the land plays in supporting the highway at Highcroft Villas and the impact of the development on the stability of the railway embankment and any works (including works of drainage) as may be necessary to ensure the stability of the land, building and services and any neighbouring land or buildings. Details of any stabilisation work to be carried out as a result of the report shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The works shall not be carried out otherwise than in accordance with the approved details.

Reason: As insufficient information has been submitted to comply with policies SU5 and SU8 of the Brighton & Hove Local Plan.

- 13) Prior to the commencement of works details of nesting boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes approved by the Local Planning Authority shall be erected prior to the occupation of the building and thereafter maintained.

Reason: To ensure the enhancement and protection of ecological interest on site and to comply with policy QD17 of the Brighton & Hove Local Plan.

- 14) Prior to the commencement of works details of the green roof to the first floor hereby approved, which should be vegetated with a chalk grassland mix, shall be submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be carried out and thereafter maintained in accordance with the specification.

Reason: To ensure the enhancement of ecological interest on site and to comply with policy QD17 of the Brighton & Hove Local Plan.

- 15) Construction work shall not begin until a scheme for protecting the proposed development from noise and vibration from the neighbouring railway line has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details regarding any ventilation measures that may be necessary and all works which form part of the approved scheme shall be completed before any part of the development is occupied.

Reason: To safeguard the amenity of future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 16) Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road, surface water and foul drainage, and lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details prior to the first occupation of the dwellings.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan

- 17) Details of the solar roof panels shall be submitted to and approved in writing by the Local Planning Authority before works commence. The panels thereby approved shall be installed before the units are occupied

and thereafter retained as such.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 18) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,
 - b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
 - c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress; and
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 19) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final / Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 has been submitted to, and

approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 20) The cycle storage details shown on the approved drawings shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 21) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

The development is of an appropriate scale, design and detailing; provides 40% affordable housing with an acceptable standard of residential accommodation throughout; and would not cause undue harm to neighbouring amenity through loss of light, outlook, privacy, increased noise or disturbance, or the creation of a harmful demand for travel.

The development would make efficient use of resources, makes provision for ecological mitigation and enhancement, and meets the demand it creates for infrastructure.

2. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk and

www.wrap.org.uk.

3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
4. The applicant is advised that condition 18 (on land contamination) has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition.

It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).

2 THE SITE

The application relates to a triangular shaped piece of land between the northern side of Highcroft Villas and railway land. The site is overgrown with trees and shrubs and was last use for private allotments for railway employees. The site slopes from south to north (towards the railway line) and is at a lower level than Highcroft Villas. The greatest level change is at the western end of the site where the ground slopes by approximately 10 metres.

The wider area is primarily residential with a mix of semi-detached and terraced housing, and a large multi-storey block of flats, known as Highcroft Lodge, opposite the site.

3 RELEVANT HISTORY

BH2007/03843: Erection of an apartment building containing 24 flats with parking and access. Refused for the following reasons:-

1. *The Planning Policy Guidance Note 17: Sport and Recreation, states that existing open space should not be built on unless an assessment has been undertaken which clearly shows that the land is surplus to requirements. In the absence of an independent assessment carried out by the applicant it is considered that it has not been adequately*

demonstrated that the land is surplus to requirement and should not be retained as open space. Planning policy S1(L) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and QD20 and QD21 of the Brighton & Hove Local Plan seek to retain public and private open space and allotments except in exceptional circumstances, none of which have been identified. For these reasons the proposal is contrary to PPG17, policy S1(L) of the East Sussex and Brighton & Hove Structure Plan 1991-2011, and policies QD20 and QD21 of the Brighton & Hove Local Plan.

2. *The site is home to slow-worm which are protected under the Wildlife & Countryside Act 1981. The proposal fails to identify adequate means for the protection of the slow-worm, contrary to policies QD17 and QD18 of the Brighton & Hove Local Plan.*
3. *Policy HO13 of the Brighton & Hove Local Plan requires all new residential development to be built to a Lifetime Homes standard and a proportion of all new dwellings to be built to wheelchair accessible standards. None of the units have space to store and recharge an electric wheelchair or scooter, bathrooms and lobbies would require structural alterations to meet standards and no units have been identified for Wheelchair Accessible Homes. For these reasons the proposal is contrary to policy HO13.*

A subsequent appeal against this decision was allowed:-

- In respect of reason for refusal no. 1 the Inspector concluded that the proposed development would not have a materially harmful effect upon the provision of open amenity space in the locality and therefore allowed the appeal.
- An agreement was submitted as part of the appeal process making provision for a financial contribution to allow the translocation of slow worms from the application site to an alternative site in the Council's ownership. This overcame reason for refusal no. 2 which, as a result, was not considered further as part of the appeal.
- Reason for refusal no. 3 was not considered as part of the appeal following the submission of amended floorplans which demonstrated that Lifetime Home standards would be incorporated in the development.

BH1999/01945/OA: Residential development - 3 storey building comprising 6 two bed flats and 6 one bed flats. Refused, subsequently allowed at appeal.

4 THE APPLICATION

Planning permission is sought for the erection of 24 self-contained flats. The building would comprise 4-storeys above the height of Highcroft Villas and 6-storeys to the rear as a result of ground level changes across the site. The

development incorporates private balconies and terraces to all levels with materials including render and hung tiles.

The development would provide a mix of 9 x 1-bed, 13 x 2-bed and 2 x 3-bed units and 10 units would be affordable (equating to 40% of the total). It should be noted that the mix of units was amended as part of the appeal process to ensure the development met Lifetime Home and Wheelchair Standards. The drawing references and received dates are those which were considered at appeal and not the references and received dates as outlined on the original decision notice.

A new vehicular access would be created off Highcroft Villas. The development would provide 24 covered parking spaces, 2 of which would be disabled accessible, at lower ground floor level and a further 5 surface parking spaces. A covered cycle store (adjoining the car park at lower ground floor level) would provide parking for 24 cycles.

5 CONSULTATIONS

External:

Neighbours: Thirteen (13) letters of representation have been received from **5 Brigden Street; 4 Chatsworth Road; 38A Compton Road; 36 Coventry Street; 18 (flat B), 25, 29, 53 (x2), 55B Highcroft Villas; Flats 2, 13 & 23 Highcroft Lodge, Highcroft Villas; 92A Springfield Road;** and **81 Stanford Road** objecting the application for the following reasons:

Character and appearance

- The building would not fit with the Victorian architecture of the street, and is a standard 'contemporary lump with balconies';
- The road is already overcrowded – fewer dwellings varying in size would be more appropriate for the location;
- The site is narrow, forms a high cliff above the railway, and unstable - it would be dangerous to develop;
- The development would spoil views of Preston Park.

Impact on amenity

- The development will cause overshadowing and loss of light to adjoining properties;
- The development would block views from Highcroft Villas across to the Downs and Preston Park;

Ecology

- The site is a green area and the development would destroy wildlife, which includes slow worms and badgers;
- Since the original planning permission the site is likely to have become more of a wildlife haven and less appropriate for development.

Open Space

- Since the original permission the amount of green open space in the City

has diminished (with a similar plot near London Road Station granted planning permission in late 2009);

- The site could become a community garden, allotments or open space for the school;
- There is a shortage of allotments in the City.

Transport & Highway Safety

- The new entrance to the flats would be unsafe for pedestrians and road users;
- Whilst the development traffic impact of 6 vehicles at peak times may not impact on the highway network it would have an impact in Highcroft Villas, which is already busy, opposite a school, with traffic regularly backed up;
- Recent traffic calming measures have not worked and cars continue to travel too fast through the street. This application would worsen the existing situation and create a safety hazard;
- Before starting work a zebra crossing should be provided in Highcroft Villas and at the bottom of Millers Road. May also contribute to a roundabout at the junction of Highcroft Villas and Millers Road, blocking off the southern end of Reigate Road and provide a pedestrian footbridge from the edge of the site to Rookery / Preston Road.

Other issues

- The contribution to society, claimed by providing affordable housing, should have been done by now – not simply to buy and sell to another company;
- The application should not be renewed just because of the economy and not being able to afford to build.

East Sussex Fire & Rescue Service: The applicant should be reminded that at Building Regulations Approval stage the plans must show compliance with the functional requirements of approved document B5, in respect of suitable access for both firefighting purposes and for fire appliance access to the development.

Network Rail: No comments have been received.

Southern Water: No objection.

Sussex Police: No objection.

Internal:

Arboriculturalist: No objection, although the perimeter of the site has tree cover nothing is worthy of a Tree Preservation Order. However, some trees on the site are to be retained and these should be protected, through condition, to BS 5837 (2005), Trees on Development Sites.

Ecology: (*Previous Comments*) The development is accompanied with an ecological report which confirms the presence of Slow-worm. A Mitigation

report has been submitted and translocation to an alternative site is seen as a preferred option and a replacement site has been identified. (*Any further comments will be reported on the late list*).

Environmental Health: No objection, subject to conditions relating to noise mitigation and land contamination.

Housing: Support the application. The scheme would provide much needed additional affordable homes in the City. There are currently have over 12,000 people on the Housing Register waiting for affordable rented housing and 676 people waiting for low cost home ownership

Planning Policy: No significant material changes to indicate that a different decision should be taken in respect of the development. Since the appeal decision a number of development plan background studies have been completed and formally approved by the Council.

The Open Space, Sports and Recreation Study and the Open Space Assessment have been completed. The studies identify the site as an open space and categorise it as 'natural and semi-natural urban greenspace'. However, in view of the issues considered by the Inspector at appeal the weight to be given to the change in circumstances in respect of this development, which does not form statutory planning policy, is unlikely to be sufficient to override the granting of permission.

It is therefore considered that, on balance, there have been no significant material changes in planning policy or considerations of planning relevance sufficient to indicate permission should be refused.

Private Sector Housing: No comments.

Sustainable Transport: No objection subject to conditions requiring the submission of details and specifications of the new access layout, and to ensure the residential units are not occupied until the car and cycle parking facilities are provided.

A sum of £20,000 should be sought as a contribution towards the costs of implementing Local Transport Plans would be required to process and consult on the alteration to the relevant Traffic Order (which would be needed to remove the parking bays as required to allow the construction of the site access).

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

- PPS 1: Delivering Sustainable Development
- PPS 3: Housing
- PPS 9: Biodiversity and Geological Conservation

Planning Policy Guidance Notes (PPGs):

- PPG 13: Transport
- PPG 17: Planning for Open Space, Sport, Recreation
- PPG 24: Planning and Noise

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU8 Unstable land
- SU10 Noise Nuisance
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design - quality of development and design statements
- QD2 Design - key principles for neighbourhoods
- QD3 Design - efficient and effective use of sites
- QD4 Design - strategic impact
- QD6 Public Art
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD17 Protection and integration of nature conservation features
- QD18 Species protection
- QD20 Urban Open Space
- QD21 Allotments
- QD27 Protection of Amenity
- HO2 Affordable housing - 'windfall' sites
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO6 Provision of outdoor recreation space in housing schemes
- HO7 Car free housing
- HO9 Residential conversions and the retention of smaller dwellings
- HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

SPGBH9 A guide for Residential Developers on the provision of recreational space (draft)

SPGBH15 Tall Buildings

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD07 Advertisements

SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development

8 **CONSIDERATIONS**

The application seeks an extension to the time limit for implementation to the previous application reference BH2007/03843 which was allowed at appeal.

Planning permission on the site was granted at appeal in December 2008 for a development of 24 residential units on the site. In granting planning permission the Planning Inspector considered that the previous use of the site as allotments was an ancillary use of operational railway land carried out by railway employees. The Inspector also took into account an earlier appeal decision on the site (ref: BH1999/01945/OA) which concluded that use of the application site to meet any unsatisfied need for allotments would not be realised, and that development plan policies did not prevent use of the appeal site for residential purposes.

There is no new evidence about previous use of the site and there have been no material changes to the site, surrounding area or relevant planning policies that would alter the above view. The previous conclusions of the Inspector as set out above therefore remain applicable to this application. The application (BH2007/03843) was originally refused due to the effect of the development on the provision of open space in the City.

Planning Policy Guidance Note 17: *Planning for Open Space, Sport and Recreation* (PPG17) indicates that existing open space should not be built on unless an assessment has been undertaken which clearly shows that the open space is surplus to requirements and that such an assessment should take into account all the functions that open space can perform.

Local Plan policy QD20 provides a similar restriction on the use of open space and states that planning permission will not be granted for proposals that would result in the loss of areas of public or private open space that are important to people because of their recreational, community, historical conservation, economic, wildlife, social or amenity value.

The original application was refused as an open space assessment, as required by PPG17, had not been submitted and there was an inadequate

case to demonstrate an exemption as outlined in local plan policy QD20.

The appeal decision considered though that it was unreasonable to expect a city-wide assessment of open space be submitted as part a planning application. This view took into account the fact that the application site had not been identified as open space in either the Local Plan or other published document and the planning history of the site as operational railway land. The appeal decision concluded that the site provides *'little actual amenity value to the locality.....the majority of the site is difficult to see from Highcroft Villas being at a lower elevation than the road and is for the most part an area of overgrown vegetation'*, and the development would not have *'a materially harmful effect upon the provision of open amenity space in the locality'*.

The Inspector's decision is a material consideration in the determination of this application.

There has not been any significant change to national or development plan policy since the appeal decision. A number of relevant studies have though been completed and formally approved by the Council as background studies for the Local Development Framework. These studies are an Open Space, Sports and Recreation Study and an Open Space Assessment.

These studies identify the application site as open space and categorise it as 'natural and semi-natural urban greenspace'. This status has not though changed since the previous application and the studies were informed by an open space audit which was taken into account as part of the appeal process. The audit did not establish that the site was of amenity value and, in the appeal decision, was not considered of sufficient weight to justify retaining the application site as open space.

In view of the issues considered at appeal the publication of an Open Space, Sports and Recreation Study and an Open Space Assessment does not represent a change in circumstances that would justify refusing the planning application, particularly as the documents do not form adopted planning policy. The appeal decision therefore remains a relevant interpretation of current national and local planning policy relating to open space.

A site visit has revealed that there have been no material changes to the nature of the site or adjoining properties / land since the previous application. Therefore issues relating to the design and appearance of the development, the standard of accommodation / lifetime homes, housing mix, the impact on amenity, land stability, ecology, sustainability, landscaping and traffic remain identical to the previous application. As part of the appeal it was common ground between the Council and applicant that the development was acceptable in relation to these issues and the Inspector did not take a different view.

There has been no change in local or national policy that would affect

consideration of these issues. The development therefore remains acceptable subject to the s106 heads of terms and planning conditions as set out in section 1 of the report.

Other Considerations

Contaminated Land

Environmental Health Officers have recommended an additional condition relating to potential contamination to the existing site. Whilst the application site does not appear on the Council's potentially contaminated land database a review of historic mapping of the area does identify a number of cuttings and embankment areas. As the site is adjacent to railway land it would be appropriate that a desk top survey be carried out, since it is typical of such locations that "made ground" can, and are known to, contain wastes from other areas. The suggested condition is considered to meet the tests of Circular 11/95 and is therefore recommended.

Waste Minimisation

The existing planning permission includes a condition requiring a site waste management plan prior to the commencement of development. Following the introduction of the Site Waste Management Plans Regulation (SWMP) (in April 2008) it is now a legal requirement for all construction projects in England over £300,000 to have a SWMP, with a more detailed plan required for projects over £500,000. The proposal represents a major development and is therefore required under the regulations to have a SWMP. An informative is recommended to advise the applicant of this and the previous condition is not now necessary.

9 CONCLUSION

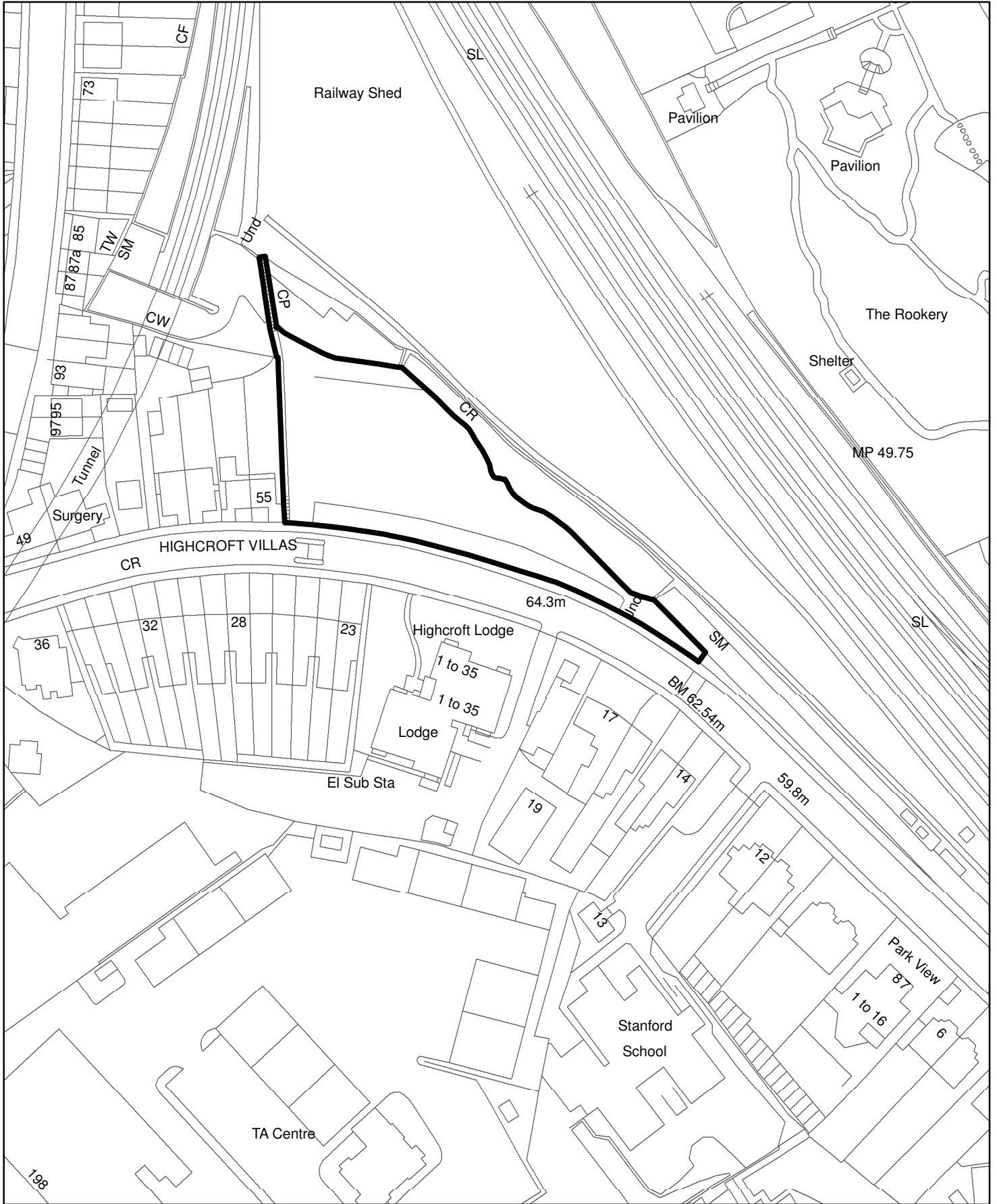
The development is of an appropriate scale, design and detailing; provides 40% affordable housing with an acceptable standard of residential accommodation throughout; and would not cause undue harm to neighbouring amenity through loss of light, outlook, privacy, increased noise or disturbance, or the creation of a harmful demand for travel.

The development would make efficient use of resources, makes provision for ecological mitigation and enhancement, and meets the demand it creates for infrastructure.

10 EQUALITIES IMPLICATIONS

The development would be built to Lifetime Home standards and makes provision for 40% affordable housing provision.

BH2011/03887 Land east of Highcroft Villas, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

LIST OF MINOR APPLICATIONS

| | | | |
|--------------------------------------|---|----------------------------|------------------|
| <u>No:</u> | BH2011/02845 | <u>Ward:</u> | PATCHAM |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 150 Ladies Mile Road, Brighton | | |
| <u>Proposal:</u> | Demolition of garage and out building in garden to north side of existing bungalow and erection of new two storey detached dwelling. | | |
| <u>Officer:</u> | Helen Hobbs, tel: 293335 | <u>Valid Date:</u> | 28/09/2011 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 23 November 2011 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | Plan Right (UK) Ltd, 464B Groby Road, Leicester | | |
| <u>Applicant:</u> | Mr R Holness, C/O Plan Right (UK) Ltd | | |

This application was deferred at the last meeting on 22/02/12 for a Planning Committee site visit.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved un-numbered Proposed Details, Proposed Floor Plans, Proposed Site Layout and Proposed Elevations received on 15th December 2011, additional un-numbered side elevation received on 23rd November 2011 and Existing Site Plan and Location Plan received on 22nd September 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted, including the boundary walls and gates, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
4. BH02.03 No permitted development (extensions) (amenity and character)
5. BH04.01A Lifetime Homes.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants. Any further development shall be carried out in accordance with the approved method statement.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
7. The side windows on the north elevation of the development hereby permitted shall be obscure glazed and non-opening, unless part of the windows which can be opened are more than 1.7m above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

8. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and
 - (b) A Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
9. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details.
Reason: To enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with requirements within PPS5 and HE12 of the Brighton & Hove Local Plan.
10. No development shall take place until full details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with

the approved details.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

11. Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Building Research Establishment issued Final Code Certificate confirming that the unit has achieved a Code for Sustainable Home rating of Code Level 4 been submitted to and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

12. The development hereby approved shall not be occupied until the refuse and recycling and cycle parking facilities, as indicated on the approved plans, have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and the parking of cycles and to comply with policies TR14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposal for a dwelling on the site is acceptable in principle and would not cause harm to the character of the surrounding area. No significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and transport issues. Landscaping and measures to preserve ecology/biodiversity are secured by appropriate planning conditions.
2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Home, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk)
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website

(www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

2 THE SITE

The site is currently part of 150 Ladies Mile Road. The site would be split and the new dwelling would replace the residential garage and out building to the north of the host bungalow. The site is located on the south east side of Ladies Mile Road.

Ladies Mile Road is characterised by residential properties comprising a mixture of detached and semi-detached bungalows to the north and west of the application site, and a group of 9 detached two storey dwellings to the east.

3 RELEVANT HISTORY

BH2008/02110: Extension to form side garage. Approved 07/08/2008. Not implemented.

4 THE APPLICATION

Planning permission is sought for the demolition of the garage and out building and erection of a two storey detached dwelling.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **152 (2 letters & 1x e-mail received), 154, 158, 160, 217, 215, 225 (x2) Ladies Mile Road and 20 Windmill View** objecting to the application for the following reasons:

- Scale, design, layout and appearance would be out of keeping with the area
- Loss of privacy
- Cause overlooking and loss of privacy to neighbouring properties
- Overshadowing
- Loss of light
- Increase in noise levels
- Increase in traffic and parking
- The area is already congested
- Insufficient provision for off street parking
- Difficult ingress from Portfield Avenue (turning right onto Ladies Mile Road) due to parked vehicles (outside 148 Ladies Mile)
- The proposal does not achieve the most aesthetic solution, or the best in maximising use of available land.
- Other issues are raised about further discussions with the applicant in respect to other proposals, the original planning consent and a request for a site visit.

Brighton & Hove Archaeological Society: The above application lies within an area of intense archaeological sensitivity. The archaeological record for this part of Brighton, include numerous finds of settlement and burials from the Bronze Age, as well as a number of burials dated to the Roman period.

The Brighton & Hove Archaeological Society would recommend that the granting of any planning application include a provision for a watching brief while the top soils are removed and the footing trenches are cut. A further inclusion should allow for the recording of any archaeological features and artefacts found.

County Archaeologist: The proposed development is situated on the edge of an archaeological notification area defining an area of prehistoric activity, including occupation and burial areas. Excavations in advance of development in the 1990's immediately adjacent to the development site recorded remains of at least two Bronze Age round houses, associated ditches and pits and an array of contemporary finds. Archaeological investigation during the construction of Patcham Fawcett school and housing development in the 1920s also recorded remains of Bronze Age settlement, as well as evidence of Iron Age and Romano-British activity in the area.

In the light of the potential archaeological significance of this site, it is my opinion that the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in PPS5 (the Governments policy on Planning for the Historic Environment).

I would therefore ask that the following condition be applied to any planning permission that is granted in respect of this application:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the local planning authority and the works shall be undertaken in accordance with the approved details.

(reason: to enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with requirements within PPs5 'Planning for the Historic Environment'; and Policy HE12 of the Brighton & Hove Local Plan).

Internal:

Sustainability: This development has failed to address key aspects of SU2 and the standards set in SPD08. Whilst the Design and Access makes a claim that a Code Assessor has said the development can achieve Code Level 4, and that a condition can be set on a planning permission to secure

Code level 5, there is no explanation of how this might be achieved.

The potential sustainability of the development proposals has not been demonstrated: energy and water performance have not been addressed in any form in this application.

Further comments received:

Enough work has been done to indicate that the works could achieve Code Level 4 with the exception of demonstrating the fabric performance of the dwelling on the submitted plans and supporting documents, which is crucial in achieving Code Level 4. There are references to possible use of solar technology (which may be solar thermal or PV) but no indication on the drawings or elsewhere the size of the potential array.

Environmental Health: To ensure safe development of the new premises, it is appropriate to apply a discovery condition that will allow any unexpected findings or discoveries to be dealt with during the construction phase. This is appropriate given the length of time that the buildings have been identified as being on site. Historical mapping suggests these as early as 1951.

Sustainable Transport: Recommended approval with conditions to protect the interests of the public using the roads and footways.

To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the Applicant is expected to make a financial contribution of £2000 to help finance off-site highway improvement schemes within the local vicinity of the site.

The applicant states that cycle parking would be provided within a custom built shed, details on this storage facility should be provided to the Local Planning Authority for written confirmation before commencement of the development to show that it accords with Local Plan Policy TR14 and SPG4.

The application results in the loss of a garage, it is stated that this garage has not been used to store vehicles in some time. The existing driveway is to be retained as part of the scheme and is sufficient in size to adequately park a car. This application therefore accords with the car parking standards set out within SPG4 and will not result in a material impact on the operation of the local highway.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

National Planning Policy

PPS3 Housing

Brighton & Hove Local Plan:

TR1 Development and the demand for travel
TR14 Cycle access and parking
TR19 Parking standards
SU2 Efficiency of development in the use of energy, water and materials
SU11 Polluted land and buildings
SU13 Minimisation and re-use of construction industry waste
QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD3 Design – efficient and effective use of sites
QD4 Design – strategic impact
QD16 Trees and hedgerows
QD27 Protection of Amenity
HO3 Dwelling type and size
HO4 Dwelling densities
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of the development, the impact on the character and appearance of the area, the impact upon the amenities of neighbouring properties, transport issues, standard of living for future occupiers and sustainability issues.

Principle of the New Dwelling:

The proposal is to demolish the garage and outbuilding on the north side of the dwelling at 150 Ladies Mile. The plot would be divided and a two storey detached dwelling would be erected in place of the garage.

The principle of the type and scale of development proposed must be considered having regard to PPS1 and PPS3, and policies HO4, QD1, QD2, QD3 and QD4 of the Brighton & Hove Local Plan.

Changes to PPS3 published in June 2010 include the exclusion of private residential gardens from the definition of previously developed (brownfield) land. The national indicative minimum housing density target were also removed from the PPS, such targets do however remain in the South East Plan (RSS). The site currently contains the house, a garage and garden area. The site is considered to be greenfield. There is no in principle policy objection to the development of this site.

Design:

The area is characterised by detached and semi detached bungalows to the north and west of the application site. The bungalow at No. 150 Ladies Mile Road is the last bungalow on the southern side of the road. The properties from 152 – 168 (evens) Ladies Mile Road are all detached two storey dwellings.

The dwelling would have 2 storeys including rooms in the roof and would provide a ground floor kitchen/dining, utility room, WC and living room, 3 bedrooms, 1 ensuite, 1 bathroom and WC at first floor and bedroom, study room and shower/WC in the roof space.

The dwelling would have a two storey projecting gable feature which is a common feature on the two storey dwellings to the east. The proposed dwelling would also attempt to match the detailing of the adjoining dwellings such as the brickwork pattern, window styles and the front bay window. The front bay window would be similar to the bay at No. 152 Ladies Mile Road.

The proposed dwelling would be a similar height to the two storey dwellings and although it would be narrower than these properties, it would continue the uniformed spacing of approximately 2m between each dwelling.

The proposed dwelling would not be out of keeping within the street scene and would not harm the character and appearance of the surrounding area.

Standard of accommodation:

The proposed dwelling layout provides generous accommodation for a four bedroom dwelling. The submitted Lifetime Homes checklist indicates that the dwelling would meet the required criteria, however this has not been demonstrated on the plans. In this case, given the size and layout of the proposed dwelling, to ensure compliance with the Lifetime Homes criteria, a condition would be attached to the approval.

Sustainability:

Policy SU2 of the Brighton & Hove requires that proposals demonstrate a high standard of efficiency in the use of energy, water and materials. SPD08 provides further guidance on the level of sustainability which development

should achieve. The application site is on partially developed, and partially undeveloped garden land and SPD08 advises that in regard to new-build developments located on previously developed land, a Code for Sustainable Homes rating of Level 3 should be met. In regard to new build developments located on undeveloped (greenfield) land, it is advised that a Code for Sustainable Homes rating of Level 5 should be met.

It is stated that a Code for Sustainable Homes rating of Level 4 would be met by the development. The Sustainability Team have commented on the application and consider it feasible that this level of sustainability could be met. There are references to possible use of solar technology (which may be solar thermal or PV) but there is no indication on the drawings the size of the potential array. However a planning condition would be attached requesting details of the sustainability measures to be submitted for approval to ensure that Code Level 4 would be achievable.

Transport Issues:

The site is not within a controlled parking zone and an off street park space would be provided in front of the proposed dwelling. The Transport Planning Team has advised that the application results in the loss of a garage. It is stated that this garage has not been used to store vehicles in some time. The existing driveway is to be retained as part of the scheme, including the existing crossover, and is sufficient in size to adequately park a car. For these reasons the development is considered to comply with policies TR1 and TR7 and would not result in a material impact on the operation of the local highway.

There is a sufficient space within the curtilage of the dwelling where the location of a cycle store would be positioned and this would also be secured through condition.

In relation to policy TR1, the Transport Officer has recommended that a financial contribution of £5,000 is made towards improving sustainable modes of transport within the vicinity of the site. However under current measures in place to support the development industry, having regard to the scale of development proposed, such a scheme/financial contribution would not be sought.

Archaeology:

The County Archaeologist has raised concerns that the site lies within an area of archaeological sensitivity. The archaeological record for this part of Brighton, include numerous finds of settlement and burials from the Bronze Age, as well as a number of burials dated to the Roman period.

A condition is recommended to ensure that the provision of a watching brief is provided while the top soils are removed and the footing trenches are cut.

Impact on Amenity:

The properties most likely affected by the proposed development are no. 150 Ladies Mile Road and 152 Ladies Mile Road.

With regards to the impact upon No. 150, this site would be sub divided to accommodate the new dwelling, however the existing bungalow would still be left with adequate amenity space. The proposed dwelling, given its height and close proximity will have an impact upon the host property, particularly by way of loss of outlook and light to the ground floor side windows facing the proposed dwelling. However significant weight must be given to the fact that the owners of No. 150 are also the applicant of this proposal. These rooms also have outlook and light from the windows on the rear elevation, which would be unaffected by the proposed dwelling.

The proposed dwelling would have windows inserted on the side elevation. The windows to the upper floors would only provide views across the roofslopes of No. 150. The ground floor windows would provide views into this neighbouring property, and there have been no details of any boundary screening submitted with the application. Details of the proposed boundary treatment would be requested by condition, to ensure that the boundary adequately screens these windows to prevent any overlooking.

With regards to the neighbouring property to the east, No. 152 Ladies Mile Road, the proposed bulk of the dwelling is significantly greater than the existing garage. This neighbouring property is a two storey dwelling, set higher than the application site and a gap of approximately 2.7m would be retained. No. 152 is also angled away from the site.

No. 152 has a side window which faces the application site. Given the height and proximity of the proposed dwelling it would have an impact in terms of loss of light and loss of outlook. However this window serves the hall and landing and not a habitable room, therefore any harm caused to this windows is not considered a justified reason for refusal.

The rear building line of the proposed dwelling would project beyond the rear building line of the neighbouring property, by approximately 2.2m at ground floor level. To reduce the impact upon this neighbouring property, the first floor and gabled roof have been set in by 1.1m from the ground floor footprint. Given that the second storey would project beyond the neighbouring property by 1.1m, coupled with the gap and existing boundary treatment, it is considered that the proposed dwelling would not have a harmful impact upon this property.

Side windows would be positioned on the north elevation of the proposed dwelling. A condition is recommended requiring these windows to be obscure glazed and therefore they would not compromise the privacy of No. 152.

The dwelling would be approximately 10m from the rear boundary of the site,

and there are no neighbouring properties immediately adjacent to this boundary. Therefore the proposal would not have a harmful impact upon the properties to the south east and south west.

Objections have been received from No.20 Windmill view on the basis of overshadowing and overlooking. It should be noted that the distance between the rear of the proposed house and the rear of No.20 is 22m. Given the distance it is not considered that there would be an adverse impact.

Other Issues

As the proposed dwelling replaces a garage the Environmental Health Officer has stated that to ensure safe development of the new premises, it is appropriate to apply a discovery condition that will allow any unexpected findings or discoveries to be dealt with during the construction phase. This is appropriate given the length of time that the buildings have been identified as being on site. Historical mapping suggests these as early as 1951.

Matters raised in an email has been received from 52 Ladies Mile Road, in respect to further discussions with the applicant about other proposals are not the subject of this application, and therefore material to this application.

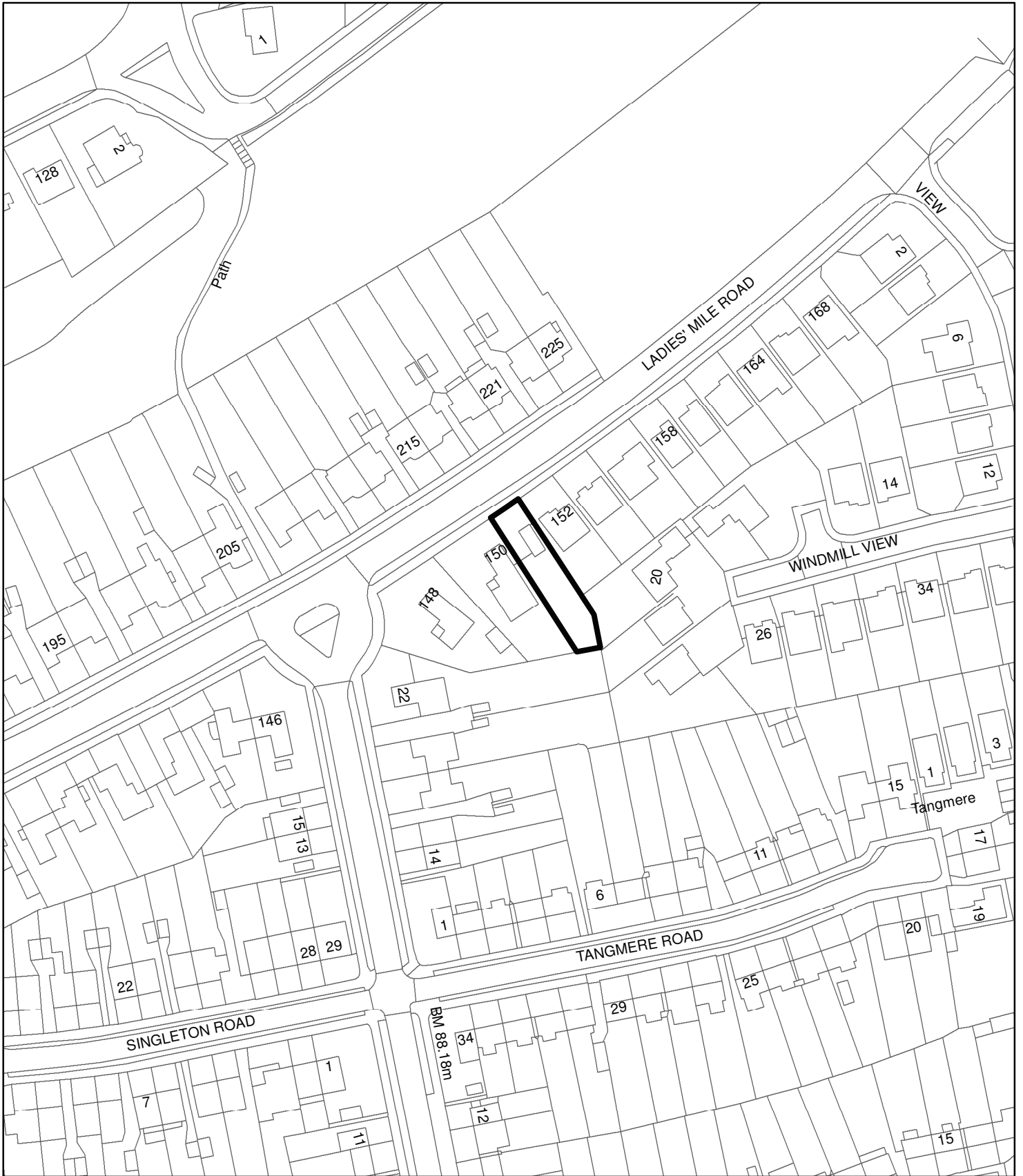
9 CONCLUSION

The proposal for a dwelling on the site is acceptable in principle and would not cause harm to the character of the surrounding area. No significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and transport issues. Landscaping and measures to preserve ecology/biodiversity are secured by appropriate planning conditions

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/02845 150 Ladies Mile Road, Brighton.



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|------------------|
| <u>No:</u> | BH2011/03629 | <u>Ward:</u> | HOVE PARK |
| <u>App Type:</u> | Householder Planning Consent | | |
| <u>Address:</u> | 21 Dyke Road Avenue, Hove | | |
| <u>Proposal:</u> | Erection of porch extension of front, single storey side and rear extension and balcony area above existing rear conservatory. | | |
| <u>Officer:</u> | Mark Thomas, tel: 292336 | <u>Valid Date:</u> | 29/11/2011 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 24 January 2012 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | Roberts & Wrigley Associates, 27a Goring Road, Goring By Sea, Worthing | | |
| <u>Applicant:</u> | Mr L Cadell-Smith, 21 Dyke Road Avenue, Hove | | |

This application was deferred at the last meeting on 22/02/12 for a Planning Committee site visit.

1 RECOMMENDATION

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

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawing no. 2 received on 28th November 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The external finishes of the extension hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

4. BH14.02 Archaeology (Watching brief)
5. No development shall take place until full details of the proposed balcony balustrade and screening have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the balcony shall not be brought into use until the approved screening has been installed in its entirety.
Reason: To ensure a satisfactory appearance to the development, to protect adjoining properties from overlooking, and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
6. There is a Beech tree within the garden of no. 23 Dyke Road Avenue

adjacent the shared boundary with the application property which would be approximately 3m from the proposed extension. Any roots of this tree within the rear garden of the application property shall be protected to BS 5837 (2005) Trees in Relation to Construction as far as is practicable. No development shall commence until an Arboricultural Method Statement is submitted to and approved in writing by the Local Planning Authority. The approved method of tree protection shall be implemented prior to commencement of works on site and retained until the completion of the development hereby permitted.

Reason: To afford adequate protection to a tree in the interest of the visual amenities of the area and to comply with policy QD16 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:

(i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

The proposed development would not have a significant harmful impact on the character and appearance of the recipient property or the wider street scene. Further, no significantly detrimental impact on neighbouring residential amenity is foreseen.

2 THE SITE

The application relates to a two storey detached house with a chalet bungalow style front elevation situated on the west side of Dyke Road Avenue.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

Planning permission is sought for the construction of a single storey side and rear extension, and the creation of a balcony over an existing rear conservatory.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **Nos. 23 & 25 Dyke Road Avenue** objecting to the proposed development for the following reasons:

- Increased sense of enclosure by virtue of the positioning of the proposed extension right up to the boundary with no. 23 Dyke Road Avenue.
- Building up to the boundary would have an unwelcome terracing effect. A

- separation of 1m from the shared boundary would be more appropriate.
- Overlooking from the proposed balcony.
- The extension would impact upon the roots and future health of a mature beech tree within the garden of no. 23 Dyke Road Avenue.

Councillor Vanessa Brown objects to the proposed development. The two letters are attached as an appendix report.

Brighton & Hove Archaeological Society comment as follows:

- The society are unaware of any archaeological implications with regards this planning application.

East Sussex County Council Archaeologist comments as follows:

- The development is situated within an Archaeological Notification Area.
- It is recommended that a watching brief takes place on the site and that a planning condition to this effect is attached to any planning permission that is granted.

Internal:

Arboricultural Section comment as follows:

'In the neighbouring garden at number 23 Dyke Road Avenue is a Beech tree that will be approximately 3 metres away from the proposed development.

This Beech has been poorly pruned in the past and has limited public amenity value, therefore it is unworthy of Preservation Order.

The area of the proposed extension in the vicinity of the Beech is currently laid to concrete. This is a hostile environment for tree roots and there are unlikely to be any present.

The area between the proposed extension and the tree is paved. This will offer the tree's roots a degree of protection, however, the Arboricultural Section would like a condition attached to any consent granted regarding the full protection of any roots in this vicinity.

The applicant may also like to consider protection of the garden area, however, this is advisory only.

Overall the Arboricultural Section has no objection to the proposals in this planning application'.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

- QD14 Extensions and alterations
- QD16 Trees and hedgerows
- QD27 Protection of Amenity
- HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning documents

- SPD 06 Trees and Development Sites

8 CONSIDERATIONS

The main issues of consideration relate to the impact of the development on the character and appearance of the building and the wider area, and the effect on the residential amenity of neighbouring properties. Further consideration will be given with regards the location of the site within an Archaeological Notification Area.

Design

Planning permission is sought for the construction of a single storey side and rear extension, and the creation of a balcony over an existing rear conservatory. The proposed porch would be a relatively modest addition, and is considered to be of sympathetic design. The proposed side/rear extension would replace an existing flat roofed attached garage. The extension would feature a flat roof, with a dummy pitch roof to the front. Whilst properties within the vicinity retain a degree of separation from side boundaries, given the positioning of the existing attached garage, it is not considered that the views towards the property from the street would be significantly altered. The extension would extend the full depth of the recipient property and protrude a further 1m beyond the rear of the main house. The southern wall of the extension would extend out from the rear wall of the house, meaning the extension would span a width of 0.3m across the rear elevation. The extension would be constructed in materials to match the main house. Overall the extension is not considered to represent an overextension of the recipient property, and given that the impact of the proposed extension on the street scene would be minimal, the proposed extension is not considered significantly harmful to the character and appearance of the recipient property or the wider street scene.

The proposal for the balcony involves the installation of a 1.0m high balustrade around the flat roof over an existing rear extension, and the installation of screening to the northern and southern ends to a height of 1.95m. Details of the materials for the balustrade and screens has not been

specified although further details could be secure through the imposition of a condition on any grant of planning permission. The proposed balcony would not be visible from the street. It would only be visible from within the neighbouring gardens. As such, the proposed balcony and associated screens are not considered to be significantly detrimental to the character and appearance of the existing property or the wider street scene.

Impact on neighbouring amenity

The proposed extension would be in close proximity to the shared boundary with no. 23 Dyke Road Avenue. This neighbouring property features a south facing window to a rear sunroom which would sit opposite the proposed extension. Whilst it is considered that this window would be impacted on to some extent by the proposed extension in terms of overshadowing, it is noted that this sunroom is served by a large set of glazed patio door and sidelights on the rear elevation. These rear doors would be situated sufficiently far from the proposed extension as to avoid any significant degree of overshadowing, loss of outlook or increased sense of enclosure, and as such the impact on the aforementioned side window is not considered of such harm to warrant refusal of the current planning application. The proposed balcony would provide for views towards neighbouring properties. It is noted, however, that privacy screening is proposed to the northern and southern sides, and that potential views would be restricted to towards lower garden areas at nos. 19 and 23 Dyke Road Avenue. This is considered to be acceptable. A visit to the site in December revealed that a large number of trees adjacent the side boundaries retained foliage, indicative of a reasonable level of boundary screening throughout the year. Overall the proposed development is not considered to represent significant harm to the residential amenity of neighbouring properties.

Tree protection

There is an existing beech tree within the rear garden of the neighbouring property no. 21 Dyke Road Avenue in close proximity to the shared boundary. This tree would be approximately 3m from the proposed extension. The council's Arboriculturalist does not consider it likely that this tree would have roots running under the proposed extension, although there could potentially be roots beneath the paving between the extension and the tree. Any approval shall condition the protection of such roots in the vicinity in accordance with BS 5837 (2005): Trees in Relation to Construction. An arboricultural method statement regarding the protection of this tree during construction shall be required for written approval prior to the commencement of works.

9 CONCLUSION

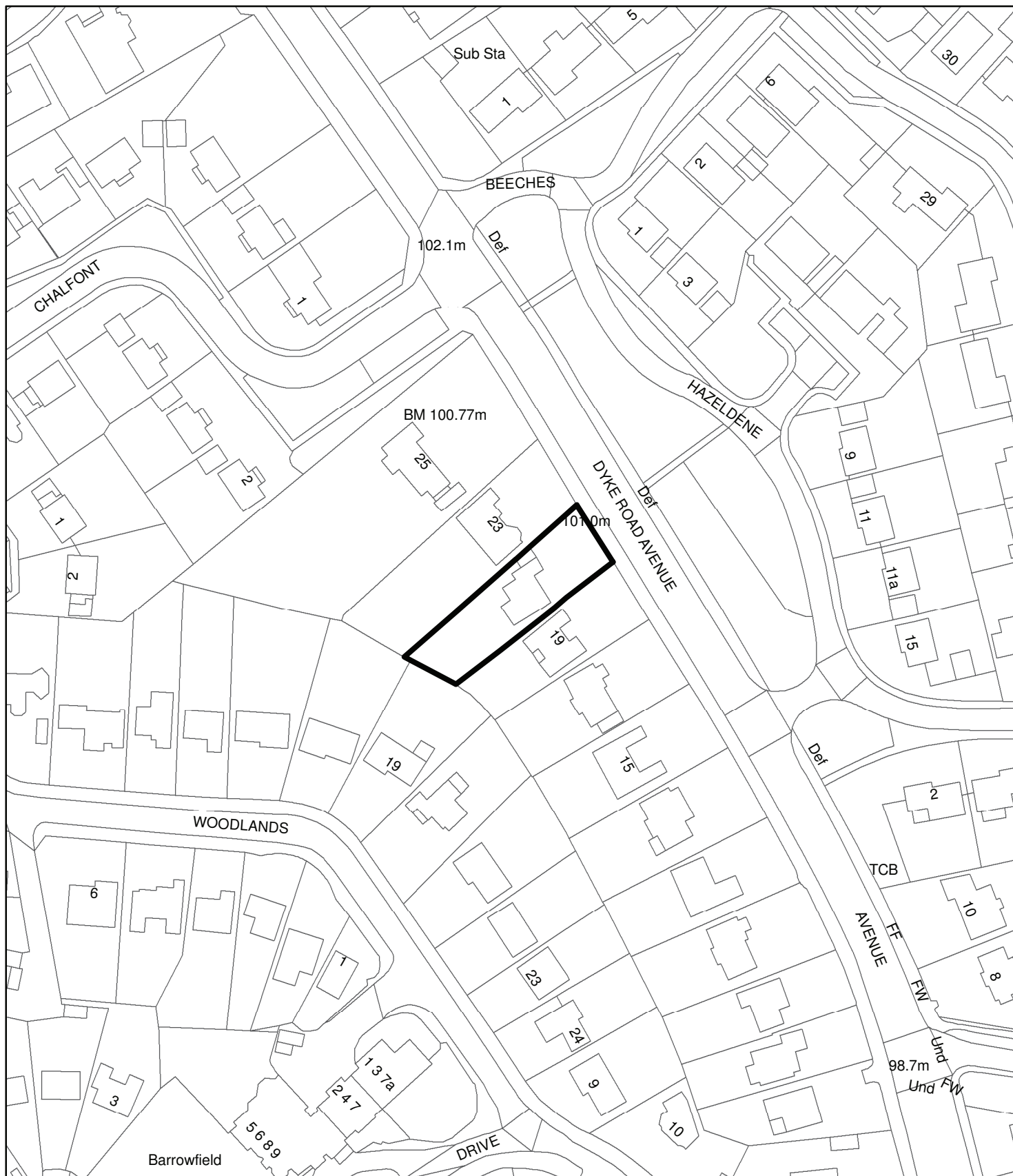
The proposed development would not have a significant harmful impact on the character and appearance of the recipient property or the wider street scene. No significantly detrimental impact on neighbour amenity is foreseen. Subject to compliance with conditions the Beech tree within the garden of no. 23 Dyke Road Avenue should not be harmed during construction works. For

these reasons the application is recommended for approval.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/03629 21 Dyke Road Avenue, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 14 MARCH 2012

COUNCILLOR REPRESENTATION

From: Vanessa Brown
Sent: 17 February 2012 11:16
To: Ross Keatley
Subject:

Dear Mr Keatley

Re BH2011/03629 21 Dyke Road Ave

I would like to request a site visit for this application as the plans are to build right up to the boundary of No. 23 Dyke Road Avenue which is going to have a serious impact on the residents of No.23. and is unneighbourly.

Yours sincerely

Vanessa Brown

Cllr Vanessa Brown
Conservative Member for Hove Park Ward

From: Vanessa Brown
Sent: 10 January 2012 19:22
To: Mark Thomas
Subject:

Dear Mr Thomas

Re BH2011/03629 21 Dyke Road Avenue

As a Councillor for Hove Park Ward I wish to object to the above planning application. The houses in Dyke Road Avenue are characterised by being large detached houses in spacious gardens.

This application is to build right up to the boundary with 23 Dyke Road Avenue yet all the houses are set back into their boundaries by approximately two metres to give the general feeling of spaciousness.

The close proximity of this proposed extension to the sunroom of No. 23 would mean a loss of light and the morning sun. It would also give a feeling of being very enclosed.

I am also concerned about the extension being built in close proximity to a very mature copper beech tree in the garden of No. 23. I am afraid that the roots could easily be damaged leading to the possible loss of the tree.

I believe there are also plans for a balcony on the roof of the existing sunroom which would cause a loss of privacy to the neighbours on either side.

If the recommendation should be to grant this application I would like it to go before the full planning committee.

Yours sincerely

Vanessa Brown

Cllr Vanessa Brown
Member for Hove Park Ward

| | | | |
|--------------------------------------|---|----------------------------|---------------------|
| <u>No:</u> | BH2011/03705 | <u>Ward:</u> | PRESTON PARK |
| <u>App Type:</u> | Householder Planning Consent | | |
| <u>Address:</u> | 23 Lowther Road, Brighton | | |
| <u>Proposal:</u> | Erection of single storey side and rear extension. | | |
| <u>Officer:</u> | Liz Arnold, tel: 291709 | <u>Valid Date:</u> | 07/12/2011 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 01 February 2012 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | Hove Contractually LLP, 37 Lyndhurst Road, Hove | | |
| <u>Applicant:</u> | Mr Jeff Hayward, 23 Lowther Road, Brighton | | |

1 RECOMMENDATION

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

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. 100 and 101 received on the 6th December 2011 and drawing nos. 200RevA and 201RevA received on the 26th January 2012.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. BH03.03 Materials to Match Non-Con Area.

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The proposed extension would not have an adverse impact upon the visual amenities of the parent property or the wider area. Furthermore it is not considered that the proposal would have a significant adverse impact upon the amenities of the neighbouring properties.

2 THE SITE

The application relates to an end of terrace property located on the western side of Lowther Road almost opposite the junction with Hythe Road. The property comprises two storeys, although due to the south-west to north-east

gradient upon which the site is located, the ground floor rooms located at the front of the property are sited higher than the kitchen area. The property has an L-shaped built form, a characteristic of properties within the surrounding area.

The property has been extended in the past by way of rear dormer window; no planning permission has been identified for this extension.

Lowther Road is located on a north to south gradient and as a result the ridge heights of the properties in the street step up in pairs which results in nos. 21 and 23 being the same height but no. 25 being set at a higher level.

3 RELEVANT HISTORY

None identified.

4 THE APPLICATION

Planning permission is sought for the erection of a single storey side and rear extension.

5 CONSULTATIONS

External:

Neighbours: Ten (10) letters of representation have been received from 17, 21, 25 (4 e-mails), 27 (2 e-mails), 29 and 31 Lowther Road, objecting to the application for the following reasons:

- a rear extension out to the other boundary is inappropriate and not in character or sympathetic to these terraced houses,
- the appearance and size is not appropriate,
- overshadowing of and loss of light to the kitchen and rear living room window by the new wall for the immediate neighbours,
- plan is intrusive and insensitive,
- extension will set a precedent locally and may influence future decisions about similar inappropriate plans,
- the proposal does not include the fence that the applicant intends to erect at the top of the boundary wall, this will increase the height of the structure to almost 2 storeys,
- effectively makes the outside return of the adjoining property into a dark corridor,
- the plans should be adjusted such that they are far more considerate of the impact on the adjoining property at no. 25, rather than a pitched roof with velux windows, perhaps a flat roof with horizontal skylights would achieve this,
- in the event of a fire, escape via a ladder would not be possible, repair of paintwork and rendering and access to downpipes, bathroom waste and down pipes will not be possible since there is no land adjacent to the side of the development,
- the proposed rooflights would mean the neighbouring property would see into the kitchen area and therefore does not provide privacy for residents of no. 23, and

- the extension brings the living arrangements of the applying household as near to their neighbour as you can get.

Councillor Mike Jones, objects, and a copy of his comments are attached.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

- QD14 Extensions and Alterations
QD27 Protection of Amenity

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the impacts that the design of the proposed extension will have upon the character and appearance of the parent property and the wider area and the impacts upon the amenities of neighbouring properties.

Visual Amenities / Design

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

Account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal would be.

The terraced property currently has an L-shape built form with a recess

located on the northern side. Permission is sought for a side in-fill extension and a connected rear extension, which would result in a ground floor wrap-around extension, in order to provide an enlarged kitchen area.

The proposed single storey side extension element would project from the existing north facing elevation of the property by a maximum of approximately 1.5m, which would result in the extension in-filling the existing recessed area. Since submission of the application the upper part of the extension has been reduced in width in order to prevent the related guttering over-hanging the boundary with no. 25 Lowther Road. The upper part of the extension would now be set in from the retained boundary wall, shared with no. 25, by approximately 0.1m. The side element of the extension would project from the existing recessed west facing elevation of the property by approximately 5.1m.

The rear section of the proposed extension would project from the western most elevation of the dwelling by approximately 1.4m. The width of this element of the extension would be approximately 4.7m, which results in the extension extending across the entire width of the dwelling and connecting with the side extension in order to form a wrap-around extension.

The proposed side and rear extension would have a pitched roof form with ridges located approximately 3.15m above related ground level and an eaves height of approximately 2.3m.

Four rooflights are proposed within the pitched roof of the extension and four fully glazed sliding/folding doors would be located within the western facing elevation. Materials are to match existing.

At present a close boarded timber fence, of approximately 1.9m in height is located approximately 0.2m from the boundary with no. 25 Lowther Road. This existing fence would be removed nearest to the dwellings as part of the proposal in order to accommodate the proposed extension. The boundary wall located along the actual shared boundary of the site, which measures approximately 1.3m when measured on the side of no. 23, would be retained adjacent to the proposed extension.

An existing soil and vent pipe at the rear of the property would also be repositioned as part of the development so that it is located adjacent to the recessed west facing elevation of the property rather than on the north facing elevation of the projecting section of the dwelling. The new pipe would extend up between the windows within the existing rear dormer window. The top of this relocated pipe would exceed the flat roof of the rear dormer by approximately 0.4m.

The rear of 23 Lowther Road is visible from the rear parts of neighbouring properties and associated gardens. There is no street view. There is a recent appeal decision relating to no. 95 Loder Road, which is

relevant to this scheme. The appeal allowed a development of a similar size and form to that proposed. The Inspector states that the *extension “would be of a relatively modest scale and height in relation to the larger existing projection. It would also appear as a distinct later addition, to that the characteristic form and extent of the original outrigger would remain fairly apparent. The noticeably more prominent roof and upper part of the rear projection would also be unchanged. As a subordinate infill addition the part to the side would reflect the former presence of a light well, with the noticeably larger two storey projection remaining the dominant feature at the area. The proposal would not therefore detract from the repetitive nature of the rear of the terrace”*. It is considered that this analysis relates to the proposed development at 23 Lowther Road.

There are also some recent similar schemes which have been granted approval by the Local Planning Authority, namely nos. 3 (BH2009/01997) and 111 (BH2011/00425) Lowther Road and nos. 33 (BH2010/04041), 26 (BH2010/01616) and 15 (BH2010/01186) Chester Terrace.

Notwithstanding third party objections and given the appeal case it is not considered that the design of the proposal would have an adverse impact upon the character of the parent property or the wider area.

Impact Upon Neighbouring Properties

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use would not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Due to the presence of a south-west to north-east gradient, no. 25 Lowther Road is set at slightly higher level than no. 23 Lowther Road although due to the design of the street to reflect the gradient, no. 21 is located at the same height as no. 23.

The existing timber fence located between nos. 23 and 25 would be removed as part of the proposal however the existing boundary wall would be retained. When measured from the ground level associated with no. 23 this all measures approximately 1.3m but 0.4m from the ground level of no. 25. The existing timber fence exceeds the height of the boundary wall by approximately 0.8m.

The proposed extension would have a pitched roof form. The eaves of the extension would be located approximately 1m above the retained boundary wall. It is noted that a window is located in the south facing elevation of the projecting section of no. 25 in addition to a window within the recessed west facing elevation of this neighbouring property, both at ground floor level.

Due to the pitched roof design of the extension, the variation in ground levels

between the site and no. 25 and the presence of the existing timber fence (which measures 1.9m in height), it is considered that the proposed extension would not have a significant adverse impact upon the amenities of the occupiers of no. 35 with regards to loss of light/sunlight, overshadowing or loss of outlook. Furthermore due to the nature and positioning of the north facing rooflights and their height above related floor level, it is not considered that the proposal would have a significant adverse impact upon the amenities of the northern neighbouring property with regards to loss of privacy or overlooking. Comments from the occupiers of no. 25, with regards to views into the extension that the proposed rooflights would provide are noted but would not result in an adverse amenity impact.

As set out above nos. 23 and 21 Lowther Road are set at the same ground level. Following amendments to the proposal the existing southern boundary would not be altered. In the vicinity of nos. 23 and 21 the existing boundary fence has a height of approximately 1.9m whilst the existing sloped boundary wall varied in height from between a maximum of approximately 3m to 2.4m. The west facing elevation of the rear section of the proposed extension would be located in alignment with the western most line of this boundary feature.

Within the western elevation of the projecting section of no. 21 are a window and a partially glazed door. Overall it is considered that the proposal would not have a significant adverse impact upon the amenities of the occupiers of no. 21 with regards to overshadowing, loss of light, overlooking or loss of privacy, given the design and size of the proposed extension, the existing boundary treatment and the orientation of the sun in respect of the extension and this neighbouring property.

Furthermore the plans provided demonstrate that the proposed extension would not intersect a vertical 45° line drawn from the centre of the neighbouring windows, both with regards to nos. 21 and 25 Lowther Road.

It is not considered that the alteration to the soil and vent pipe would have an adverse impact upon the amenities of neighbouring properties.

Third party letters of objection refer to the erection of a fence above the existing boundary wall located between nos. 23 and 25 Lowther Road. However no such feature is shown on the plans submitted and therefore the Local Planning Authority is unable to assess this element. In addition the applicant would be able under householder permitted development rights to erect a 2m high fence without the need for planning permission.

Conclusion

For the reasons set out above it is considered that the proposal accords with policies of the Brighton & Hove Local Plan, approval is therefore recommended.

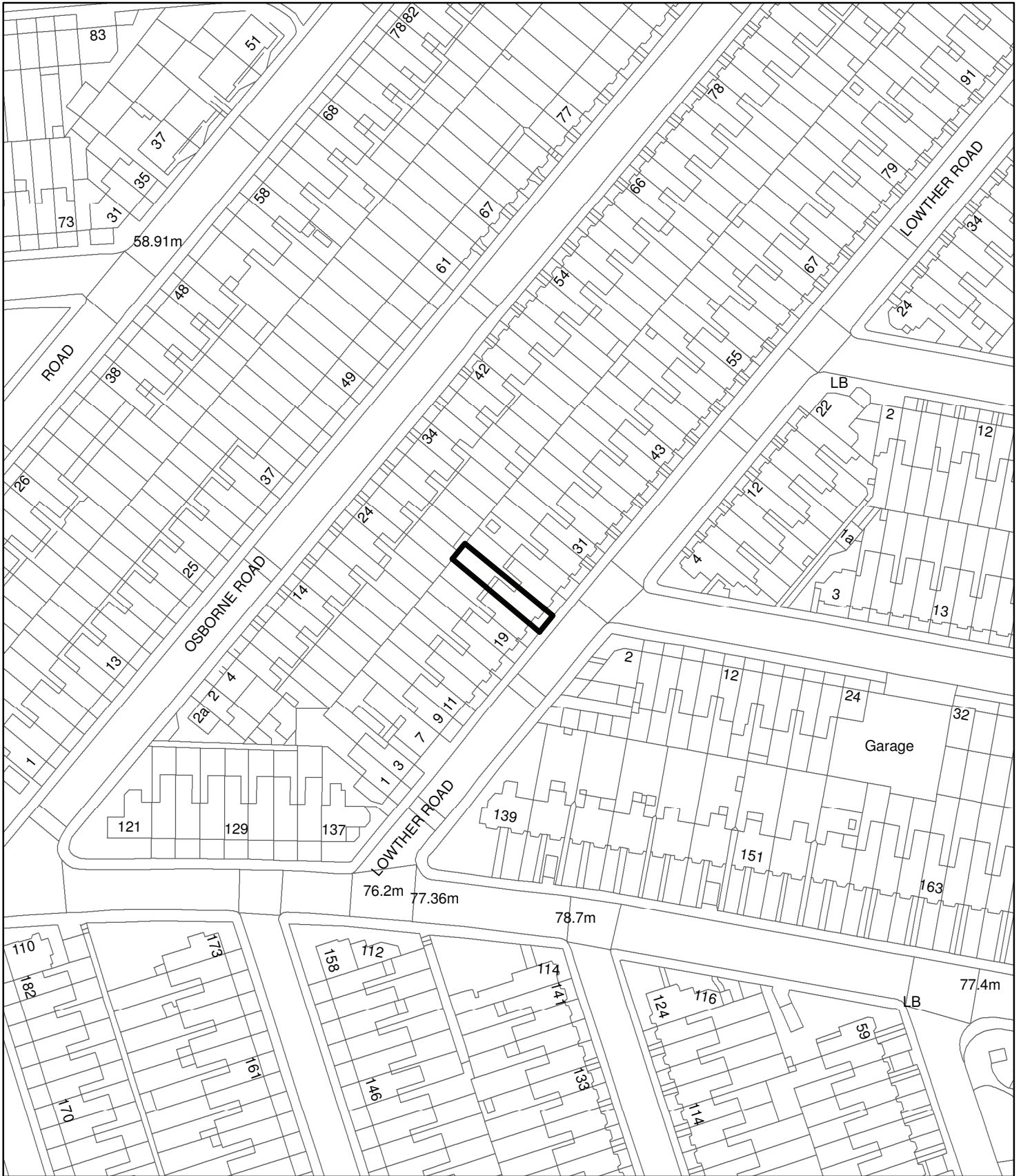
9 CONCLUSION

The proposed extension would not have an adverse impact upon the visual amenities of the property or the wider area. Furthermore it is not considered that the proposal would have a significant adverse impact upon the amenities of the neighbouring properties. As such the proposal accords with policies of the Brighton & Hove Local Plan.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/03705 23 Lowther Road, Brighton.



Scale: 1:1,250

From: Mike Jones
Sent: 27 January 2012 12:31
To: Liz Arnold
Subject: BH2011/03705

Dear Liz

Re Planning Application for 23 Lowther Rd. Brighton. BH2011/03705

I met with Mr Angus Goldfinch of 25 Lowther Rd earlier this week re his neighbours planning application for a kitchen extension at number 23 Lowther Rd.

Several concerns about this application were raised with me and on inspecting the site I concur with his objections.

The plans are misleading and do not convey the true impact of daylight reduction to the side return kitchen window of the rear of number 25.

The drawings showing the rear elevation of numbers 25 and 23 suggest that the infill extension built in the return of number 23 will be fairly low level in height and not impact on access to daylight at number 25.

In fact the roof of the extension will turn the side return of number 25 into an alley with restricted daylight. It is necessary to stand in the side return of number 25 to understand this as the drawings do not convey the true visual and spatial impact of the extension.

The applicants at number 23 have told Mr Goldfinch that they will erect a fence on top of the boundary wall of their extension which will of course further reduce daylight access to the kitchen at number 25.

Mr Goldfinch understands that the only access to gutters and for maintenance to the new side extension at number 23 will be via number 25 and this issue has not been addressed by the planner or the residents of number 23.

It is believed that this style of development sets a precedent locally and several neighbours have voiced concerns to Mr Goldfinch about this.

Yours Sincerely

Mike Jones

Green City Councillor
Preston Park Ward
Brighton & Hove

01273 291149

| | | | |
|--------------------------------------|---|----------------------------|---------------------|
| <u>No:</u> | BH2010/03696 | <u>Ward:</u> | QUEEN'S PARK |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 6 - 8 St James's Street, Brighton | | |
| <u>Proposal:</u> | Installation of acoustic panelling to fixed freezer unit and waste storage area within service yard. Removal of Dawson's chiller unit and storage containers. Removal of existing palisade fencing and erection of new acoustic fencing and gates to service yard. | | |
| <u>Officer:</u> | Chris Swain, tel: 292178 | <u>Valid Date:</u> | 19/01/2011 |
| <u>Con Area:</u> | East Cliff and adjoining Valley Gardens | <u>Expiry Date:</u> | 16 March 2011 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | PW Davis Architects, Unit 7B, Estate Yard, Harewood, Leeds | | |
| <u>Applicant:</u> | Wm Morrisons Supermarket Plc, Hilmore House, Gain Lane, Bradford | | |

1 RECOMMENDATION

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

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with drawings No. 09109-PL106 and 09109-PL-105, a Design and Access Statement, a Waste Management Statement, a Heritage Statement and an Acoustic Report (dated 25 November 2010) received on 26 November 2010, an acoustic report (dated 4 March 2011) received on 23 March 2011, and drawing No.09109-PL112-Rev D received on 11 January 2012.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) Within 30 days of the grant of this planning permission the external surfaces of the existing freezer unit shall be fully clad in accordance with the specification set out in the second paragraph of the submitted Acoustic Report by Belair Research Limited dated 4th March 2011. The cladding shall be retained as such thereafter.
Reason: To safeguard the amenities of the locality and to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
- 4) The delivery bay (including freezer unit and bin store) shall only be

accessed by members of staff or vehicles between the hours of 07.00-20.30 on Mondays to Saturdays and Bank Holidays and between the hours of 09.00-16.00 on Sundays. The gates to the delivery bay hereby approved shall only be open during these hours.

Reason: To safeguard the amenities of the locality and to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

- 5) No development shall take place until samples of the materials (including colour of paintwork) to be used in the construction of the external surfaces of the fencing/cladding hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 6) Within 30 days of the grant of this planning permission the existing Dawson's chiller and the external container units shall be permanently removed from the service yard unless expressly agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

The proposed development is not considered to detract significantly from the appearance or character of the site or the wider East Cliff and Valley Gardens Conservation Areas. The proposal is not considered to impact significantly on the residential amenity of neighbouring properties.

2 THE SITE

This application relates to the unloading bays/service area located in the north-west corner of Morrisons car park, which is accessible via Dorset Street to the north. The car park is an open tarmaced area and is situated above the retail floorspace of the store. The rear service yard is flanked to the west by St James's Place and Parochial Terrace/Parochial Mews, to the north by Dorset Mews and Dorset Street and to the east by George Street. The supermarket and wider car park site are located within the East Cliff Conservation Area and immediately adjacent to the Valley Gardens Conservation Area.

3 RELEVANT HISTORY

BH2010/03717: Variation of condition 5 of permission BN84/0222/F (Erection of supermarket complex comprising of 1no floor of retail space with 1no level of open car parking for 96 cars) for delivery hours to be extended to 07.00 to

20.30 on Monday to Saturday (including Bank Holidays) and 09.00 to 16.00 on Sunday. Currently under consideration and reported elsewhere on the agenda.

BH2009/02764: Removal of existing palisade fencing and erection of new fencing and gates to service yard. Withdrawn 5 July 2010.

BH2009/02750: Installation of 2No. storage containers and 2no. chiller units in rear storage yard (retrospective). Withdrawn 5 July 2010.

BH2001/02097/FP: Variation of Condition 5 to allow permanent use of site for deliveries and use of unloading bays. Granted 22/11/01 for a temporary period of 7 months to assess the effects on a newly built residential development located adjacent to the loading bays and to assess if Safeways could adhere to their specified time.

BH2001/001763FP: Variation of Condition 5 of planning permission BN84/0222/F to allow deliveries to the store on Sundays between the hours of 09.00am and 16.00pm. Approved 30 April 2003.

BH1998/02590/FP: Variation of Condition 5 of permission BN84/0222/F to allow for service deliveries and use of the unloading bays on Sundays and Bank Holidays between 09.00am and 16.00pm Granted 16/02/99 for a temporary period of 6 months.

BN84/0222/F: Erection of supermarket, approved in April 1984, with Condition 5 attached relating to deliveries and the use of the unloading bays to take place between the hours of 07.00am and 19.00pm Monday – Saturday, and at no other time.

4 THE APPLICATION

Planning permission is sought for the installation of storage containers incorporating sound insulated panelling and the removal of the Dawson's chiller unit from service yard. Removal of existing palisade fencing and erection of new acoustic fencing and gates to service yard.

There is a current planning enforcement investigation into noise nuisance from the freezer unit and the Dawsons's chiller unit and the unauthorised installation of palisade fencing to the north of the site. The approval of this application should address these concerns.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **No.15 Dorset Mews** and **Nos. 18 and 19 George Street** objecting to the application for the following reasons:

- Adverse visual impact of fencing,
- Overbearing impact and loss of light/overshadowing,
- Concern expressed over noise from freezers chillers,
- Gates will create noise problems when open,
- Noise will travel over fence gates to nearby bedrooms,
- Heavy gates will make noise when opening/closing,
- Delivery lorries are a source of noise disturbance,
- Fence/gate may make access for delivery vehicles more difficult.

Cllr Fryer objected to the proposal (comments attached).

Whilst Cllr Fryer is no longer a Ward Councillor for Queen's Park, the three current Ward Councillors, **Cllrs Bowden, Duncan and Powell** have agreed to uphold the original comments and have requested that the application be heard at Planning Committee if the recommendation is for approval.

Internal:

Heritage Team: This is a parking/service area within the East Cliff Conservation Area. Due to its use and the lack of any attractive screening it is not an area which makes a positive contribution to the character of the conservation area.

This is a proposal to enclose a part of the open area with high security fencing. The proposed fencing is very tall and it is suggested that a slight reduction to 2.5 m high would make a less imposing impact on the site. As the use and general appearance of the area does not currently contribute to the historic area in a positive way, it is considered that subject to the proposed amendment the fencing will not significantly worsen the effect of this space on the conservation area.

Environmental Health:

Original Comments – 23 February 2011.

Drawing 09109 – PL107 in elevation G makes reference to the Dawson Chiller. It is understood this was to be removed

The walk in freezer unit detailed on the plan has been the subject of noise complaints and a noise abatement notice was served relating to the noise from the plant serving the unit. It is acknowledged that some noise mitigation measures have been introduced and reduced the noise coming from the unit. However, further noise mitigation measures are still needed. It is understood that sound insulation material was proposed on the roof of the unit. This is not detailed on any drawings or plans. It is noted that 18mm acoustic buffalo boarding will be used which is a good mitigation measure. However, residents in George Street who have complained about noise from the unit overlook the site and their houses sit above the site so they overlook the roof of the freezer. They will therefore be affected by noise breaking through the roof. Screening alone using buffalo fencing is not sufficient to protect the George Street residents. The application should include an acoustic report demonstrating that the operation of the freezer can achieve at least 5 dB(A) below background at the nearest residential premises. This unit operates 7 days a week and 24 hours a day.

Even though the chiller unit and dry storage units are to be removed they are being replaced by a bin store and waste cupboard storage unit. Staff accessing the bin store and collection lorries accessing the stores can all impact on the resident in the adjoining house at 15 Dorset Mews. Conditions are recommended to address the following issues:

- Times restricting the use of the bin store and cardboard store;
- Times restricting the use of the service bay area created by the fencing and gate; and
- Times restricting the collection times from the bin store and cardboard store.

Revised comments – 22 June 2011.

The chiller and dry storage units will be removed. These have been the subject of complaint and the noise from the chiller unit has been the subject of a noise abatement notice.

The specification for additional cladding detailed in the Belair Research Ltd letter dated 14th March 2011 confirms that noise from the operation of the freezer unit will be reduced to 33dB(A) or less at the nearest dwellings. This cladding specification needs to be added to the plans for this application. A noise abatement notice was served in relation to noise from the freezer unit and some work was done to reduce this noise. Complaints are still being made about noise from the freezer and the additional cladding is required to reduce the noise impact of this unit.

Recommend the use of the delivery bay, and access to the bins, and waste collection bins, and gate opening times to be all restricted to the delivery times.

Sustainable Transport: No objection.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Guidance Notes (PPGs):

PPG 24: Planning and Noise

Brighton & Hove Local Plan:

| | |
|------|---|
| TR7 | Safe development |
| QD1 | Design – quality of development and design statements |
| QD2 | Design – key principles for neighbourhoods |
| QD14 | Extensions and alterations |
| QD27 | Protection of Amenity |

| | |
|------|---|
| SU9 | Pollution and noise control. |
| SU10 | Noise nuisance |
| HE6 | Development within or affecting the setting of conservation areas |

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the visual impact of the proposed development upon the character and appearance of the site, the surrounding East Cliff Conservation Area and the adjoining Valley Gardens Conservation Area and the potential of noise disturbance upon the adjoining residents.

Policy Context:

Planning Policy Guidance: Planning and Noise (PPG24) outlines national policy on noise issues. Paragraph 19 of Annex 3 states that:

“The likelihood of complaints about noise from industrial development can be assessed, where the Standard is appropriate, using guidance in BS 4142: 1990. Tonal or impulsive characteristics of the noise are likely to increase the scope for complaints and this is taken into account by the “rating level” defined in BS 4142. This “rating level” should be used when stipulating the level of noise that can be permitted. The likelihood of complaints is indicated by the difference between the noise from the new development (expressed in terms of the rating level) and the existing background noise. The Standard states that: “A difference of around 10dB or higher indicates that complaints are likely. A difference of around 5 dB is of marginal significance.” Since background noise levels vary throughout a 24 hour period it will usually be necessary to assess the acceptability of noise levels for separate periods (e.g. day and night) chosen to suit the hours of operation of the proposed development. Similar considerations apply to developments that will emit significant noise at the weekend as well as during the week. In addition, general guidance on acceptable noise levels within buildings can be found in BS 8233: 1987, and guidance on the control of noise from surface mineral workings can be found in MPG 11.”

Paragraph 12 of PPG24 states that the hours when people are normally sleeping are 23.00-07.00.

Policies SU9, SU10 and QD27 of the Brighton & Hove Plan seek to ensure that development does not cause noise nuisance and does not cause harm to neighbouring amenity. Policies QD1, QD2 and QD14 seek to ensure a high level of design whilst policy HE6 looks to ensure any development preserves or enhances the appearance and character of the conservation area.

Appearance and Design:

The application relates to alterations to the service/delivery yard, located to the north of the supermarket. Planning approval is sought for the existing freezer unit adjacent to the eastern elevation of the Morrisons delivery building to the rear of the wider car park site. The freezer unit is 8.4m in

length, 3.8m in width and 2.3m in height. The existing palisade fencing and the solid masonry wall are to be replaced with a 3m high acoustic fence that fully encloses the freezer unit. The roof of the freezer unit will also be enclosed in acoustic cladding.

To the north west corner of the site, a 9.5m by 4.5m area is to be used for bin storage. The proposed bin storage area would be accessed from the south and enclosed in 3m high acoustic fencing. The existing Dawson's chiller unit and the two container units are to be removed.

The proposed 3m high acoustic fencing would extend north from the east facing elevation of the existing freezer unit to within 2.3m of the retaining wall, adjacent to the closest property on Dorset Mews (No.15). The fencing would then run westwards and adjoin the proposed fencing enclosing the bin store. The palisade fencing would be removed and 2m high fencing would enclose the existing access steps. Access to the service yard from the car park would be via sliding gates within the eastern elevation of the fencing. There would also be a pedestrian gate to the northern end of this elevation.

The existing service yard and wider car park area have little townscape merit and whilst the fencing, taken as a whole, would be a dominant feature within the site, it would screen the freezer unit and bin storage from views from the public domain and provide separation from the existing car park. That said, the height, in conjunction with the solid nature of the black painted, metal fencing would result in a somewhat stark and functional appearance that would detract from the appearance and character of the conservation areas.

The Heritage Team have stated that whilst the existing parking/service area does not make a positive contribution to the character of the conservation area the proposed fencing is very tall and would have an imposing impact on the site. A reduction in height to 2.5m is suggested to ensure that the proposal will not significantly worsen the effect upon this space within the conservation area.

Impact on Amenity:

The wider site is in use as car park open to both Morrisons customers and the general public. There is a high level of vehicular and pedestrian movements within this built up urban area and the application has been assessed against this background.

The specification for additional cladding to the freezer unit, confirms that noise from the operation of the freezer unit will be reduced to 33dB(A) or less at the nearest dwellings. This would be within 5dB(A) of the background noise level.

The proposed acoustic fencing separating the delivery area from the public car park and enclosing the bin store and freezer unit is considered to satisfactorily mitigate against potential noise disturbance from the freezer unit and the bin store to residential dwellings to the west, (St James's Place and

Parochial Terrace), to the north (Dorset Mews and Dorset Street) and to the east (George Street). Whilst it is acknowledged that during deliveries the sliding gates would be open and thus reduce the sound proofing qualities of the acoustic fencing to a degree it would still be an improvement on the existing situation where there is no fencing. A condition is recommended to stipulate that the use of the service yard area, as well as the operating of the sliding gates shall be confined to the agreed delivery hours. This should mitigate against any significant harm to the residential amenity of neighbouring properties with regard to noise disturbance.

The Environmental Health Team is satisfied that the acoustic fencing around the freezer compound in conjunction with the acoustic cladding to the roof and sides of the unit will offer adequate mitigation against potential noise disturbance to adjoining properties and will ensure that noise disturbance to the nearest residential windows will be within 5dB of background noise levels (set out in BS 4142: 1990) and thus accord with the guidance set out in PPG24. The Environmental Health Team are also satisfied that the proposed acoustic fencing will also reduce the potential noise disturbance for more general activities within the enclosed service yard area.

Revisions to the height of the fencing have been secured to ensure that there is not any significant impact upon the residential amenity of the adjoining property to the north, No.15 Dorset Mews. The closest section of fencing (enclosing the existing stairwell) has been reduced to 2m with the main 3m high fencing set back approximately 2.3m from the retaining wall. These revisions ensure that the proposed fencing does not result in any significant loss of light or outlook or any overshadowing to the front elevation of No.15. It is noted that the two windows to the south facing side elevation of the property serve the internal stairwell and there is not considered to be any significant impact to this elevation with regard to loss of light or overshadowing. The fencing is set away from the rear of the property and there is not considered to be any significant impact to the rear garden.

The main bulk of the proposed fencing would be screened from views from the front elevation and garden of the property by the existing substantial retaining wall and given that the positioning of the 3m high fencing has been set back from the property, on balance is not considered to result in a significantly overbearing impact to No.15. Similarly the fencing is not considered to be a significant visual intrusion.

As stated above, the Heritage Team suggest a reduction in height of the fencing to 2.5m. The acoustic report received on 23 March 2011 assessed two different scenarios with fencing at both 2.5m and 3m in height. There was a 5dB(A) attenuation at 2.5m at the nearest noise sensitive windows as opposed to 10dB(A) using a 3m fence. It is considered that, whilst a 2.5m high fence would reduce the impact of the proposal upon the appearance and character of the conservation areas it would also significantly reduce the effectiveness of the fence as an acoustic barrier and, on balance, and given

the history of noise complaints the 3m high fence is considered acceptable. Furthermore, it is noted that the existing unauthorised palisade fencing would be removed from the site and the enclosure around the access steps at the northern end of the site would be reduced to 2m in height and this will lessen the impact of the proposed fencing in views from the public domain.

Sustainable Transport: It is not considered that the proposal would result in any significant detrimental impact to the safety of users of the car park. The Sustainable Transport Team has no objections to the scheme.

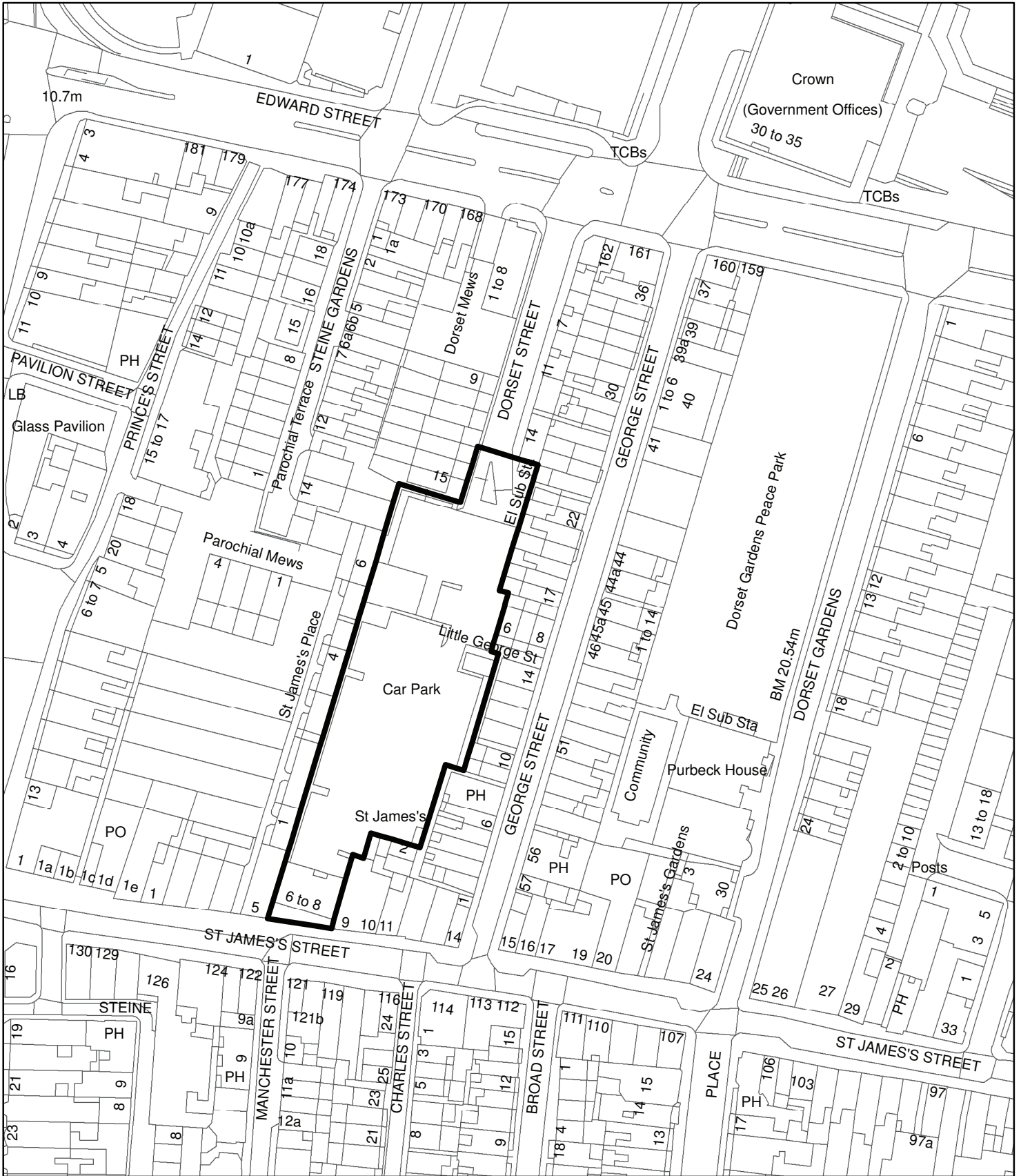
9 CONCLUSION

The proposed development is not considered to detract significantly from the appearance or character of the site or the wider East Cliff and Valley Gardens Conservation Areas. The proposal is not considered to impact significantly on the residential amenity of neighbouring properties.

10 EQUALITIES IMPLICATIONS

None.

BH2010/03696 6-8 ST James's Street, Brighton.



Scale: 1:1,250



Brighton & Hove COUNCILLOR REPRESENTATION
City Council

PLANS LIST – 14 MARCH 2012

From: Geoffrey Bowden
Sent: 14 January 2012 11:14
To: Chris Swain
Cc: Ben Duncan; Stephanie Powell
Subject: Re: Objections

Dear Chris

Good to speak to you yesterday. This message is to confirm that ward councillors would like these two matters to come the planning committee for determination. As you correctly pointed out they are related and should be considered together.

Best wishes
Geoffrey

*Cllr Geoffrey Bowden
Green Party Councillor Queen's Park Ward
Cabinet Member Culture Recreation & Tourism
Email: geoffrey.bowden@brighton-hove.gov.uk
Mobile: 07557 197601*

From: Geoffrey Bowden
Sent: 06 January 2012 18:03
To: Chris Swain
Cc: Ben Duncan; Stephanie Powell
Subject: Re: Objections
Importance: High

Dear Chris

Firstly happy new year and apologies that your message got swept up in the pre-Christmas rush and was consequently overlooked by me. Having seen the original comments from former Cllr Fryer, my inclination is to trust her judgement and ask for the applications to be referred to the Planning Committee. However, I would like to discuss this with my ward colleagues first before getting back to you with a definitive response in time for your deadline.

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Green Party Councillor Queen's Park Ward
Cabinet Member Culture Recreation & Tourism
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Mobile: 07557 197601*



**Brighton & Hove
City Council**

PLANS LIST – 14 MARCH 2012

COUNCILLOR REPRESENTATION

From: Rachel Fryer
Sent: 24 February 2011 00:43
To: Chris Swain; Rachel Fryer; Ben Duncan
Subject: Objections

Hi Chris

I'm writing to register my objections to the two applications from Morrisons below and request that if you are minded to grant that the decision be referred to the Planning Committee for consideration:

BH2010/03696 : On the grounds that it has caused visual problems for residents of Dorset Mews

BH2010/03717: On the grounds that residents have complained about noise problems created by delivery which will only be made worse by widening the hours of delivery

Best wishes

Councillor Rachel Fryer
Green Party, Queens Park ward
Spokesperson for Children, Families and Schools
Brighton and Hove City Council
Telephone: 01273 296442

| | | | |
|--------------------------------------|--|----------------------------|---------------------|
| <u>No:</u> | BH2010/03717 | <u>Ward:</u> | QUEEN'S PARK |
| <u>App Type:</u> | Removal or Variation of Condition | | |
| <u>Address:</u> | 6 - 8 St James's Street, Brighton | | |
| <u>Proposal:</u> | Variation of condition 5 of permission BN84/0222/F (Erection of supermarket complex comprising of 1no floor of retail space with 1no level of open car parking for 96 cars) for delivery hours to be extended to 07.00 to 20.30 on Monday to Saturday (including Bank Holidays) and 09.00 to 16.00 on Sunday. | | |
| <u>Officer:</u> | Chris Swain, tel: 292178 | <u>Valid Date:</u> | 17/02/2011 |
| <u>Con Area:</u> | East Cliff and adjoining Valley Gardens | <u>Expiry Date:</u> | 14 April 2011 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | P W Davis Architects, Estate Yard, Harewood, Leeds | | |
| <u>Applicant:</u> | Wm Morrisons Supermarket PLC, Hilmore House, Gain Lane, Bradford | | |

1 RECOMMENDATION

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

Regulatory Conditions:

1. Deliveries shall not be made except between the hours of 07.00 and 20.30 Monday to Saturday and between 09.00 and 16.00 on Sunday.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
2. The delivery bay (including freezer unit and bin store) shall only be accessed by members of staff or vehicles between the hours of 07.00-20.30 on Mondays to Saturdays and Bank Holidays and between the hours of 09.00-16.00 on Sundays. The gates to the delivery bay hereby approved shall only be open during these hours.
Reason: To safeguard the amenities of the locality and to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
3. There shall be no more than four deliveries on a Sunday.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
4. The development hereby permitted shall be carried out in accordance with drawing No. 09109-PL105 received on 26 November 2010, an acoustic report (dated 14 April 2011) received on 18 April 2011, an email from the planning agent outlining details of existing deliveries received on 18 July 2011, a Quiet Delivery Statement received on 17 January 2012

and an email from the planning agent outlining justification for the extended delivery hours received on 18 January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

5. The proposed car park shall be kept open for use by the public at all hours as may be reasonably be required by the Local Authority having regard to its parking policy and to the level of demand for the car parking out of shopping hours.

Reason: To accord with policies TR1, TR2 and TR7 of the Brighton & Hove Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent amending Order, the retail space shall be used primarily for the sale of foodstuff and other convenience goods.

Reason: To ensure that the use of the premises accords with the principle use of the area and policy SR1 of the Brighton & Hove Local Plan.

7. Delivery vehicles shall not be parked within the service area overnight.

Reason: To protect the amenities of the locality and comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

8. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, having reference to BS7445:2003, there should be no significant low frequency tones produced by the plant.

Reason: To safeguard the amenities of the locality and to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

The extended delivery hours, as proposed, are not considered to result in any significant increased harm to the residential amenity of the neighbouring occupiers.

2 THE SITE

This application relates to the unloading bays/service area located in the north-west corner of Morrisons car park, which is accessible via Dorset Street to the north. The car park is an open tarmaced area and is situated above the

retail floorspace of the store. The rear service yard is flanked to the west by St James's Place and Parochial Terrace/Parochial Mews, to the north by Dorset Mews and Dorset Street and to the east by George Street. The supermarket and wider car park site are located within the East Cliff Conservation Area and immediately adjacent to the Valley Gardens Conservation Area.

3 RELEVANT HISTORY

BH2010/03696: Installation of storage containers incorporating sound insulated panelling. Removal of existing palisade fencing and erection of new fencing and gates to service yard. Currently under consideration and reported elsewhere on the agenda.

BH2009/02764: Removal of existing palisade fencing and erection of new fencing and gates to service yard. Withdrawn 5 July 2010.

BH2009/02750: Installation of 2No. storage containers and 2no. chiller units in rear storage yard (retrospective). Withdrawn 5 July 2010.

BH2001/02097/FP: Variation of Condition 5 to allow permanent use of site for deliveries and use of unloading bays. Granted 22/11/01 for a temporary period of 7 months to assess the effects on a newly built residential development located adjacent to the loading bays and to assess if Safeways could adhere to their specified time.

BH2001/001763FP: Variation of Condition 5 of planning permission BN84/0222/F to allow deliveries to the store on Sundays between the hours of 09.00am and 16.00pm. Approved 30 April 2003.

BH1998/02590/FP: Variation of Condition 5 of permission BN84/0222/F to allow for service deliveries and use of the unloading bays on Sundays and Bank Holidays between 09.00am and 16.00pm. Granted 16/02/99 for a temporary period of 6 months.

BN84/0222/F: Erection of supermarket, approved in April 1984, with Condition 5 attached relating to deliveries and the use of the unloading bays to take place between the hours of 07.00am and 19.00pm Monday – Saturday, and at no other time.

4 THE APPLICATION

Permission is sought to vary condition 5 of permission BN84/022F to extend the delivery hours to 07.00 to 22.30 on Monday to Saturday (including Bank Holidays) and 09.00 to 16.00 on Sunday.

5 CONSULTATIONS

External:

Original Consultation

Neighbours: Letters of representation have been received **No.15 Dorset Mews, Nos.18, 19, 22 and 26 George Street and one unspecified address** objecting to the proposed extension of the delivery hours due to the potential for increased noise disturbance.

Cllr Fryer objected to the proposal (comments attached).

Reconsultations

The application was re-advertised with amended delivery hours on 23 November 2011. **No. 15 Dorset Mews** and **Nos.18 and 22 George Street** reaffirmed their objection, and there was an additional objection from **No.12 Dorset Mews**, both stating that the proposed delivery hours would result in increased noise disturbance.

There were no retractions of previous objections.

Whilst Cllr Fryer is no longer a ward councillor for Queen's Park the three current ward councillors, **Cllrs Bowden, Duncan and Powell** have agreed to uphold the original comments and have requested that the application should be heard at Planning Committee if the recommendation is for approval.

Environmental Health: This application requested a variation to the current condition relating to permitted delivery times.

Delivery noise consists of vehicle noise as lorries arrive and leave, vehicle reversing alarms, noise from chiller compressors fitted to the lorries to keep the goods cold or frozen, noise from radios, noise from lorry drivers talking, noise from the tail gate dropping on the floor, noise from delivery cages being rolled across the ground and noise from goods and pallets being dropped. These intermittent noises of varying character and duration may be intrusive and annoying and may attract attention.

Since the original condition for deliveries was applied in 1984 shopping patterns and supermarket opening hours have changed. At this store the warehousing and storage facilities are very limited so the majority of stock is unloaded straight on to the shelves and shop floor. When Morrison's took over the site they placed a portable chiller unit, portable freezer unit and two additional ambient storage containers in the car park adjacent to residential accommodation. Complaints were then received about noise from employees accessing the units late at night and noise from compressors serving the chiller and freezer. These units did not have planning permission.

If additional delivery times are permitted then it is proposed to remove the two ambient storage containers and the chiller storage container both currently in the car park.

The delivery area remains in the same place, which is part of a bigger public car park. The car park is not for sole use of Morrison's shoppers and is available for public use 24 hours / 7days a week. Application 2010/03696 includes the details of a scheme for fencing off the delivery bay area and making it secure and separate from the car park.

The applicant has provided background noise levels for the site and there appears to be consistently lower levels from 8.30 pm to 9pm so any additional delivery noise will be more evident.

Deliveries are currently happening 7am to 7pm Monday to Saturday. Having regard to the lower background from 8.30pm it is suggested that the condition be varied to extend deliveries 7am to 8.30pm Monday to Saturday.

Note that the background noise survey includes observations of deliveries already taking place on Sundays. The noise levels 8.30 -8.45 before the delivery started are consistently low. After that the survey is routinely interrupted by delivery noise. Can understand that some goods will be needed on Sundays but believe that the delivery window could be started later in the morning and for a shorter period. With perhaps a restriction on the number of deliveries.

Sustainable Transport: No comments to make.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Guidance Notes:

PPG 24: Planning and Noise

Brighton & Hove Local Plan:

| | |
|------|---|
| TR1 | Development and the demand for travel |
| TR2 | Public transport accessibility and parking |
| TR7 | Safe development |
| QD27 | Protection of Amenity |
| SU9 | Pollution and noise control |
| SU10 | Noise nuisance; and |
| SR1 | New retail development within or on the edge of existing defined shopping centres |

8 CONSIDERATIONS

The main consideration in the determination of this application relates to the impact of the increased delivery hours upon the amenity of neighbouring occupiers.

Planning Policy:

Planning Policy Guidance: Planning and Noise (PPG24) outlines national policy on noise issues. Paragraph 19 of Annex 3 states that:

The likelihood of complaints about noise from industrial development can be assessed, where the Standard is appropriate, using guidance in BS 4142: 1990. Tonal or impulsive characteristics of the noise are likely to increase the scope for complaints and this is taken into account by the "rating level" defined in BS 4142. This "rating level" should be used when stipulating the level of noise that can be permitted. The likelihood of complaints is indicated by the difference between the noise from the new development (expressed in terms of the rating level) and the existing background noise. The Standard states that: "A difference of around 10dB or higher indicates that complaints are likely. A difference of around 5 dB is of marginal significance." Since background noise levels vary throughout a 24 hour period it will usually be necessary to assess the acceptability of noise levels for separate periods (eg day and night) chosen to suit the hours of operation of the proposed development. Similar considerations apply to developments that will emit significant noise at the weekend as well as during the week. In addition, general guidance on acceptable noise levels within buildings can be found in BS 8233: 1987, and guidance on the control of noise from surface mineral workings can be found in MPG 11.

Paragraph 12 of PPG24 states that the hours when people are normally sleeping are 23.00-07.00.

Policies SU9, SU10 and QD27 of the Brighton & Hove Plan seek to ensure that development does not cause noise nuisance and does not cause harm to neighbouring amenity.

Impact on Amenity:

Condition 5 of the original application (BN84/0222/F) states,

Delivery of goods and use of the unloading bay shall take place only at certain times between the hours of 07.00 and 19.00 from Monday to Saturdays in accordance with a scheme to be agreed by the Borough Engineer and at no time on Sundays. The aforesaid scheme shall be submitted to the Borough Engineer before the completion of the development and no part of the development shall be brought into the use until such times as the scheme shall have been approved. The approved scheme shall be strictly adhered to all times except with the prior approval in writing of the Borough Engineer.

The applicant originally applied for an extension of delivery hours from 19.00-21.00 from Monday to Saturday, an increase to the delivery window of an additional 2 hours each evening. There are currently no deliveries permitted on Sunday. The application originally also proposed to introduce deliveries from 08.00 to 17.00 on Sundays.

Three temporary permissions have previously been granted for delivery hours on Sunday though there have not been any previous applications to extend the delivery hours on Monday to Saturday. The last of the temporary applications (BH2002/01763/FP – approved 1 May 2003) permitted deliveries

to take place from 9.00 to 16.00 on Sundays. The application was granted for a temporary period of 9 months to access potential noise disturbance with rubber flooring to the delivery area and rubber wheels to be installed on all delivery hardware (cages, pump-trucks etc).

Since that temporary permission lapsed there have been no further applications regarding delivery times and the original delivery times remain extant.

There are currently unauthorised deliveries on a Sunday. It appears likely that these have been ongoing since the last temporary permission expired and the supermarket was operated by the previous owner. This application, including Sunday deliveries, is an attempt to regularise the existing delivery times and comes after an enforcement investigation into the site. It has also resulted in another application (BH2010/03696) for further alterations to the delivery yard being submitted. Application BH2010/03696 seeks planning approval for the installation of acoustic panelling to the fixed freezer unit and waste storage area within service yard, the removal of the Dawson's chiller unit, existing storage containers and the existing palisade fencing and erection of new acoustic fencing and gates to service yard. Whilst the proposed acoustic fencing has the potential to reduce noise disturbance from delivery movements this application is not linked and will be determined on its merits.

Justification for the extension of delivery hours has been submitted by the applicant. It is stated by the applicant that the original permission was approved before the store traded on a Sunday. It is further stated that the limited storage space on the site makes it impossible to hold enough stock to be able to service the levels of trade on a Sunday which have increased since Morrisons took over the store. Furthermore it is stated that the removal of the Dawson's chiller from the service yard will reduce the level of storage on the site which will make regular deliveries critical to the operation of the store.

Whilst part of the existing shop floor could be converted for use as additional storage it is acknowledged that there is limited storage space within the existing store and a certain numbers of deliveries of fresh produce on a Sunday may be justified. The Dawson's chiller has been the subject of a noise nuisance investigation by the Environmental Health Team and the removal of this unit would mitigate for the potential for increased noise disturbance of later weekday or Sunday deliveries for adjoining occupiers.

A noise assessment report was submitted by the applicant outlining various noise levels at different times of the day. The report states that the soundscape readings were similar for weekday evenings and Sundays. The report concludes that between 19.00 and 21.00 on weekday evenings and during Sundays that the soundscape readings were fairly consistent and that there appears to be little difference in sensitivity between the proposed extended hours and the existing delivery times.

The Environmental Health Team refuted these conclusions to a degree. They state that there appears to be a quieter level of background noise after 20.30 on weekdays and before 9.00 on Sundays.

Revised hours were therefore sought to ensure that deliveries were not made in these quieter periods, with the weekday times reduced to 20.30 (from 21.00) and Sunday deliveries from 09.00 to 16.00 (from 08.00 to 17.00). These revised hours have been agreed by the applicant.

The applicant has also submitted a document titled “Instructions for Receipt of Deliveries” outlining measures that the staff will use to limit the amount of noise from deliveries and the service yard. The document states that measures will be put in place to reduce the noise disturbance from reversing delivery trucks and also the unloading process. Whilst these measures are welcomed and may mitigate for some of the delivery noise it is acknowledged that these cannot be conditioned satisfactorily and notwithstanding these measures it is likely there will always be some level of noise disturbance during deliveries of goods.

It is not considered that the extension of the delivery window by an additional hour and a half on weekday evenings would result in any significantly increased noise disturbance. It is noted that the wider site is in use as car park open to both Morrisons customers and the general public and there is a high level of vehicular and pedestrian movements throughout the day. Whilst the extension of the delivery window would result in some level of increased noise disturbance, on balance, it is not considered to be significantly detrimental to the residential amenity of neighbouring properties. It is further noted that the supermarket has been in operation for a significant period of time and, whilst the number of deliveries may have increased during this time, the supermarket use is well established on the site. The Environmental Health Team is satisfied with the proposed extension of delivery hours to weekday evenings.

Regarding Sunday deliveries, whilst it is acknowledged that a number of deliveries are currently taking place in contravention of the original planning permission there is not considered to be an “in principle” objection to some deliveries on a Sunday. No planning enforcement notice has been served on the site as regarding Sunday deliveries. Since the original condition for deliveries was applied in 1984, shopping patterns and supermarket opening hours have changed and it is considered reasonable to allow a limited number of deliveries on a Sunday.

The proposed delivery hours on Sunday (9.00 to 16.00) would ensure that neighbouring occupiers are not disturbed too early on Sunday mornings and the delivery hours are considered acceptable in this regard. The planning agent stated in correspondence dated 18 July 2011 that there are three deliveries expected on Sundays. A condition to limit deliveries to a maximum of four per Sunday is considered reasonable to further restrict disturbance on

Sundays.

The Environmental Health Team are satisfied that the Sunday delivery hours are acceptable in principle given that some fresh goods will be required on Sundays. The revised delivery times in conjunction with the condition limiting the number of deliveries proposed should ensure that there is no significant adverse impact to residential amenity.

To help mitigate for additional vehicular movements and to address concerns raised by residents, a condition is recommended to ensure that the use of the delivery yard area is also not used outside the delivery hours.

Sustainable Transport: Delivery vehicles currently access the delivery yard via Dorset Gardens and the customer car park. It is not considered that the extended delivery hours would result in any significant increase in deliveries over and above existing levels and it is not considered that there would be any intensification of the use. The Sustainable Transport team has no objection to the proposal and there is not considered to be any significant impact on highway safety.

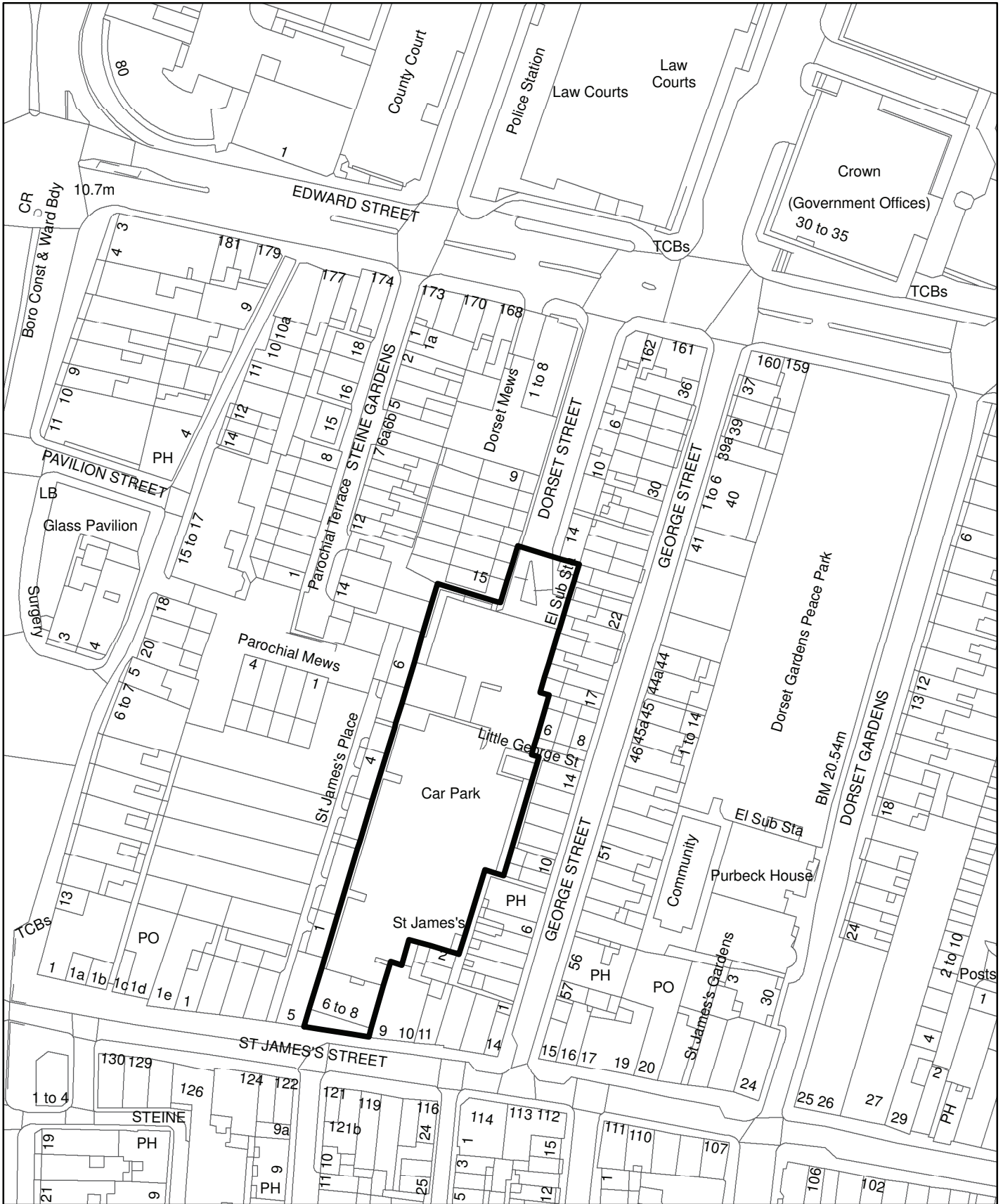
9 CONCLUSION

The extended delivery hours, as proposed, are not considered to result in any significant increased harm to the residential amenity of the neighbouring occupiers.

10 EQUALITIES IMPLICATIONS

None.

BH2010/03717 6 - 8 St James's Street , Brighton.



Scale: 1:1,250



Brighton & Hove COUNCILLOR REPRESENTATION
City Council

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Subject: Objections

Hi Chris

I'm writing to register my objections to the two applications from Morrisons below and request that if you are minded to grant that the decision be referred to the Planning Committee for consideration:

BH2010/03696 : On the grounds that it has caused visual problems for residents of Dorset Mews

BH2010/03717: On the grounds that residents have complained about noise problems created by delivery which will only be made worse by widening the hours of delivery

Best wishes

Councillor Rachel Fryer
Green Party, Queens Park ward
Spokesperson for Children, Families and Schools
Brighton and Hove City Council
Telephone: 01273 296442

| | | | |
|--------------------------------------|---|----------------------------|--------------------|
| <u>No:</u> | BH2011/03901 | <u>Ward:</u> | QUEENS PARK |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 106 St James's Street, Brighton | | |
| <u>Proposal:</u> | Change of use of basement from ancillary retail storage (A1) to tattoo studio (Sui Generis). | | |
| <u>Officer:</u> | Chris Swain | <u>Valid Date:</u> | 22/12/2011 |
| <u>Con Area:</u> | East Cliff | <u>Expiry Date:</u> | 16 February 2012 |
| <u>Listed Building Grade:</u> | | | |
| <u>Agent:</u> | Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove | | |
| <u>Applicant:</u> | James Robinson Tattoos, C/O Lewis & Co Planning | | |

1 RECOMMENDATION

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

Regulatory Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The premises shall not be open or in use except between the hours of 08.00 and 20.00 hours on Monday to Saturday, and between 11.00 to 17.00 hours on Sunday.
Reason: To safeguard the amenities of the locality in accordance with policy QD27 of the Brighton & Hove Local Plan.
3. Access to the shared facilities, including adequate storage space and the use of the toilet facilities at basement level of 106 St James's Street should be provided for the use of the A1 retail shop at ground floor level and retained as such thereafter at all times.
Reason: To protect the viability of the ground floor A1 retail use at No.106 St James's Street, in accordance with policy SR5 of the Brighton & Hove Local Plan.
4. The basement level shall only be used as a tattoo studio. Upon cessation of the use hereby approved the premises shall be reinstated to the former retail use (Use Class A1).
Reason: To protect the future vitality and viability of the local shopping centre, in accordance with policy SR5 of the Brighton & Hove Local Plan.
5. The development hereby permitted shall be carried out in accordance with the approved drawings nos. JP/2011/106/1, JP/2011/106/2 and JP/2011/106/3, a Biodiversity Checklist, a Design and Access Statement received on 21 December 2011, two artists impression drawings and an email from the applicant received on 30 January 2012, a Planning Statement and revised drawing no. JP/2012/106/4A received on 1 February 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below,
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposed use of the basement level as a tattoo studio is considered acceptable within the town centre environment and is not considered to result in any significant adverse impact upon neighbour amenity. The proposal is considered to be in accordance with Local Plan policies.
2. The applicant is advised that they should contact the East Sussex Fire and Rescue Service to discuss whether the proposed use of the basement complies with existing Health and Safety requirements.

2 THE SITE

The site relates to three storey, mid terraced property, comprising of a commercial A1 use at ground/basement level with residential on the upper floors. The application refers specifically to the basement of the property, currently in use as ancillary storage to the A1 retail unit at ground floor level. The street scene is characterised predominantly with commercial/retail units at ground floor level with residential above. The property is sited within the defined primary frontage of the St James's Street district shopping centre. The site is located within the East Cliff Conservation Area.

3 RELEVANT HISTORY

BH2005/05884: Change of Use from A1 to A2 (Retrospective). Approved 5 January 2006.

94/0666/FP: Change of use from Class A1 retail to Class A3 restaurant/takeaway. Refused 8 November 1994.

4 THE APPLICATION

Planning permission is sought for the change of use of basement level from ancillary retail storage (A1) to tattoo studio (Sui Generis).

5 CONSULTATIONS

External

Neighbours: Three hundred & nineteen (320) letters of representation have been received (Appendix A attached) supporting the application for the following reason:

- The proposed use would increase the vitality of the shopping area and attract additional visitors to the wider Brighton area.

A **petition** (107 signatories) has been received that objects to the proposal on the grounds that there is an over-saturation of tattoo studios within the

surrounding area.

Internal:

Environmental Health: No objection.

It is noted that in the event of fire or emergency occurring on the premises, there is only one means of escape from the basement level. It is recommended that the applicant contacts East Sussex Fire and Rescue Service to check that the proposed use of premises complies with their requirements. Please note that a letter has been sent to the applicant on 12 January 2012 outlining these concerns.

Sustainable Transport: No comment.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

QD27 Protection of amenity

SR5 Town and district shopping centres

TR1 Development and the demand for travel

HE6 Development within or affecting the setting of conservation area

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of the loss of retail use on the site and the impact of this on the vitality and viability of the district shopping centre and the impact of the use on adjoining occupiers.

Principle of Use

The application site is designated within the Brighton & Hove Local Plan as being within the prime retail frontage of the St James’s Street District Centre. Policy SR5 states:

With the aim of maintaining and enhancing the defined prime frontages within the district shopping centre a change of use of existing A1 use shops to Class A 2, A 3 (cafes and restaurants), will be permitted provided all of the following criteria are met:

a) A clear predominance of Class A1 uses will be maintained;

b) There would not be a significant break in the shopping frontage of more than 15 metres;

- c) *It would have a positive effect on the shopping environment of the area by encouraging combined trips and attracting pedestrian activity to the centre; and*
- d) *The development would not be materially detrimental to the amenities of occupiers of nearby properties or the general character of the area.*

The ground floor is currently in use as retail (A1) with the basement in use as ancillary storage and staff facilities (e.g. WC) for the ground floor shop. The proposal is to convert the basement floor to a tattoo studio with the ground floor to remain in retail use. The ground and basement levels would remain as a single entity and would not be subdivided into two separate units. Access to the tattoo studio would be via the main street entrance at ground floor level.

The A1 retail use at ground floor level and the existing retail frontage would be retained and thus the proposal is not considered to be contrary to policy SR5.

It is not considered that the change of use of the basement floor from A1 to sui generis will harm the vitality of the retail area. The existing A1 use for the basement is as an ancillary use providing storage and staff facilities for the shop above and is not currently used as primary retail floor space and thus the proposed change of use would not result in a reduction of retail floor space when compared to the existing layout.

The change to a tattoo studio use at basement level would not substantially alter the character and mix of the District Shopping Centre. The use of a tattoo studio (sui generis) shares many characteristics of similar A1 uses such as a barber shop and is considered an acceptable use in this location. Whilst there is not considered to be a significant increase in trip generation any additional pedestrian activity into this part of the Town Centre is welcomed and would contribute to the maintenance and enhancement of the vitality and viability of the retail area.

It is noted that a similar application for a change of use from retail (A1) to a tattoo studio (sui generis) at basement level was approved at 80B St James's Street in March 2010 (BH2009/02702).

A petition has been received that has raised concerns that the proposal would result in a saturation of tattoo studios within the Brighton area. Whilst these concerns have been noted, they are not material planning considerations for the assessment of this application.

Overall it is considered that the proposed change of use would result in a suitable mix of units with the District Centre, consistent with the requirements of policy SR5 and would enhance the vitality and viability of the retail area.

Viability of Existing A1 unit

The proposed change of use is not considered to significantly impact upon the amenity and viability of the A1 shop at ground floor level. The A1 shop currently enjoys ancillary storage, staff facilities and a WC at basement level.

The applicant has stated that the facilities for the A1 ground floor shop would be retained, as will a certain level of storage if required and this is considered to ensure the continued viability of the A1 shop at ground floor level.

A condition is recommended to retain permanent access to the basement level facilities.

Impact on Amenity

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

It is not considered that the proposed use would result in any significant increase in noise levels over and above current levels and it is not considered that there would be any significant noise disturbance to neighbouring occupiers. St James's Street is a busy high street and it is not considered that the additional pedestrian trips generated would harm the amenity of neighbouring occupiers.

A condition is recommended stipulating hours of opening should be between 08.00 and 20.00 hours on Monday to Saturday, and between 11.00 to 17.00 hours on Sunday. The evening opening hours from Monday to Saturday are considered appropriate given the vibrant character of the street which includes a number of bars and café's which benefit from evening opening hours. Furthermore the nature of the use, which would result in a limited number of users, on a prior appointment basis, in conjunction with the location, at basement level would ensure that there would not be any significant adverse impact to the amenity of neighbouring occupiers.

The Environmental Health Team have not objected to the proposal.

Sustainable Transport

It is not considered that the proposed change of use would result in any significantly increased trip generation; no objections are raised in this regard. The Sustainable Transport Team have not raised any concerns with regard to this proposal.

Additional Issues

It is noted that the Environmental Health Team have stated that in the event of fire or emergency occurring on the premises, there is only one means of escape from the basement level. They have recommended that the applicant contacts East Sussex Fire and Rescue Service to check that the proposed use of premises complies with their requirements and outlined their concerns in a letter to the applicant dated 12 January 2012. Whilst this concern is not a material planning consideration an informative is recommended outlining that the applicant should contact East Sussex Fire and Rescue Service to discuss this issue.

9 CONCLUSION

The proposed use of the basement level as a tattoo studio is considered acceptable within the town centre environment and is not considered to result in any significant adverse impact upon neighbour amenity. The proposal is considered to be in accordance with Local Plan policies.

10 EQUALITIES IMPLICATIONS

None.

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Appendix A - Letters of Support

| Property Name / Number | Street | Town | Postcode |
|-------------------------------|------------------------|------------------|-----------------|
| 31 | Braemore Road | Hove | BN3 4HA |
| Sideshow Tattoos | Portland Road | Hove | BN3 5QJ |
| 9a | West Town Avenue | Bristol | BS4 5DH |
| 6, Central House | | Telscombe Cliffs | BN10 7LJ |
| 9 | Southwater Close | Brighton | BN2 0FJ |
| 68 | Crayford Road | Islington | N7 0ND |
| 16 | Chaucer Avenue | Stockport | SK5 6JF |
| 27a | Western Road | Hove | BN3 1AF |
| 34 | Stirling Place | Hove | BN3 3YU |
| | Queen street | Brighton | BN1 4NP |
| 15a | College Terrace | Brighton | BN2 0EE |
| 13 | Deyn Court | Durham | DH1 3QB |
| 1 | New Dorset Street | Brighton | BN1 3LL |
| 9 | Napier Close | Dorchester | DT2 9BQ |
| 50 | Kensal Road | Bristol | BS3 4QU |
| 55 | Graham Avenue | Brighton | BN1 8HB |
| 13 | The Deeside (x2) | Brighton | BN1 8SA |
| 71 | Ockley Way (x3) | Hassocks | BN6 8NF |
| 14 | Downside (x4) | Brighton | BN1 5EQ |
| 16 | Cotsworld Road | Sutton | SM2 5NW |
| 12 | The Chase (x4) | Worthing | BN14 0TF |
| 58 | St Leonards Road | Hove | BN3 4QS |
| 20 | Adur Avenue (x3) | Worthing | BN13 3LF |
| 36 | Cuthbert Road | Brighton | BN2 0EN |
| 35 | Faygate Close | Bexhill-on-Sea | TN39 5EE |
| 22 | Pound Way | Angmering | BN16 4GW |
| 6a | Montpelier Terrace | Brighton | BN1 3DF |
| | Cumbernauld Road | Glasgow | G33 2BH |
| 1 | Bowden Rise | Seaford | BN25 2HZ |
| LGF Flat, 22 | Brunswick Place | Hove | BN3 1NA |
| 103, Eaton Manor | The Drive | Hove | BN3 3QB |
| Flat 1, 26 | Wilbury Road | Hove | BN3 3JP |
| 10a | Landsdowne Square (x2) | Weymouth | DT4 9QT |
| 106 | Ashdown | Hove | BN3 3AR |
| | De Beauvoir Road | London | N1 5SX |
| Flat 3, Richmond Heights | John Street | Brighton | BN2 9PE |
| 81 | Downhills Park Road | London | N17 6AS |
| Second Floor Flat, 18 | Burlington Street | Brighton | BN2 1AU |
| 59 | Gundry Road | Bridport | DT6 4SE |
| 27 | Greenway Road | Weymouth | DT3 5BE |

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| | (x2) | | |
| | North Road | Brighton | BN1 1YA |
| 137 | Nevill Road | Hove | BN3 7QE |
| 7 Clarendon Mansions | East Street | Brighton | BN1 4NF |
| 1B | Millicent Road | West Bridgford | NG2 7LD |
| 5a | St Leonards Road | Brighton | BN2 3AJ |
| 114 | Wick Hall (x4) | Hove | BN3 1NH |
| 8 | Basque Court | London | SE16 6XD |
| 5 | Kitchener Road (x2) | Weymouth | DT4 0LN |
| 88a | Queens Park Road | Brighton | BN2 0GL |
| 2 | Cricketfield Road | London | E5 8NS |
| 52 | Albion Hill | Brighton | BN2 9NW |
| 33 | Bonchurch Road | Brighton | BN2 3PJ |
| 55 | Meadway Court (x2) | Southwick | BN42 4SL |
| 19 | Stanley Street | Brighton | BN2 0GP |
| 14 | Oriental Place | Brighton | BN1 2LJ |
| 29 | Underwood Rise | Tunbridge Wells | TN2 5RY |
| 407a | Chickerell Road | Weymouth | DT4 9SX |
| 5 | Grove Street | Brighton | BN2 9NY |
| 5 | Montreal Road | Brighton | BN2 9UY |
| 101 | Oaklands Avenue (x2) | Brighton | BN2 8PD |
| 21 | Witts Hill | Southampton | SO18 4QE |
| 81 | Holland Street | Radcliffe | M26 2RE |
| | Market Street | Brighton | BN1 1HH |
| 11 | Main Street | Fermanagh | BT93 0DN |
| 29a | Shaftesbury Road | Brighton | BN1 4NF |
| 20 | Walpole Road | Brighton | BN2 0EA |
| 665 | Cleckheaton Road | Bradford | BD12 0LJ |
| | Meadow House | Andover | SP11 6JJ |
| 16-17 | Kings Road | Brighton | BN1 1NE |
| 31 | St Leonards Avenue | Hove | BN3 4QH |
| 3 | Mayfield Avenue | Bolton | BL3 2PE |
| 6 | Weavers Close | Whitwick | LE67 5 DU |
| 12 | North Road | Swansea | SA4 6QE |
| 75 | Botany Bay Road | Southampton | SO19 8FE |
| 10 | Hillbrook Court | Crickhowell | NP8 1SE |
| 45a | Cliffe High Street | Lewes | BN7 2AN |
| 100 | Grange Close | Heathfield | TN21 0EG |
| 61 | Qoub Fram Close | Southampton | SO30 3HE |
| 1 | Knockbraken Walk | Coleraine | BT52 1XP |
| 22 | Park Street | Abergavenny | NP7 5EE |
| 31 | Park Gate | Hove | BN3 1RL |
| 77a | Preston Road | Brighton | BN1 4QG |
| Flat 4, 22 | Belvedere Terrace | Brighton | BN1 3AF |
| 53 | The Mount | Selby | YO8 9BD |
| Flat 1, 34 | Sackville Road | Hove | BN3 3FB |

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|-----------------------------------|--------------------------|-----------------------|----------|
| 34 | Sackville Road | Hove | BN3 3FB |
| 11 | The Martlets | Hove | BN3 6NT |
| 17 | The Gables | Sale | M33 3SU |
| 21b | Bloomsbury Place | Brighton | BN2 1DB |
| | Hove Park Villas | Hove | BN3 6HH |
| 33 | Devonshire Place | Brighton | BN2 1QB |
| 7 | Grove Terrace | Canterbury | CT1 3SZ |
| Flat 10, Clarendon Mansions | East Street | Brighton | BN1 1NF |
| 141 | Packington Square | London | N1 7UB |
| 10 | Hill Farm Way | Southwick | BN42 4YJ |
| Unit 7, | Hatfield Heath Road | Sawbridgeworth | CM21 9HY |
| 23 | Hollilngbury Park Ave | Brighton | BN1 7JG |
| 106 | Langley Crescent | Brighton | BN2 6NQ |
| 86 | Central Avenue | Northfield | B31 4JQ |
| 38 | Westmeston Avenue | Brighton | BN2 8AN |
| 22 | Clarendon Road | Shoreham-by-Sea | BN43 6YG |
| 85 | Brading Road | Brighton | BN2 3PE |
| Craven House | High Street | Cheltenham | GL52 3AR |
| 36 | Tamworth Road | Ashby-De-La- Zouch | LE65 2PR |
| 14 | Church Road | Portslade | BN41 1LA |
| 40 | Castle Street | Brighton | BN2 5NF |
| 28 | Temple Avenue | Birmingham | B28 9LJ |
| | Rugby Road | Brighton | BN1 6EB |
| 74 | Marine Parade | Brighton | BN2 1AE |
| 24a | York Road | Hove | BN3 1DL |
| 56a | Grande Parade | London | N4 1AF |
| 1 | Percival Mansions | Brighton | BN2 1FP |
| 5a | Vernon Terrace | Brighton | BN1 3JG |
| Flat 8, 36 | Sussex Square | Brighton | BN2 5AD |
| 16, St Anne's Court | Burlington Street | Brighton | BN2 1AA |
| 2 | Cambridge Road | Hastings | TN34 1DJ |
| 110a | Caerphilly Road (x3) | Cardiff | CF14 4QG |
| 13 | Alexandra Villas | Brighton | BN1 3RF |
| 72 | East Avenue | Bournemouth | BH3 7DB |
| 204 | Marsh Street | Bristol | BS1 4AQ |
| 47 | Buckingham Road | Brighton | BN1 3RQ |
| Flat 3, 17 | Belgrave Place | Brighton | BN2 1EL |
| 30 | Jesty's Avenue | Weymouth | DT3 5NN |
| 16 Braemar House | Norfolk Road (x2) | Brighton | BN1 3AR |
| Flat 3, 36 | Brunswick Square | Hove | BN3 1ED |
| 3 | Severn Cottages | Worcester | WR8 0HU |
| 21 | Crown Gardens | Brighton | BN1 3LD |

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|------------------------------|-----------------------|----------------|----------|
| 10 | Tillingham View | Rye | TN31 6EL |
| 51 | Chambord Street | London | E2 7NJ |
| 10 | Dyke Road Avenue | Brighton | BN1 5LB |
| Flat 4, 12 | New Steine | Brighton | BN2 1PB |
| 12a | Fielding Road | Maidenhead | SL6 5DE |
| 247 | Greengairs Road | Manchester | M16 7SZ |
| Flat 11, 3 | Cornfield Terrace | Eastbourne | BN21 4NS |
| 20 | The Broadway | Brighton | BN2 5NF |
| 83B | Aghaderg Road | Banbridge | BT32 4LB |
| | Kings Road | Brighton | BN1 1NA |
| 8 | Popes Court | Brighton | BN2 4AQ |
| 41 | Orange Row | Brighton | BN1 1UQ |
| | Livingstone Road | Hove | BN3 3WP |
| 8 | Queens Park Terrace | Brighton | BN2 9YA |
| 22 | Firle Road | Brighton | BN2 9YH |
| 10 | Minard Road | London | SE6 1NS |
| Flat 1, Princes Court, 11 | First Avenue (x2) | Hove | BN3 2FG |
| 12 | Peacock Lane | Brighton | BN1 6WA |
| Flat 7, 40 | Stanford Avenue | Brighton | BN1 6EA |
| 34 | Jersey Street | Brighton | BN2 9NU |
| 93 | Pembroke Crescent | Hove | BN3 5DE |
| 140 | Queens Park Road (x3) | Brighton | BN2 0GG |
| Flat 7, 18-20 | Stanford Avenue | Brighton | BN1 6AA |
| | Lugger Close | Weymouth | DT3 4PJ |
| 9A | Wyke Avenue | Brighton | BN1 1PB |
| 4 | Gearge Street | Brighton | BN2 1RH |
| 120a | Lyttlesdale | Garvagh | BT51 5EA |
| 118 | Gauden Road | London | SW4 6LU |
| 89 | Albert Embankment | London | SE1 7UQ |
| 3 | Hanover Terrace (x2) | Brighton | BN2 9SN |
| 87 | Troughton Road | London | SE7 7QF |
| 55 | Bridlebank Way | Weymouth | DT3 5RP |
| 6 | Cheltenham Place (x2) | Brighton | BN1 4AB |
| 105 | White Horse Way | Devizes | SN10 2JR |
| 26a | Hartington Road | Brighton | BN2 3LS |
| 62 | Challinor | Harlow | CM17 9XB |
| 21 | Stackfield | Harlow | CM20 2LA |
| 217 | Northbrooks | Harlow | CM19 4DH |
| 16 | Rivercroft Mansions | Hertfordshire | SG12 0FQ |
| 14 | Frith Park (2) | East Grinstead | RH19 2BU |
| 35 | Melcombe Avenue | Weymouth | DT4 7TF |
| 15 | Warrington Walk | Dorset | DT11 7FN |
| 203 | Kingsway | Hove | BN3 4FD |

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|-------------------|------------------------|---------------|----------|
| Flat 1, 33 | Cowper Street (x2) | Hove | BN3 5BP |
| 30 | Norway Street | Portslade | BN41 1GN |
| 40 | Southall Avenue | Brighton | BN2 4BB |
| 32 | Stamer Park Road | Brighton | BN1 7JJ |
| 33 | Hardy Avenue (x4) | Weymouth | DT4 0RQ |
| 36 | St Thomas Street | Weymouth | DT4 8EH |
| 45 | Prestonville Court | Brighton | BN1 3UG |
| 1 | Highdown Road | Hove | BN3 6EE |
| 299 | Foreglen Road | Londonderry | BT47 4PJ |
| 74 | Winchcombe Road | Eastbourne | BN22 8DE |
| 49 | Dorchester Road | Dorchester | DT2 0BD |
| 59 | York Road | Hove | BN3 1DJ |
| 26 | Elms Avenue (x2) | Ramsgate | CT11 9BJ |
| The Farmhouse | Finches Avenue | Rickmansworth | WD3 4LN |
| | Bryn llwyni | Clawddnewydd | LL15 2NG |
| 7 | Llwyn Bedw | Gwernaffield | CH7 5GA |
| 21 Regency Court | Withdean Rise | Brighton | BN1 6YG |
| 29 | Solway Avenue (x2) | Brighton | BN1 8UJ |
| 12a | Rose Hill (x2) | Brighton | BN2 3FA |
| 70 | Clifton Road | Darlington | DL1 5DX |
| 3 | Deanery Place (x2) | Godalming | GU7 1ER |
| 24 | Chapel Terrace | Brighton | BN2 1HB |
| Flat 22, 1 | Chapel Terrace | Brighton | BN2 1HB |
| 6 | Turner House | Portslade | BN41 1HT |
| 5 | Moreton Road | Owermoigne | DT2 8HT |
| 27 | Widdicombe Way | Brighton | BN2 4TH |
| 41 | Ashley Road | Salisbury | SP2 7DD |
| Flat 1, 8 | Stafford Road | Brighton | BN1 5PF |
| Flat 5, 64 | Warrender Park Road | Edinburgh | EH9 1EX |
| | Kiln Lane | Brockham | RH3 7LX |
| 68 | Manor Road | Harlow | CM17 0BG |
| Churchill Cottage | London Road | Henfield | BN5 9JJ |
| 3 | Overhill | Southwick | BN42 4WL |
| 66a | East Street | Brighton | BN1 1HQ |
| 27 | Church Meadows | Braintree | CM7 5SL |
| 50 | Newberry Road | Weymouth | DT4 8LW |
| 6 | Manor Close | Henfield | BN5 9LB |
| 154 | Newstead Road | Weymouth | DT4 0DY |
| | Ewart Street | Brighton | BN2 9UQ |
| Flat 20 | Downview Road | Worthing | BN11 4QH |
| 45 | Plymouth Avenue | Brighton | BN2 4JA |
| 18 | St George's Terrace | Brighton | BN2 1JH |
| 11 | St Marks Court | London | NW8 9AN |
| 2 | Yew Tree Close (x2) | Weymouth | DT3 6GA |
| Coldthorn Barn | Coldthorn Lane | Hailsham | BN27 3PJ |
| 44 | Cliveden Court | Brighton | BN1 6HD |

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| Flat E3, 57 | 152/158 Dyke Road Talbot Road | Brighton London | BN1 5PA N6 4QX |
| 63 | Burleigh Way | Crawley | RH10 4UG |
| 15 | Holly Terrace | Hove | BN3 2TN |
| | Milton Mount | Crawley | RH10 3DP |
| Flat 3, 62a | North Street | Brighton | BN1 1RH |
| 23 | Davigdor Road | Hove | BN3 1QB |
| 10 | Jenkyn Road | Bedford | MK43 9HD |
| 20 | Wheatlands | Portland | DT5 2EB |
| 109 | Tumulus Road | Brighton | BN2 8HG |
| 2 | Coarse Barn Farm | Battle | TN33 0LZ |
| Flat 4, 17 | College Terrace | Brighton | BN2 0EE |
| 73 | Rose Hill Terrace | Brighton | BN1 4JL |
| 10 | Le Petit Per | Jersey | JE2 7QL |
| 174 | Bexhill Road | Brighton | BN2 6QB |
| Front Basement Flat, 19a | Holland Road | Hove | BN3 1JF |
| 22 | Bramber Road (x2) | Worthing | BN14 8QB |
| The Villa Agency | Meeting House Lane | Brighton | BN1 1HB |
| 17 | Bowden Road | Ascot | SL5 9NJ |
| 70 | Bonchurch Road | Brighton | BN2 3PH |
| 61 | Carlton Hill | Brighton | BN2 0GW |
| Flat 3 | Russell Road | London | W14 8HT |
| 50 Ashburnham Mansions | Ashburnham Road | London | SW10 0PB |
| | Bayview Road | Kingsdown | CT14 8EG |
| 4 | Brecon Close | Bournemouth | BH10 7DX |
| Flat 6, Central House | Central Avenue | Peacehaven | BN10 7LJ |
| 12 | Boscawen Road | Falmouth | TR11 4EN |
| Flat 1, 58 | Warrington Cres | London | W9 1EP |
| 90 | Kennington Lane | London | SE11 4XD |
| 51 | Oxford Gardens | London | W10 5UF |
| 52 | Vale Road (x2) | Chesham | HP5 3HH |
| 55 | Unwin Road | Isleworth | TW7 6HY |
| 38b | Brunswick St West | Hove | BN3 1EL |
| 2 | Highview Close | Tadworth | KT20 5GR |
| 56 | Ferring Street | Worthing | BN12 6QS |
| | Bushey Croft | Harlow | CM18 6RH |
| 24 | New Barn Close (x2) | Portslade | BN41 2GQ |
| 70 | Wardcliffe Road | Weymouth | DT4 0HP |
| 76 | Chetnole Close | Poole | BH17 8BE |
| 118 | Clay Hill | Enfield | EN2 9AE |
| 119 | Strathnairn Street | Cardiff | CF24 3JQ |
| | Monton Street | Manchester | M14 4LT |
| 49 | Chislet Close | Beckenham | BR3 1UB |

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|---------------------------|--------------------|-----------------|----------|
| 600b | High Street | Leytonstone | E11 3DA |
| 31 | Upper High Street | Epsom | KT17 4QY |
| 49 | Jersey Street | Brighton | BN2 9NU |
| 7 | Church Road (x2) | Wimborne | BH21 6RQ |
| 10 | Old Parish Lane | Weymouth | DT4 0HY |
| 17 | Pither Road | Odiham | RG29 1QE |
| Apartment 82 | Colquitt Street | Liverpool | L1 4DR |
| 17 | Hastings Road | Brighton | BN2 3AF |
| 45 | Plymouth Avenue | Brighton | BN2 4JA |
| 470 | Footscray Road | London | SE9 3UA |
| 19 | Cranbourne Close | Horley | RH6 8PA |
| Flat 4, 29 | The Drive | Hove | BN3 3JE |
| 42 | Eleanor Close | Lewes | BN7 1DD |
| 8 | The Warren | Radlett | WD7 7DX |
| Flat 3, Hereford House | Goring Street | Worthing | BN12 5SG |
| 29 | Lovett Road | Portsmouth | PO3 5EU |
| 14 | Blomfontien Road | London | W12 7BX |
| | Portland Lane | Hove | BN3 5SW |
| | The Drive | Shoreham-by-Sea | BN43 5GB |
| | 5-9 Berkley Avenue | Reading | |

BH2011/03901 106 St James's Street, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|-----------------|
| <u>No:</u> | BH2011/03432 | <u>Ward:</u> | |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Blocks E & F Kingsmere, London Road, Brighton | | |
| <u>Proposal:</u> | Roof extension to Blocks E & F to provide 8no flats each with own private roof garden. | | |
| <u>Officer:</u> | Steven Lewis | <u>Valid Date:</u> | 28/11/2011 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 23 January 2012 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | Strutt and Parker, 31 North Street, Chichester | | |
| <u>Applicant:</u> | Anstone Properties Ltd, c/o Strutt & Parker | | |

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to be **MINDED TO GRANT** planning permission subject to the following:

- (i) The completion of a Section 106 obligation to secure the following:
 - A contribution of £6,000 towards sustainable transport improvements in the vicinity of the site.
- (ii) Regulatory Conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
 - 2) The development hereby permitted shall be carried out in accordance with the approved Andrew Borley RIBA drawings no.A1211/01 Rev B, A1211/02 Rev B, A1211/03 Rev B, A1211/04 Rev B, A1211/05 Rev B, A1211/06 Rev C, A1211/07 Rev B, A1211/08 Rev B & A1211/09 Rev B received on 11/11/2011.
Reason: For the avoidance of doubt and in the interests of proper planning.

Pre-Commencement Conditions:

- 3) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 4) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of

PLANS LIST – 14 MARCH 2012

refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 5) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
 - (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary *Planning Document SPD08 Sustainable Building Design*.

- 6) Notwithstanding the approved floor plans, the development hereby permitted shall not commence until revised floor plans incorporating lifetime home standards have been submitted and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed details and retained thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 7) The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

Pre-Occupation Conditions:

- 8) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The stands inside the store are 'stand alone' e.g. Sheffield type stands and are proportionately distanced away from each other with the end stands 700cm away from the adjacent walls to ensure enough space for the central stands. The cycle parking facilities shall be secured, well signed and advertised to residents and visitors. Thereafter the facilities shall be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor

- vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 9) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.
- Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

Informatives:

1. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk www.wrap.org.uk.
2. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
3. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of nearby residential occupiers and subject to planning conditions would provide an acceptable level of sustainability, transport measures, lifetime homes and refuse and recycling facilities. The development would be in accordance with the policies of the adopted local plan.

2 THE SITE

The application relates to a site on the eastern side of London Road known as Kingsmere: a residential development of four purpose built four-storey blocks

comprising 120 flats.

Blocks E & F are sited to the front of the Kingsmere estate, set back from the edge of London Road by the spacious formal front landscaping and are partially screened by mature trees. Blocks E&F are a joint building of four storeys comprising flats of a modern appearance, with set back sections, forward projecting bays and tile hanging clad top floor.

The surrounding area is predominantly flatted residential development within large sites with off-street surface parking. London Road is partly characterised by the presence of adjoining green space and established trees / vegetation. The site is surrounded to the south east and west by, but is not specifically located within, the Preston Park conservation area.

3 RELEVANT HISTORY

There have been numerous applications on the site for the original Kingsmere development, alterations to the buildings and works to trees which are subject to a preservation order. The following applications are most relevant to this application.

BH2011/01101: Additional storey to form 4no three bedroom flats with private roof gardens over Blocks A & B. Approved 07/07/2011

BH2010/02056: Permission was granted for an additional storey of living accommodation to create 4no. three bedroom penthouse flats with private gardens over blocks E & F.

BH2007/02691: Planning permission was refused in 2007 for 'roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store'. An appeal against this decision was dismissed (see Considerations in Section 7 below).

BH2007/00709: Planning permission was refused in April 2007 for 'roof extensions to blocks A + B & E + F to provide 8 penthouse flats, provision of 23 additional car spaces & a new secure cycle store'.

3/93/0501/OA: Planning permission was refused in 1993 for an additional storey on the roof of each of the existing 6 blocks in the form of a mansard roof to provide an additional 16 flats and an increase in parking to provide an additional 24 spaces.

73/325: Permission was granted in 1973 for the erection of 115 s/c flats in 3/4 storey blocks with service roads and car parking space for 120 cars.

4 THE APPLICATION

The application seeks consent for the construction of an additional storey to blocks E & F to create a total of additional eight flats comprising of 6 two bedroom units and 2, one bedroom units. The additional storey incorporates extensive full-height glazing and roof gardens enclosed by balustrades.

The proposal is a revision of the previously approved scheme (BH2010/02056) which permitted 4 three bedroom flats. The amendments are largely confined to internal alterations and would not result in an increase to the footprint of the additional storey, but would include some minor fenestration changes to the west elevation.

5 CONSULTATIONS

External

Neighbours: Seventeen (17) letters of representation have been received from **Flats 1, 4, 5 (x2), 6, 8, 18, 28, 41, 42, 43, 72, 76, 79, 100, Kingsmere, Kingsmere Residents Association (76 Signatories) and 1 Unaddressed objecting** to the application for the following reasons:

- The weight of the additional storey could damage the foundation and original structure, endangering lives of inhabitants. There are already some faults developing in the original structure. The estate is built on the alluvial soils over the chalk of the Newhaven bed formation. Foundations of the existing flats are in the form of conventional strip footings with cross wall construction for internal load bearing walls, the increase of structural load will promote additional settlement to the existing structure and exacerbate bricks dropping and structural damage.
- The construction would lead to noise and disturbance to existing residents from dust, noise, traffic and inoperability of the lifts
- The appearance of the additional storey and its height is unsuitable and will harm the character and appearance of the estate and wider area.
- The new flats will harm the amenities of existing occupiers from greater overlooking, loss of privacy, overshadowing and noise from people using gardens and an additional floor of accommodation above.
- There is insufficient cycle parking at present
- It is implied that entrance to the flats is level. This is incorrect as there are 3 steps, a drop in levels across the site and the suitability of the lift for disabled access is questionable.
- The proposal will place an additional burden upon demand for refuse and recycling facilities. No refuse facilities have been provided within the application, the refuse department have stated their intention to discontinue collection if present volumes are not decreased. Further waste would present a potential health hazard.
- The development would increase parking demand for spaces within the estate. At present there are 110/119 parking spaces with some being used for commercial parking. With the additional demand from this development and blocks A & B the demand would rise to a level that would exceed the capacity of the site.
- Access and exit from the existing access is difficult due to the heavy volume of traffic on London Road. This development would increase these problems and place an unnecessary burden upon the traffic flow of this route.
- The original planning permission was granted on the basis that the blocks of flats would not exceed the current four storeys.
- The application is based upon financial gain without consideration for residents of which many are elderly.
- The new flats may have an impact upon the value of existing flats, will affect mortgage, insurance and building management arrangements and costs
- The flats cannot meet Lifetime Homes standards, parking and access restrict these and the application fails to demonstrate these each criteria.
- Proper consultation has not taken place.
- The use of the top floor would prevent present residents from being given the chance to install solar panels.

Internal:

Environmental Health: It is noted that consultations with respect to similar applications for additional storey in this location have been provided in August 2010 and May 2011, when no objection was raised. On the basis of the same issues being considered there are No objections to the proposal.

Sustainable Transport:

Recommendation

Recommended approval with conditions to protect the interests of the public using the roads and footways.

Contributions narrative

To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the Applicant is expected to make a financial contribution of £6000 to help finance off-site highway improvement schemes such as installing REACT at Varndean Road (southbound) and Harrington Road (southbound) bus stops (if only one is possible, the priority would be Harrington Road) and/or pedestrian crossing facilities on the A23 or at the site entrance.

Cycle Parking provision

The proposed cycle parking is acceptable if the following are included in the submitted details/drawings requested in condition 1 below:

- The stands inside the store are 'stand alone' e.g. Sheffield type stands and are proportionately distanced away from each other with the end stands 700cm away from the adjacent walls to ensure enough space for the central stands.
- The store is secure with either a security coded lock or keys available to residents
- Appropriate directional and location signage erected/placed on site to ensure residents and visitors are aware of the cycle parking facility

Car Parking

The applicant proposes no additional parking on site. Therefore any parking generated by this proposal could occur on the highway when the existing car park is full. Planning Policy Guidance 13 (Transport) notes that when implementing policies on parking local authorities should not require developers to provide more [car parking] spaces than they themselves wish, unless in exceptional circumstances, which might include significant implications for highway safety. There appear to be no significant circumstances in the surrounding area that would be exacerbated by this proposal. It would therefore not be reasonable or supportable at an Appeal to make a recommendation for refusal based upon a lower level of car parking than could be permitted by the Council's standards in SPG4.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate

otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

- PPS 1: Delivering Sustainable Development
- PPS 3: Housing
- PPS 22: Renewable Energy

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe Development
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design - quality of development and design statements
- QD2 Design - key principles for neighbourhoods
- QD3 Design - efficient and effective use of sites
- QD14 Extensions and alterations
- QD16 Trees and hedgerows
- QD27 Protection of amenity
- QD28 Planning obligations
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD06 Trees & Development Sites
- SPD08 Sustainable Building Design

8 CONSIDERATIONS

The main issues in the determination of this application are the design of the proposal upon the character and appearance of the area, the planning history of the site, amenity issues, transport and highways issues, sustainability and living accommodation standards.

Planning history and principle of development

The Kingsmere estate was granted planning permission in January 1973 (ref 72/4136 & 73/325). Contrary to representations received, neither planning permission imposed a planning condition to restrict further floors of accommodation on the Kingsmere estate.

Planning permission was refused in December 2007 for roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store. This application was refused upon design grounds, harm to residential amenity and the unknown impact of the new parking facilities upon protected trees located on the site. The decision was subsequently appealed and was dismissed by the Planning Inspector, who upheld the Council's reasons for refusal on design and arboricultural grounds.

A planning application in 2010 with a differing design and scope to that of the 2007 proposal for an additional storey was approved by the Planning Committee in September of that year (BH2010/02056). That approval was for an additional storey upon blocks E & F. The design has been amended compared to the previous refusal, to present a predominantly glazed upper storey set back from the existing front, side and rear elevations rather than flush. That proposal did not provide any further parking spaces to avoid having any adverse impact on trees around the previously proposed car park.

Significant weight should be attached to the recent planning decisions to allow an additional storey upon blocks E&F and A&B of Kingsmere. There are differences between the previous approval and the proposal, most significantly the increase in the number of self contained units from four to eight. This application should consider these differences, specifically in relation to transport, living standards, amenity, sustainability and design.

In principle subject to meeting the applicable policies of the Local Plan and other material considerations, an additional storey in this location remains acceptable.

The previous decision to grant the additional storey was also taken in light of a case at The Priory located on London Road to the north of the application site, on the western side of the road opposite the junction with Carden Avenue (BH2009/00058). This application was similar to the previously approved and present scheme now under consideration in respect that it sought an additional storey of accommodation with a comparable design. That case was refused in September 2009 and subsequently allowed on appeal in April 2010. The design of the original building, the appearance of the immediate locality and provision of parking differs between the two cases. However, the applications are sufficiently similar with respect to a number of issues raised that weight should be afforded to the Inspector's decision upon the priory as a material consideration in determining this application.

Design:

Policy QD1 relates to design and the quality of new development. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.

Policy QD2 relates to design and key principles for neighbourhoods. It confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics of the area.

Policy QD3 relates to efficient and effective use of sites and confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.

HE6 relates to development within or affecting the setting of conservation area. The policy seeks that new development preserve or enhances the character and appearance of conservation areas.

It is noted that the design has some minor external differences to that approved recently on the same block. There are some minor fenestration changes upon the western elevation.

The additional storey by reason of its scale, height, materials, form, detailing and siting would remain acceptable and would provide a quality design in contrast to the existing building and would provide visual interest to the building. Furthermore, an additional height with an acceptable design is a more efficient and effective use of the site without compromising the intensity of development appropriate to the surrounding area. The additional height would not affect the setting of the Preston Park Conservation Area given it lies outside of the designated area, would be seen in the context of the modern Kingsmere estate and remains satisfactorily designed in relation to its surroundings.

The additional height of the extensions would be approximately 3m taking the building to an approximate total height of 14.6m, with an additional 0.4m protrusion to accommodate the lift motor rooms. The footprint of the extension remains the same as that previous approved and therefore the front and rear elevation of the extension are set back approximately 2m with some variation from the existing elevations and approximately 4m from the side elevation. This approach, combined with the use of glazing and set back sections for the rendered parts has been previous accepted on this site, whilst the changes related to the glazing pattern which despite the changes would continue to significantly reduce the visual impact of the additional height and articulate an acceptable form.

Despite the minor glazing pattern changes, the large exposure of glazing and simple pattern would maintain an acceptable modern contrast to the existing building and provide visual relief to the main building preserving the positive characteristics of the area. Samples of materials should be secured by planning conditions to ensure that a satisfactory finish to the development.

Amenity

Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The Kingsmere estate is characterised by modest sized block of flats set within a spacious communal formal grounds with attractive landscaping. The proposed extension would be entirely within the current footprint of an existing block of flats and as such the new extension will maintain an acceptable relationship with its surroundings. The blocks within Kingsmere estate are sufficiently spaced from one another as to avoid a harmful loss of privacy, loss of outlook, loss of light or cause overshadowing and overlooking or any adverse increase as a result of the additional height.

The additional concerns raised by neighbouring occupiers concerning potential additional noise, disturbance and inconvenience during the construction period have been noted. These matters do not fall within the remit of planning control. However, local residents may have recourse under Environmental Health legislation in relation to noise and disturbance outside normal working hours.

As such it is considered that the development would not cause a harmful level of noise, disturbance and environmental harm.

Members attention is drawn to the previous approval upon this site and the Appeal Decision on The Priory, where the Inspector found a similar development acceptable in amenity terms.

Transport

Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking guidance.

The site provides 119 car parking spaces and this is in line with the council's adopted parking standards. The Highway Authority is not aware of any safety capacity concerns relating to overspill on to the public highway. Furthermore they comment there are no significant adverse circumstances in the surrounding area that would be exacerbated by the proposal.

The comments from the Sustainable Transport Team are noted, in that the scheme would be acceptable subject to a sustainable transport contribution of £6,000. The applicant has confirmed their willingness to enter into a Legal Agreement for the total requested sum and a number of off-site highway improvement schemes within the local area have been identified. These include pedestrian crossing facilities on the A23, bus stop improvements or installing Real Time Information boards.

The applicant has provided details of a cycle parking, to include a covered timber cycle store with parking for up to 12 cycles. This cycle storage is in addition to the existing 25 spaces located on the Kingsmere Estate. The submitted details are acceptable, subject to ensuring that stands are individual and sufficiently spaced, the storage is lockable and made available to residents and well signed and advertised.

Living Accommodation Standards and Housing Issues

The proposal would provide eight flats capable of providing an acceptable standard of living for occupants. Whilst the previous proposal sought four, 3 bedroom flats all capable of family occupation, it is considered that the proposal would continue to meet a strategic housing need in the city. The quality of the accommodation would be acceptable in respect of the standards of living space, private amenity space and access.

Each of the proposed units would have access to its own private amenity space in the form of roof gardens. Each of the gardens would be separated by obscure glazed screen and provide an appropriate amount of private space. Each of the flats would have joint kitchens and living rooms, adequate sized bedrooms and bathroom. The floor space of each unit is below the amount expected of new affordable and/or social housing standards, but would meet an acceptable standard for market housing. Each would have appropriate facilities and would provide a comfortable standard of living for the occupiers.

Policy HO13 requires that applications demonstrate that wherever practicable, Lifetime Homes criteria should be incorporated into the scheme.

Whilst the Design and Access statement contends that the flats will meet Lifetime Homes Standards, it is considered in this case that it would be unlikely that all standards could be met in a building with existing access and other physical constraints. Given the layout and the design of the additional storey it is considered that a number of Lifetime Homes criteria could be incorporated into the scheme and a planning condition is therefore recommended to secure appropriate additional measures.

Sustainability

Any new residential development upon the site would need to conform to the requirements of SPD08 in respect of medium scale developments as conversions. In addition, and to conform to the requirements of policy SU2, any development must demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

The application has been accompanied by a sustainability checklist which details the sustainability features of the scheme. These include the use of solar hot water system, a reduction in CO2 emissions, smart metering, joining the considerate constructor's scheme, solar panels, refuse and recycling facilities and attaining BREEAM Very Good, or Code level 3 for Sustainable Homes.

Planning conditions should be imposed to secure this standard of sustainability. The planning statement also sets out a number of other criteria which can be met which goes beyond EcoHomes for refurbishment standards and a general sustainability measures condition may be added.

Policy SU13 seeks to minimise construction industry waste. SPD03 supports the objectives on this policy. However new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site

Waste Management Plan Regulations 2008. This legislation sits within Section 54 of the Clean Neighbourhoods and Environment Act 2005. On that basis a condition to secure waste minimisation management is not necessary.

Other issues

A number of grounds for objection have been raised by local residents in relation to potential construction methods, subsidence, insurance, sewer capacity, utilities, insurance, maintenance, value of existing flats and their rateable value. However, these are not material planning considerations in this case.

All other matters raised by residents as highlighted in this report have been examined, and cannot be considered as part of an assessment of the planning merits of the proposal.

9 CONCLUSION

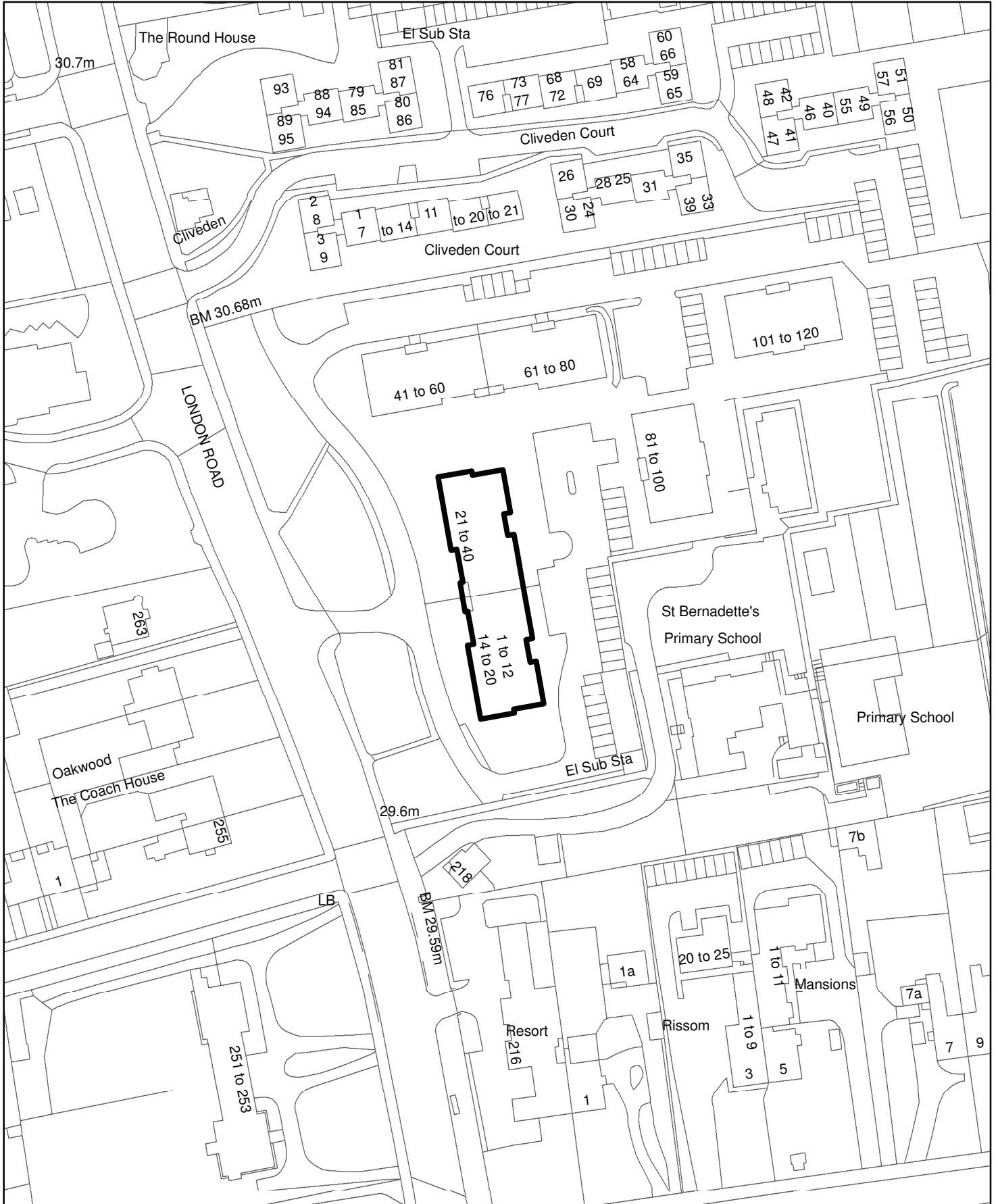
The proposed development would make an effective and efficient use of site, have a satisfactory appearance and would have an acceptable visual impact on the character and visual amenity of the area. The design includes provision of an acceptable standard of environmental sustainability, including on-site energy production.

The development would not result in harmful loss of light or outlook, or increased noise or disturbance, for occupiers of adjoining properties; and subject to an appropriate level of financial contribution to be spent on local transport infrastructure improvements and cycle parking it would not have a significant transport impact and travel demand would be catered for.

10 EQUALITIES IMPLICATIONS

The development should incorporate Lifetime Home standards wherever practicable into the design.

BH2011/03432 Blocks E & F Kingsmere, London Rd, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

| | | | |
|--------------------------------|---|----------------------------|----------------------|
| <u>No:</u> | BH2012/00047 | <u>Ward:</u> | WITHDEAN |
| <u>App Type:</u> | Advertisement | | |
| <u>Address:</u> | 227-233 Preston Road, Brighton | | |
| <u>Proposal:</u> | Display of internally illuminated fascia (letters only) and projecting signs, and non-illuminated ATM surround and totem sign. | | |
| <u>Officer:</u> | Adrian Smith | <u>Valid Date:</u> | 24/01/2012 |
| <u>Con Area:</u> | Preston Park | <u>Expiry Date:</u> | 20 March 2012 |
| <u>Listed Building:</u> | N/A | | |
| <u>Agent:</u> | WYG Planning & Design, 100 St John Street, London, EC1M 4EH | | |
| <u>Applicant:</u> | Sainsburys Supermarkets Ltd, c/o WYG Planning & Design | | |

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to **GRANT** advertisement consent subject to the following Conditions and Informatives.

Regulatory Conditions:

1. This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.
Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.
2. The development hereby permitted shall be carried out in accordance with the approved drawing nos.400, 403 rev A, 405 rev A, 406 rev B & 4875G01-ELEV rev 1K (pages 1-3) received on the 9th January 2012; and drawing no. 402 rev E received on the 27th January 2012.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.

6. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. No advertisement shall be sited or displayed so as to -
- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

8. The illumination of the advertisement shall be non-intermittent.

Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.

9. Notwithstanding the details submitted, the totem sign hereby permitted shall be non-illuminated at all times.

Reason: To safeguard the appearance and character of the area in accordance with policies QD12 and HE9 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

The proposed advertisements would be of an appropriate and modest scale, design and illumination to the host building and wider Preston Park Conservation Area and would neither cause loss of visual amenity to the locality, nor detriment to highway safety. The proposal is considered to be in accordance with development plan policies.

2 THE SITE

The application relates to a vacant commercial premises located on the west side of Preston Road (A23), Brighton, within the Preston Park Conservation Area. The site fronts onto the A23 Preston Road and is bounded by Cumberland Road to the north and Lauriston Road to the south, with residential properties directly adjacent to the west. The building sits to the southern half of the site and has an associated parking area to the northern half of the site, accessed via Cumberland Road. Planning permission has recently been granted to change the use of the site from a car showroom (sui

generis) to two A1 retail units (see below).

3 RELEVANT HISTORY

BH2011/00336: Change of Use of car showroom/workshop (SG04) to 2no retail units (A1) incorporating installation of external condenser unit, air conditioning units and an ATM machine. Refused 27/04/2011. Appeal Allowed.

BH2005/01749/AD: Illuminated and non-illuminated fascia, Brand line and Welcome signs, totem and directional signage. Approved 28/07/2005.

4 THE APPLICATION

Advertisement Consent is sought for the installation of internally illuminated fascia (letters only) and projecting signs and a non-illuminated ATM surround to the building, and the installation of a 2.8m high internally illuminated totem sign to the northeast corner of the car park.

5 CONSULTATIONS

External

Neighbours: Twelve (12) letters of representation have been received from **3, 4, 7, 9, 13, 18, 20 Cumberland Road, 221 Preston Road (3), 4 Preston Village Mews (2)** objecting to the application for the following reasons:

- The signs are too large and intrusive for a conservation area, and will not support or enhance the historical characteristic of the local environment
- The signage is brash, wasteful to energy, anti-social and damaging to the area. It should not be lit at all as it causes light pollution and invite anti-social behaviour and crime.
- The signage is not appropriate to the look of the conservation area, and is contrary to what they said they would do in their planning application in terms of having the signage 'in keeping' with the conservation area
- The totem sign is too large and unsightly, and is not needed if the store is to be for local use as stated in the application
- Signs to attract passing trade are likely to increase traffic, parking, noise, pollution and associated nuisances in this conservation area
- The applicants have not consulted with local residents
- Sainsburys should not be allowed to open at this location and will ruin the village with this type of appearance

Preston and Old Patcham Society object to the long maroon fascia board as it provides a horizontal emphasis contrary to the vertical emphasis of the houses in the conservation area. No objection is made to the lettering. Concern is raised at the inappropriateness of the graphics in the northern side window.

CAG: Comments awaited.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate

otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

PPS 5: Planning for the Historic Environment

Brighton & Hove Local Plan:

QD12 Advertisements and signs

QD27 Protection of amenity

TR7 Safe development

HE9 Advertisements and signs within conservation areas and on, or in the vicinity of a listed building

Supplementary Planning Document:

SPD07 Advertisements

8 CONSIDERATIONS

Matters relating to the principle of retail use of the site and the proposed hard landscaping are not material planning considerations in respect of this application for advertisement consent. The main considerations in the determination of this application relate to the impact of the proposed signage on the appearance of the building, street scene and Preston Park conservation area, and its affect on public safety and amenity.

Planning Policy:

Policy QD12 of the Brighton & Hove Local Plan states that sensitively designed and located advertisements and/or signs, which contribute to the visual amenity of the area and do not prejudice public safety, will be permitted. Advertisements and signs, which are detrimental to visual amenity and/or would adversely affect public safety, will not be allowed.

Policy HE9 of the Brighton & Hove Local Plan states that advertisements and/or signs within conservation areas will only be allowed where:

- a) they do not have an adverse effect on the architectural and historic character or appearance of the building, on conservation areas, or on their settings;
- b) the advertisement and/or sign relates to the function of the premises upon which it is displayed;
- c) the type of material chosen respects the character/appearance of the building and/or area; and
- d) if illumination is required, the advertisement and/or sign has individually halo or internally illuminated letters on an unlit fascia, or is externally spot lit.

Internally illuminated fascias will not be permitted.

Design and Appearance:

The site currently forms a vacant car showroom with an extant planning permission to convert into two retail units (BH2011/00336). This application relates to the advertisements for the front retail unit, proposed to be a Sainsburys convenience store.

The application proposes a non-illuminated plum coloured fascia to the front/east elevation, wrapping partially around onto the north and south elevations. This would be located on the building's existing fascia board which sits above the main window frontage. Internally illuminated canister lettering would be mounted onto the fascia on the front and north elevations only, with a single internally illuminated projecting sign to the front elevation above the entranceway. It is considered that the scale and illumination of the lettering is modest in relation to the frontage, and sits appropriately within the fascia. The 600mm by 900mm projecting sign also sits well within the fascia and does not dominate the frontage. Similarly, the non-illuminated signage around the ATM is modest and not harmful to the appearance of the building. Further applied graphics are to be placed inside the north and south windows, with the main street frontage remaining open. Again, these elements of the proposal would not harm the appearance of the building or the wider conservation area.

A 2.9m tall and 1.1m wide totem sign is proposed in the northeast front corner of the car park, advertising the services and opening hours of the site. As submitted the totem sign was to be internally illuminated. The applicants have since confirmed that the sign is to be non-illuminated in order to reduce its impact on the appearance of the conservation area. This is secured by condition. It is noted that a larger 4.6m tall and 1.6m wide totem sign was previously located in this position advertising the Caffyns showroom that previously occupied the site. This totem was granted advertisement consent in 2005 (BH2005/01749/AD) alongside other internally illuminated signage to the building itself. On balance, it is not considered that a smaller non-illuminated totem sign of this scale is so harmful as to warrant the refusal of permission. It would be located fronting the main A23 and in the context of a car park and other street furniture nearby and would not be an excessive or irregular feature fronting a large commercial premises such as this.

For these reasons it is not considered that the signs as proposed would cause undue amenity harm to the appearance of the building or the wider street scene. As such, they would be appropriate to the site and would not harm the general character and appearance of the Preston Park Conservation Area, in accordance with policy HE9 of the Brighton & Hove Local Plan and SPD07 'Advertisements'.

Impact on Amenity:

The proposed signs are located sufficiently away from the nearest residential buildings such that they would not cause light disturbance. Similarly, they are located appropriately in relation to the footway such that they would not cause a highway or footway safety risk.

Other Considerations:

Objections have been received raising concern over the potential for the signage to encourage more traffic to the site and anti-social behaviour. There is no evidence that such incidences would likely occur specifically as a result of the signage proposed. The site has been historically in commercial use and there is no evidence that anti-social behaviour or vehicular traffic levels rose significantly when similar signage operated at the site when in use as a car showroom.

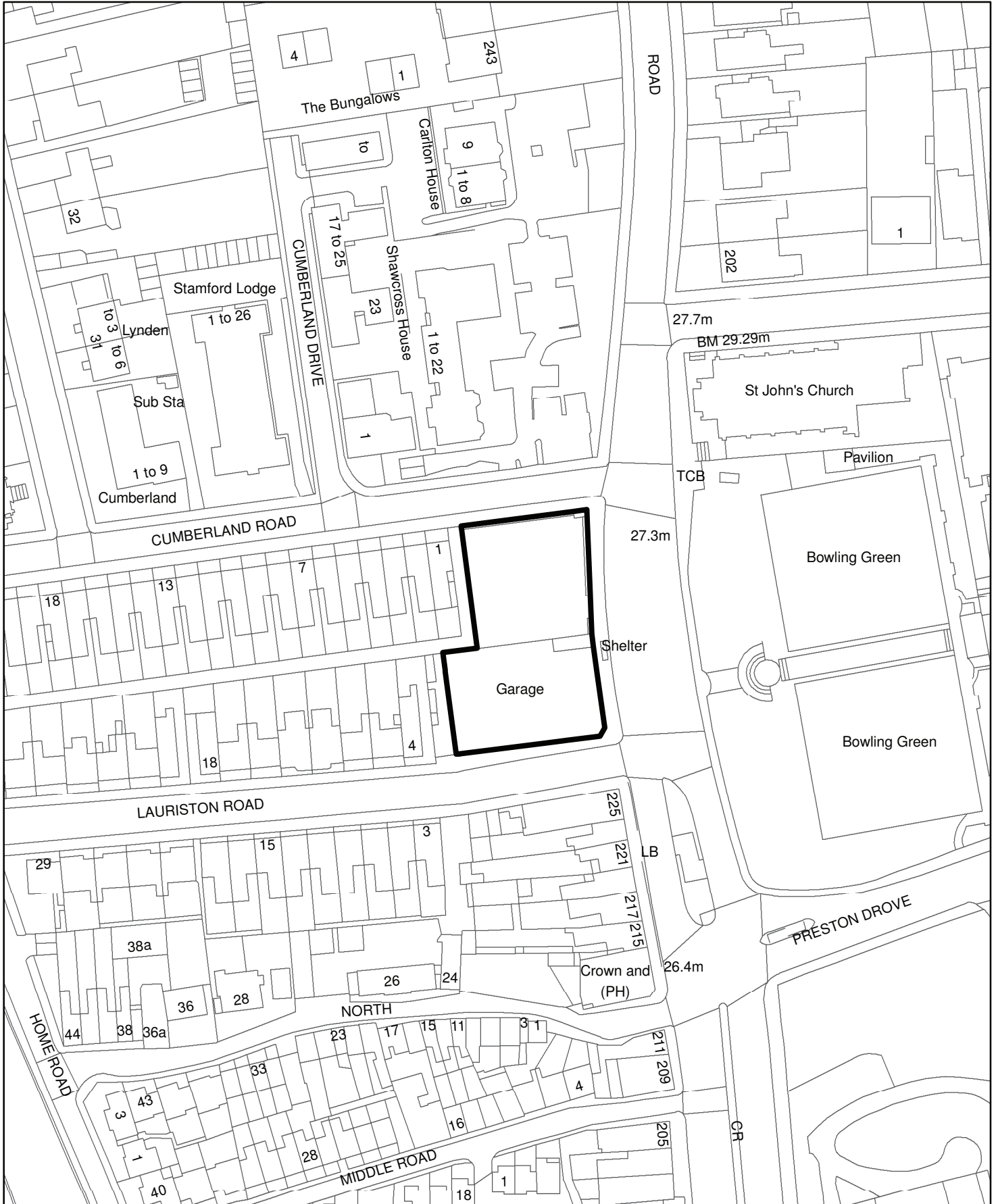
9 CONCLUSION

The proposed advertisements would be of an appropriate and modest scale, design and illumination to the host building and wider Preston Park Conservation Area and would neither cause loss of visual amenity to the locality, nor detriment to highway safety. The proposal is considered to be in accordance with development plan policies.

10 EQUALITIES IMPLICATIONS

None identified.

BH2012/00047 227-233 Preston Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|------------------|
| <u>No:</u> | BH2011/03509 | <u>Ward:</u> | HOVE PARK |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 7 Elm Close, Hove | | |
| <u>Proposal:</u> | Erection of 1no five bedroom house. (Part Retrospective) | | |
| <u>Officer:</u> | Clare Simpson | <u>Valid Date:</u> | 14/12/2011 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 08 February 2012 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | ADC Ltd, 72a Beaconsfield Road, Brighton | | |
| <u>Applicant:</u> | Mr Tony Thomas, C/O ADC Ltd | | |

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to be **MINDED TO GRANT** planning permission subject to the receipt of an amended rear elevation showing a juliet balcony on the rear elevation at ground floor level and the following Conditions and Informatives.

Regulatory Conditions:

- 1) The development hereby permitted shall be carried out in accordance with the approved drawings no.ADC355/ 09A, 26 and 28B received on the 16th November 2011 and revised rear elevation awaited.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 2) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local

Plan.

- 5) The first floor rear windows shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 6) The cycle parking facilities outlined on the approved drawing ADC355/26 received on the 16th November 2011 shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 7) The approved scheme of landscaping shown on drawing number ADC355/09A and RW Green Method Statement received on the 16th November 2011 shall be maintained for a period of 5 years from the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The principle of the development has been approved under application BH2008/00196. The house does have impact on neighbouring properties but an adequate separation distance to neighbouring properties is retained and the overall impact is considered acceptable. The revised window detail at ground floor level results in an additional glazing compared to the approved scheme, however no significant additional harm can be attributed to this change. The additional glazing at lower ground floor level has a negligible impact on neighbouring occupiers. With the modification to the first floor rear gable window no significant loss of privacy would result.

2 THE SITE

This application relates to the eastern plot (plot 2) of 7 Elm Close. The house has been recently constructed and is currently occupied.

The property is two storeys at the front with land levels sloping down to the rear

of the site allowing for lower ground floor accommodation at the rear. The rear site boundary is shared with the residential properties in Woodruff Avenue with some vegetation on the boundary. The rear elevation of the house is prominent when viewed from the neighbouring properties at the rear, particularly from Woodruff Avenue.

The character of the area is two storey dwellings with pitched roofs.

3 RELEVANT HISTORY

BH2011/01594 Erection of 1no five bedroom house (part retrospective) Refused under delegated powers 19/10/2011 for the following reason:

The installation of French doors on the rear elevation at first floor level results in an area of extensive glazing in an elevated position close to neighbouring gardens in Woodruff Avenue. The incorporation of such a dominant element gives the impression that the door is primary source of outlook over neighbouring gardens. Notwithstanding the assertion that these could be obscured and fixed shut, the development creates a perception of severe overlooking and has an un-neighbourly impact for adjoining occupiers. The scheme is contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2010/02117 Application for Approval of Details Reserved by Conditions 5, 8, 9, 11, 12 and 13 of application BH2008/00196. Approved 02/09/2010.

BH2008/00196 Erection of 2 new family homes on vacant plot Approved 10/06/2008.

This application was subject to numerous planning conditions including Condition 4 The first floor rear elevation window(s) shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

BH2005/01533/FP Demolition of existing dwelling and erection of 3 new dwelling and associated garaging (Resubmission of Refused application BH2004/03622/FP) – approved 30/08/2005 by the Planning Inspectorate.

4 THE APPLICATION

Part-retrospective planning permission is sought for this detached house which fronts Elm Close. This application follows the permission which was issued in 2008 under application **BH2008/00196** for erection of two houses on this plot. This consent was granted following a series of unsuccessful planning permissions including an appeal decision which was useful in guiding parameters of future developments for the site (see planning history). This application relates only to Plot 2 which is the eastern house.

The works that have been undertaken on site conflict with the approved plans in the use of materials and the size, positioning and numbering of fenestration. This current application seeks consent to retain the changes as built with the exception of the first floor rear window which is proposed to be modified.

5 CONSULTATIONS

External

Neighbours: Five (5) letters of representation have been received **from 19, 17, Woodruff Avenue, 1, 3, 5, Tongdean Avenue**, objecting to the application for the following reasons:

- the previous applications refused for the site were found to be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan; this revised application does not overcome these issues,
- the plans and conditions of the 2008 consent should be enforced,
- the plans depict a temporary solution by rendering part of the top floor French window,
- the property is currently on the market as built even though the windows do not have planning permission,
- the current obscured glass film stuck to the window does not comply with the condition ‘the first floor rear elevation windows shall not be glazed other than with obscured glass and thereafter permanently retained as such’
- no changes to the first floor cill level is proposed which gives the appearance of substandard work,
- if granted, people will be sitting at the balconies looking out,
- the developer has lopped and felled and trees on site which compounds a loss of privacy,
- the development onsite overshadows long-established properties resulting in a loss of amenity,
- the size of other windows vary considerably from the approved scheme.
- the actions of the developer are un-neighbourly,
- the development has caused much distress to residents and should be regretted.

Internal:

A letter objecting to the application has been received from **Councillor Jayne Bennett and Councillor Vanessa Brown**. A copy of the letter is attached.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

PPS 1: Delivering Sustainable Development

PPS 3: Housing

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR7 Safe development

TR14 Cycle access and parking

TR19 Parking standards

SU2 Efficiency of development in the use of energy, water and materials

SU13 Minimisation and re-use of construction industry waste

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD3 Design – efficient and effective use of sites

QD15 Landscape design

QD16 Trees and hedgerows

QD27 Protection of Amenity

HO3 Dwelling type and size

HO4 Dwelling densities

HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the design and appearance of the new house, including the impact on the character and appearance of the surrounding area, and the impact on the residential amenity of neighbouring occupiers.

This application follows the approval for a new house under application BH2008/00196. The design of the elevations of the house as-built, including materials and size/type of fenestration, is different to that of the approved application. The application has been submitted in order to regularise the building works to date with a further proposed change to the first floor window in the rear gable. Given that there are a number of the changes from the approved application, this application reverts back to an application for a single house, however the approval under BH2008/00196 remains an extant planning permission as works commenced under this permission.

Planning Policy:

The recent amendment to Planning Policy Statement 3 on Housing (PPS3) now excludes gardens from the definition of previously developed land. This was effective from the 9th June 2010. One of the revisions redefined gardens as

greenfield land and requires Local Planning Authorities to rigorously examine proposals for development in garden.

This approach is largely reflected in policies QD3 and HO4 of the Brighton & Hove Local Plan. QD3 and HO4 can support planning permission for higher density infill development in some circumstances. However, this must not result in 'town cramming' or cause other problems for neighbours or the future occupants of the proposed building, nor should it result in a development that is detrimental to its surroundings.

When assessing the principal application to redevelop the land in 2008, it was considered that there was sufficient space to allow the redevelopment to form 2 houses. The layout was considered to respect the traditional plot layout in area whilst making efficient use of the site and responded to the views of the planning inspector in an appeal on the 2005 application. There have been no changes in planning policy or site specific circumstances which would now make this development unacceptable in principle.

Design:

Policies QD1, QD2 and QD4 state that new development will be expected to demonstrate a high standard of design and should make a positive contribution to the environment and take into account local characteristics including the height, scale, bulk and design of existing buildings. In this instance the development must respond to an area with particularly strong character created by the Barrowfield Estate. This estate was built in the late 1920's in the garden city tradition and designed by Harold Turner. Although the site is not in a Conservation Area, Barrowfield was previously defined as an area of High Townscape Merit in the Hove Local Plan 1995 and has a strong character worthy of preservation.

The design and appearance of the building responds well to the setting in Elm Close and materials and finishes appear of a good standard. Some of the more traditional detail of the house which was originally approved under BH2008/00196 has not been carried through to the construction. However it is considered that the overall finishes of the house are in keeping with the surrounding area. The timber detailing on the front of the building is not in place, some of the tile hanging on the rear and side elevations approved in 2008 has not been implemented (thereby increasing the amount of render) and the chimney has not been constructed. This increase in the amount of render relative to approved areas of tile hanging is minor and does not make this development unacceptable. The loss of chimney makes the house feel less traditional than the house previously approved, however this change is not considered to make the house unacceptable.

The main design change from that of the previously approved application relates to the size and type of fenestration. On the side elevations of the house, the window designs approved had vertical emphasis. As installed, the windows are more horizontal in proportion; there is no objection however to this design change. The additional glazing at lower ground floor level is not readily visible from outside the boundaries of the property and this design change is

considered acceptable.

Turning to the rear gable elevation, the windows approved under application BH2008/00196 were relatively understated and had dimensions of approximately 1.4 x 1.8 metres and tile hanging was proposed between the ground and first floor windows.

The fenestration which has now been installed is French doors which have a larger amount of glazing and dimensions of approximately 1.8 metres in width and 2 metres in depth. The proposal in this application is to reduce the size of first floor window and retain the ground floor French doors. Neighbours have objected to the design of the first floor window alteration. The existing cill level would be retained and a render panel would in-filling the lower part of the existing opening. The objections are on the design of this feature and concerns that it appears to be temporary solution. It is considered that is approach is not unacceptable in principle. Despite the render panel being distinct from main part of the elevation, it would provide a functional solution by reducing the amount of glazing in this location and providing a discernable separation between the glazed areas at ground floor and first floor level.

The full height windows at ground floor window would be retained. This is shown on the plans as fixed shut. There is no objection to this feature at this level. A juliet balcony would need to be erected on the rear elevation for building control purposes. This has not been installed to date. An additional elevation is required to depict this change and is expected at the time of writing this report.

The impact on the residential amenity of neighbouring occupiers is discussed in the relevant section below.

Impact on Amenity:

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The principle of the development has been approved under the 2008 consent. Neighbours have once again raised objections to the size and scale of the development. The scale of the house is as approved by the 2008 application, although excavation close to the rear of the house has allowed for the formation of a lower ground floor terrace.

The treatment of the rear elevation of this building was the focus of pre-application discussions prior to the 2008 consent and informed the design approach eventually approved under the 2008 consent. This elevation is particularly sensitive due to the change in the land levels from the application site down to the houses in Woodruff Avenue. As a result, in the 2008 consent a modest sized window was proposed at first floor and this was to be obscure glazed and fixed shut. The first floor side bedroom windows were approved to provided the outlook and ventilation to this room.

The main change in this application which affects neighbours is that two windows on the rear gable of the house have been changed from modest windows to two pairs of French doors. As discussed above, this current application seeks to retain the ground floor French doors in situ but change the first floor fenestration on the gable to a more conventional size window, following the earlier refusal in 2011.

Residents have objected to this change on the grounds of addition overlooking and loss of privacy. It is considered that with the proposed modification to the first floor bedroom window, which will reduce the level of glazing to an amount comparable to the approved application, no loss of privacy or overlooking would result. Primary outlook from this bedroom will remain through the window on the east elevation.

In regard to the ground floor French doors which are proposed to be retained, this change would result in additional glazing compared to the 2008 approval. As the ground levels for this site are higher than those to the rear in Woodruff Avenue and Tongdean Avenue, this area of glazing can be seen from neighbouring properties, however with the separation distances between the houses, it is not considered neighbourly to retain this feature as built. Any increased perception of overlooking is considered to be negligible.

The other window alterations do not face neighbouring properties and it is not considered that these alterations present any issues for neighbours.

Sustainable Transport:

The Sustainable Transport Team have not commented on this application. The highway access was agreed in the previous application and there is no design changes proposed. Cycle parking is shown on the drawings within the double garage of the house. This considered being a suitable accessible facility.

Landscaping:

The landscaping scheme for this plots relied on retention of trees along the rear boundary and no unauthorised tree felling has been identified on site with trees on the boundary of this plot retained. The site is the subject of Tree Preservation Orders and some authorised tree works have take place since 2008 permission which include reducing tree crowns and lopping this year. As consistent with the usual practice, the landscaping does need to be maintained for a period of five years. This will be secured by condition.

Sustainability:

The development was subject to an Ecohomes 'very good' rating or Code for Sustainable Homes Level 3 which was discharged prior to development commencing in accordance with condition 8 of planning permission BH2008/0019. Following the change in the designation of gardens to Greenfield land in PPS3 the development would now be expected to reach Code of Sustainable Homes Level 5 to comply with the adopted SPD08 on Sustainable Building Design. However, the house has not been designed to meet this standard and given that the changes to the elevations are cosmetic, seeking a different energy performance at this stage is considered unreasonable.

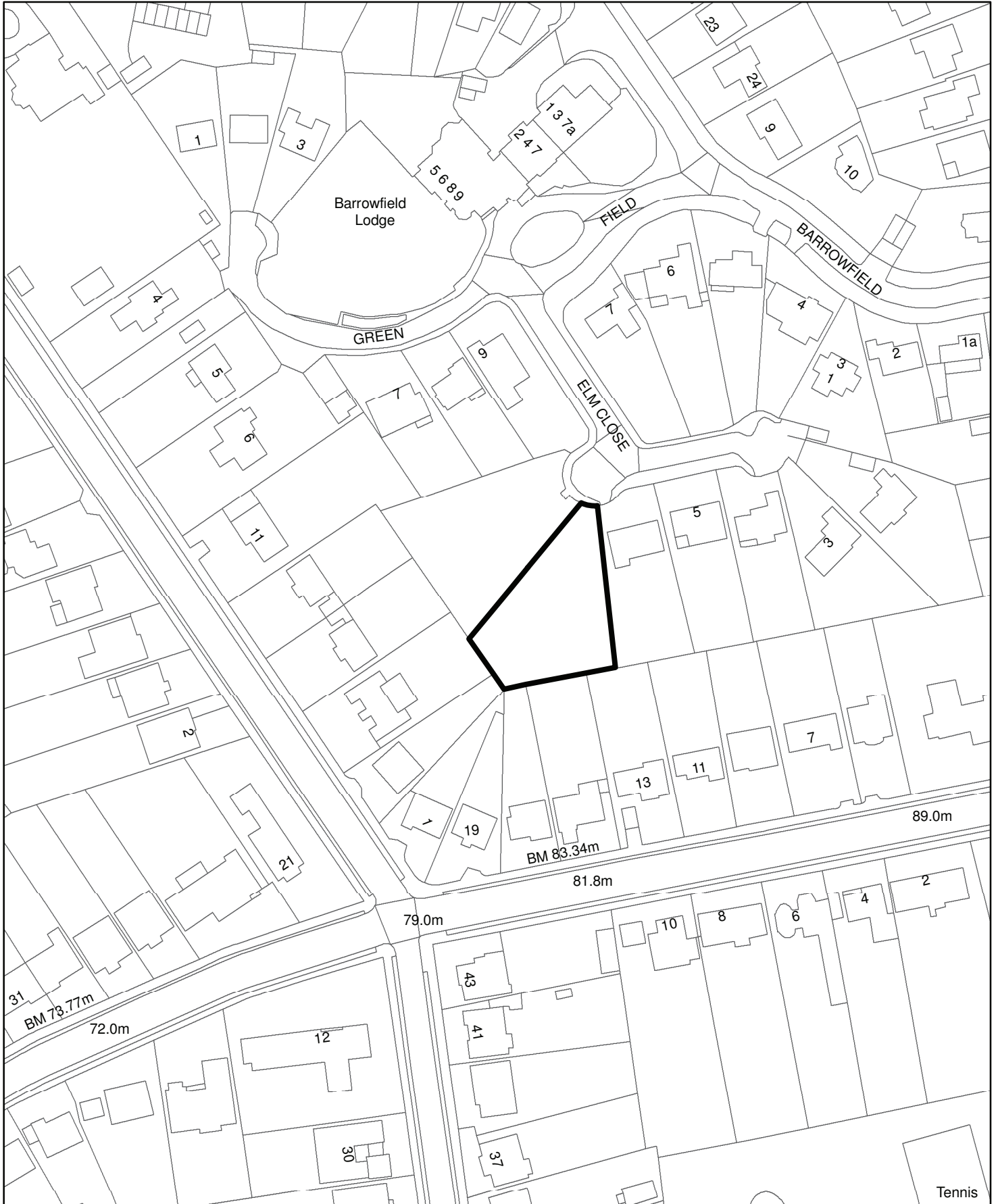
9 CONCLUSION

The principle of the development has been approved under application BH2008/00196. The house does have impact on neighbouring properties but an adequate separation distance to neighbouring properties is retained and the overall impact is considered acceptable. The revised window detail at ground floor level results in an additional glazing compared to the approved scheme, however no significant additional harm can be attributed to this change. The additional glazing at lower ground floor level has a negligible impact on neighbouring occupiers. With the modification to the first floor rear gable window no significant loss of privacy would result.

10 EQUALITIES IMPLICATIONS

The property provides a generous layout and which is largely compliant with HO13 and the Lifetime Homes Criteria.

BH2011/03509 7 Elm Close, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 14 MARCH 2012

COUNCILLOR REPRESENTATION

Clare Simpson
Planning Officer
1st Floor
Hove Town Hall
Norton Road
HOVE

Date: 11 January 2012

Our Ref: JB/VB/eb

Your Ref:

Dear Ms. Simpson

Re: Planning Application BH2011/03509 – 7 Elm Close, Hove

As Hove Park ward councillors we wish to object to these proposals because of the adverse effect it will have on nearby homes. There was a huge amount of care and work in the original application that was finally agreed by the Planning Committee to ensure the privacy and amenity of neighbouring properties was protected. The windows in this new proposal are unneighbourly and cause significant overlooking and loss of privacy. The windows in the original design were smaller and gave a much more balanced appearance to the house.

We wish this application to go before the planning committee if it is recommended for approval, and also urge a site visit for members.

Yours sincerely

Councillor Jayne Bennett

Tel/Fax: (01273) 291135
Email: jayne.bennett@brighton-hove.gov.uk
Blackberry 07824 866986

Councillor Vanessa Brown

Tel/Fax (01273) 291143
Email: Vanessa.brown@brighton-hove.gov.uk

| | | | |
|--------------------------------------|---|----------------------------|----------------|
| <u>No:</u> | BH2011/03803 | <u>Ward:</u> | REGENCY |
| <u>App Type:</u> | Listed Building Consent | | |
| <u>Address:</u> | 83 Upper North Street, Brighton | | |
| <u>Proposal:</u> | Installation of French doors to replace existing ground floor rear window. | | |
| <u>Officer:</u> | Robert McNicol | <u>Valid Date:</u> | 09/01/2012 |
| <u>Con Area:</u> | Montpelier and Clifton Hill | <u>Expiry Date:</u> | 05 March 2012 |
| <u>Listed Building Grade:</u> | Grade II | | |
| <u>Agent:</u> | John Bains Architect, Hope Cottage, Highleigh Road, Highleigh, Chichester | | |
| <u>Applicant:</u> | Mrs Rita McCormack, 83 Upper North Street, Brighton | | |

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in this report and resolves to **REFUSE** listed building consent for the following reason:

1. Policy HE1 states proposals involving the alteration of a Listed Building will only be permitted where the proposal would not have an adverse effect on the architectural and historic character of the building. The proposal to remove the original window, which is a historic feature of the property, and to demolish part of the property's historic fabric is contrary to the above mentioned policy and the guidance contained in SPD09 Architectural Features, and is considered to cause harm to this Grade II Listed Building.

Informatives:

1. This decision is based on drawing nos.UNS03A and UNS04 received on 09-Jan-2012.

2 THE SITE

The application relates to a three storey terraced house on the north side of Upper North Street. The house is Grade II Listed and lies within the Montpelier & Clifton Hill Conservation Area.

3 RELEVANT HISTORY

BH1997/01826/LB: In 1998, listed building consent was granted for the construction of a glazed lean-to to side of property, the removal of an existing door, the installation of a new side window and the erection of internal partitions.

4 THE APPLICATION

Listed building consent is sought for the removal of a timber double hung vertical sliding sash window at the rear of the property, and the replacement of this with French doors.

5 CONSULTATIONS

External

Neighbours: Seven (7) letters of representation have been received from **42, 43, 44, 78, 80, 84 and 87 Upper North Street**, supporting to the application for the following reasons:

- The alteration would be in keeping with the property, including the other first and second floor casement windows.
- The alteration would be at the rear of the property, and therefore have minimal impact.
- Other properties in the terrace have French doors or other alterations to the rear.
- The proposed doors are no higher or wider than the existing window.
- The house is Grade II Listed, rather than Grade I.
- The alteration would allow for proper functioning of the house, improving access to the rear garden.
- The sash window is not original.
- There would be no impact on neighbours.

Internal

Heritage: Objection

The proposal is to remove the existing sliding sash window from the main rear room on the ground floor, along with the section of wall below, and install casement doors to provide access to the garden.

The existing window is of historic interest in itself, and is part of the main house contributing to the interior of the inter-connected principle reception space as well as the rear elevation.

PPS5 practice guide states that historic fabric will always be an important part of an asset's significance, and that the insertion of new elements such as doors and windows is quite likely to have an adverse impact on a building's significance.

The importance of windows to the character of historic buildings is set out in SPD 09. The relevant policy states:

Original or historic windows should be retained unless beyond economic repair.

On the specific matter of installation of French doors the SPD states:

2.29 The conversion of windows into French doors by demolishing the masonry below cill level will normally only be acceptable at the rear of the premises at basement and ground floor level and where the window to be altered is not a historic feature of the building.

It is therefore considered that the removal of the existing window would cause harm to this listed building and should be refused.

Approval was recently granted for French doors at no. 85 Upper North Street (BH2011/01066), however in this case the original sliding sash window had already been removed at some time in the past and casement doors were in

place. This application therefore concerned the replacement of the doors and did not involve the removal of any historic fabric, and is therefore not a comparable case.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

PPS5: Planning for the Historic Environment

Brighton & Hove Local Plan:

HE1 Listed Buildings

Supplementary Planning Documents:

SPD09 Architectural Features

8 CONSIDERATIONS

The main issues are considered to be whether the proposed alteration would have an adverse impact on the architectural and historic character and appearance of the interior or exterior of the building and its setting.

Planning Policy:

Policy HE1 states that proposals involving the alteration of listed buildings will only be permitted where:

- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building and its setting; and
- b) the proposal respects the scale, design, materials and finishes of the existing building and preserves its historic fabric.

Supplementary Planning Document 09 (SPD09) Architectural Features) states that, on Listed Buildings “original or historic windows should be retained unless beyond economic repair”.

Regarding the replacement of windows with French doors, SPD09 states in paragraph 2.29 that “the conversion of windows into French doors by demolishing the masonry below cill level will normally only be acceptable at the rear of the premises at basement and ground floor level and where the window to be altered is not a historic feature of the building”.

The proposal is therefore considered contrary to the advice contained in policy HE1 of the Brighton & Hove Local Plan and SPD09 Architectural Features.

The proposal is for the removal of the existing timber vertical sliding sash window at the rear of the property on the ground floor, and the replacement of this with French doors. This would necessitate the demolition of the masonry below the window cill. The proposal does not seek to change the width of the opening. The replacement doors would be of white painted softwood.

It is considered that the removal of the existing window would harm the Listed Building.

Other Considerations:

Whilst approval was given for installing French doors at no. 85 Upper North Street (BH2011/01066), the case is not considered to be comparable. Casement doors had, at some time in the past, already been installed and the application did not involve the removal of any historic fabric.

83 Upper North Street and various other properties in the terrace have had alterations to the rear, including the insertion of non-original windows, rooflights and other alterations. There are also a number of historic windows remaining in situ. A degree of alteration and variety is to be expected in a group of properties of this age, however the lack of strict homogeneity or the presence of comparatively recent alterations are not sufficient reason to allow the loss of historic fabric of a listed building.

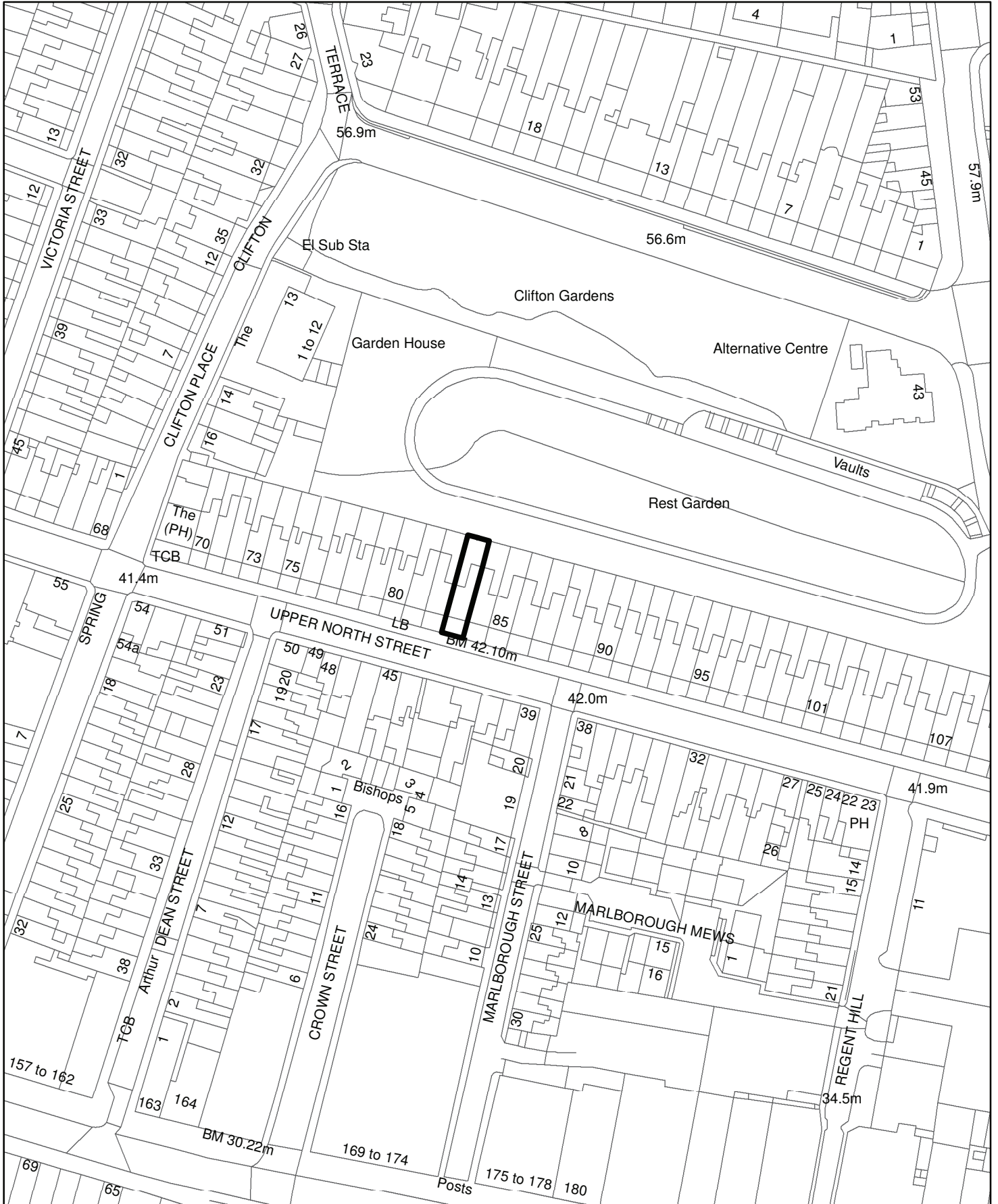
9 CONCLUSION

The proposal to remove the window, which is a historic feature of the property, and to demolish part of the property's historic fabric is contrary to policy and considered to cause harm to this Grade II Listed Building.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/03803 83 Upper North Street, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

PLANS LIST 14 March 2012

BRIGHTON AND HOVE CITY COUNCIL

**LIST OF APPLICATIONS DETERMINED BY THE HEAD OF CITY INFRASTRUCTURE
UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS
COMMITTEE DECISION**

BRUNSWICK/ADELAIDE

Application No: BH1999/00458/TPO/L
214 Church Road

Crown reduce and thin one Sycamore by 25%.

Applicant: Mark Winrow
Approved on 13 Feb 2012

CGOLDSMID

Application No: BH1998/01201/TPO/L
1 Coniston Court, Holland Road, Hove.

Crown reduce, thin and raise one sycamore.

Applicant: Harvest Forrestry
Approved on 13 Feb 2012

Application No: BH2001/02921/TCA/L
18 Oxford Mews, 4 Cromwell Road

Sycamore- rear garden of 4 Cromwell Road (towards centre). Crown thin 15-20%. All works to British Standards 3998:1989 Recommendations for Tree works.

Applicant: Mr C Young
Approved on 13 Feb 2012

PATCHAM

Application No: BH2012/00361
2 Wootton House Stables, Old London Road

Fell 1no Ash (diseased). Fell 1no Oak (no public amenity value)

Applicant: Mr D Hill
Approved on 17 Feb 2012

Application No: BH2012/00362
2 Wootton House Stables, Old London Road

1no Sycamore - remove 2 lower limbs, crown reduction. 3no Sycamores - crown reduction.

Applicant: Mr D Hill
Approved on 17 Feb 2012

PRESTON PARK

Application No: BH2012/00295
Fairways, 192 Dyke Road

1no Pine (T1) - remove 2 small low limbs. 2no Elms (T2 & T3) - 3 metre crown reduction, maximum 20% crown thin.

Applicant: Mr Billy Wright
Approved on 09 Feb 2012

Application No: BH2012/00437
141 Preston Drove

1no Eucalyptus (T1) - reduce and reshape by 25% to growth points

Applicant: Mr Richard Green
Approved on 23 Feb 2012

REGENCY

Application No: BH2012/00127
18 Clifton Terrace

1no Lime - reduction of secondary growth to retain shape

Applicant: Mrs Simone May
Approved on 02 Feb 2012

Application No: BH2012/00290
15 Clifton Hill

Fell 1no Pine (inappropriate species for location, bifurcated @ 2m with tight fork)

Applicant: Mr J Hatch
Approved on 09 Feb 2012

WITHDEAN

Application No: BH2011/03600
Varndean Park Estate

1no Sycamore (T11) - pollard leaving a 6.0m trunk. 1no Horse Chestnut (T1) - remove low epicormic growth and selectively reduce canopy to balance. 1no Yew (T2)- reduce canopy by up to 1.5m all round. 1no Turkey Oak (T3) - remove 2 limbs growing into Holm Oak and clear canopy of dead, diseased and damaged wood. 1no Walnut (T4) - reduce and thin canopy by up to 20%. 1no Whitebeam (T5) - cut back from building leaving 2m clearance. Row Holly (T6)- trim sides back towards curb up to height of 4m. 1no Cupressus (T7) - remove broken limbs from canopy. Laurel hedge (T8)- reduce height by approx 2m. 1no Yew (T9) and 1no Cherry (T10) - reduce and thin canopy by up to 20% and raise canopy to give 2m clearance. 1no Bay (T12) - reduce height to top of window and trim sides. 1no Norway Maple (T13) - reduce by 3m and balance. 1no Sorbus (T14) - remove basal suckers.

Applicant: Mr James Cox
Approved on 17 Feb 2012

Application No: BH2012/00291
7A Harrington Road

1no Macrocarpa (T1) - reduce overhang by 3/4 metres. 1no Ash (T2) - reduce by 2 metres. 1no Conifer (T3) - lift and trim overhang. 1no Elm (T4) - lift lower stems to fork, reduce next stem by 30% over house. 1no Sycamore (T5) – heavy lean to reduce to alleviate weight.

Applicant: Mr J Hatch
Approved on 09 Feb 2012

Application No: BH2012/00293
16 Clermont Road, Brighton

1no Laburnum - reduce tree to a height of 4 metres and a spread of 4 metres approximately.

Applicant: Mr Jonathan Barton
Approved on 09 Feb 2012

Application No: BH2012/00365
6 Hollingbury Copse

Fell 2no Sycamores (T1 and T2)

Applicant: Mr Brad Sheehan
Refused on 27 Feb 2012

EAST BRIGHTON

Application No: BH2012/00142
Flat 1, 1 Chichester Terrace

Fell 1no Holm Oak - less than one metre from two properties, foreseeable damage therefore o.k. to fell.

Applicant: Mr Henry Mason
Approved on 02 Feb 2012

Application No: BH2012/00163
8 Chesham Street

Fell 1no Pittosporum - very limited public amenity value.

Applicant: Mr Nyall Thompson
Approved on 02 Feb 2012

HANOVER & ELM GROVE

Application No: BH2011/03257
XB1124 - Downs Crematorium and Brighton & Preston Cemetery, Hartington Road

Fell 1 Sycamore - 10-12m in height, 8-9m crown spread. Bifurcated at 1m with a weak union. Growing between 3 gravestones and severely damaging all 3.

Applicant: Downs Crematorium
Approved on 06 Feb 2012

KINGS CLIFF

Application No: BH1998/02166/TPO
Marine Square Garden, Brighton

Crown lift and thin one Sycamore.

Applicant: c/o Robert Edwards
Approved on 13 Feb 2012

QUEEN'S PARK

Application No: BH2012/00289
Hyman Fine House, 20 Burlington Street

Fell 1no Willow - in decline, no public amenity value.

Applicant: Mr Ian Buck
Approved on 03 Feb 2012

ROTTINGDEAN COASTAL

Application No: BH2012/00164

16 The Vale, Ovingdean

2no Apple - thin out by 30% and reduce remaining laterals to make more compact shape

Applicant: Mr Nayll Thompson

Approved on 02 Feb 2012

Application No: BH2012/00166

Communal garden Sussex Square and Lewes Crescent

Fell group of 6no Cupressus macrocarpa and 2no Pine opposite - 3no Cupressus macrocarpa are causing actual structural damage, these act as windbreaks to remainder of group. One of this group has already suffered windthrow. This group takes the full force of S.W. wind from the sea, therefore removing 3 in the 'front-line' will leave the remainder of the group susceptible to windthrow, therefore it was felt by the inspecting officer that they must all be felled. The removal of the group allows the plans to re-landscape the gardens as they were originally to proceed. Fell 1no Ash – twin-stemmed, weak union, in decline. Fell 1no Holm Oak - heavy lean, poor form.

Applicant: Mr Jeremy Mouldsdale

Approved on 17 Feb 2012

Application No: BH2012/00224

14 The Vale, Ovingdean

Fell 7no Conifer (grown as hedge therefore exempt from Tree Preservation Order - Area Order, therefore no permission required). Fell 1no Ash (excessive deadwood, Daldinia concentrica present, tree in decline).

Applicant: Mr Nyall Thompson

Approved on 16 Feb 2012

Application No: BH2012/00225

14 The Vale, Ovingdean

1no Ash - reduce 2 live limbs by 50%. 1 no Ash - reduce to previous pruning points.

Applicant: Mr Nyall Thompson

Approved on 16 Feb 2012

Application No: BH2012/00228

Gate Cottage, 6 Bazehill Road

1no Holm Oak - hard 50% crown reduction, rebalance crown, monitor in one year. 3no Sycamores - reduce by 20%.

Applicant: Mr Mark Stepney

Approved on 17 Feb 2012

Application No: BH2012/00294
Forge House, Vicarage Lane

1no Norway Maple - reduce and reshape to previous pruning points. 1no Whitebeam - remove north eastern stem and reshape remainder of crown.

Applicant: Mr Nick Jones
Approved on 17 Feb 2012

BRUNSWICK AND ADELAIDE

Application No: BH2012/00043
36 Brunswick Road, Hove

Sycamore in rear garden - remove lower branches back to source, reduce upper crown back by 50%.

Applicant: Mr O'Flanagan
Approved on 02 Feb 2012

Application No: BH2012/00373
41 Lansdowne Place, Hove

Fell 1no Sycamore (no public amenity value).

Applicant: Mr & Mrs G. J. Hunting
Approved on 23 Feb 2012

Application No: BH2012/00436
114 Lansdowne Place

1no Acer (T1) - 30% reduction and 10% thin.

Applicant: Mr Charles Irvine
Approved on 22 Feb 2012

Application No: BH2012/00524
41 Lansdowne Place, Hove

1no Pear - lightly reduce and light thin.

Applicant: Mr & Mrs G. J. Hunting
Approved on 23 Feb 2012

CENTRAL HOVE

Application No: BH2012/00165
53 Tisbury Road, Hove

2no Elm - prune

Applicant: Mr Dennis Shefford
Approved on 02 Feb 2012

Application No: BH2012/00221
12 Albany Villas, Hove

Fell 1no Sycamore (multi-stem, weak unions, less than 2m from property, very limited public amenity value).

Applicant: Mr Clive Perry
Approved on 17 Feb 2012

Application No: BH2012/00428
1 Fourth Avenue

1no Elm - reduce by 2/3 metres and light thin

Applicant: Mr J Hatch
Approved on 23 Feb 2012

GOLDSMID

Application No: BH2012/00098
68B Wilbury Road

Fell one Lime - limited public amenity value, causing actual structural damage

Applicant: Mr S Taylor
Approved on 02 Feb 2012

Application No: BH2012/00432
73 The Drive

1no Elm (T1)- reduce by up to 25% (6m) and thin by 20%. 2no Sycamores (T2 and T3) - reduce by up to 25% (4m) and thin by 20%. 1no Horse Chestnut (T4) - reduce by up to 30% (6m) and thin by 20%.

Applicant: Mr Duncan Armstrong
Approved on 23 Feb 2012

PATCHAM

Application No: BH1999/00104/TPO/L
81 Brangwyn Drive

Crown thin.

Applicant: A P Welham
Approved on 13 Feb 2012

PORTSLADE NORTH

Application No: BH1997/01518/TPO/L
8 Crest Way

Lop and top one Sycamore.

Applicant: Mr R Gridley
Approved on 13 Feb 2012

PRESTON

Application No: BH1997/01517/TPO/L
4 Varndean Holt

Remove lower two branches over driveway.

Applicant: Deborah Sloan
Approved on 13 Feb 2012

Application No: BH1997/01520/TPO/L
Dorothy Stringer School, Loder Road

Lop and top thirty-five Sycamores, fourteen Horse Chestnuts and twelve Elders.

Applicant: Harry Reynolds
Approved on 13 Feb 2012

Application No: BH1999/00352/TPO/L
6 Hollingbury Copse

Crown reduce one Elm.

Applicant: Mark Watts
Approved on 13 Feb 2012

Application No: BH2000/01712/TPO/L
15 Preston Drove

Crown lift and 25% reshape one Sycamore.

Applicant: South Downs Health NHS Trust
Approved on 13 Feb 2012

SOUTH PORTSLADE

Application No: BH2011/03679
Loxdale Centre, Locks Hill

Sycamore group - 1.5m crown reduction in line with sycamores further along boundary

Applicant: Mr Kevin Rodgers
Approved on 06 Feb 2012

HOVE PARK

Application No: BH1998/02507/TPO/L
5 Greyfriars Close

Crown reduce and thin one Elm by 25%.

Applicant:
Approved on 13 Feb 2012

WESTDENE

Application No: BH1998/02521/TPO/L
1 Blackthorn Close

Crown reduce two Robinias T.16 and T.18

Applicant: Graham Ronald Kent
Approved on 13 Feb 2012

Application No: BH1999/01579/TPO/L
Station Road, Preston Village

Reduce height of crown by 10', reduce and thin crown spread on one Horse Chestnut, reduce spread to create window between Lime and adjacent trees.

Applicant: Mr P Marsh
Approved on 13 Feb 2012

PLANS LIST 14 MARCH 2012

BRIGHTON & HOVE CITY COUNCIL
LIST OF APPLICATIONS DETERMINED BY THE HEAD OF PLANNING &
PUBLIC PROTECTION UNDER DELEGATED POWERS OR IN
IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION

PATCHAM

BH2011/03358

Maycroft & Parkside London Road & 2-8 Carden Avenue Brighton

Demolition of existing buildings and erection of 3no storey residential care home for the elderly with associated facilities.

Applicant: Hallmark Care Homes

Officer: Liz Arnold 291709

Approved on 14/02/12 DELEGATED

1) UNI

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall not be brought into use until the vehicle parking area shown on the submitted plans has been laid out and surfaced to the satisfaction of the Local Planning Authority. The parking area shall not be used otherwise than for the parking of vehicles of residents, staff and visitors associated with the development.

Reason: To ensure that adequate parking provision is retained and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.

3) UNI

No furniture, umbrellas or similar paraphernalia shall be placed upon the roof terrace, hereby approved, in a position from which it will be visible from the pavement in either London Road or Carden Avenue or from the northern areas of Withdean Park.

Reason: To protect the character of the area and to ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

4) UNI

The east facing windows in the southern section of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5) UNI

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the

completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

6) UNI

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the faced of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. There should be no significant low frequency tones present.

Reason: To safeguard the amenities of the future residents of the development and amenities of the locality against potential noise disturbance and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

7) UNI

The railings shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policy QD1 of the Brighton & Hove Local Plan.

8) UNI

No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

9) UNI

Notwithstanding details shown on drawing no. 6151-PL-002RevH, the development hereby permitted shall not be commenced until further details of secure, covered, lit cycle parking facilities for the staff of and visitors to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented, in accordance with the approved details, and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

10) UNI

No development shall commence until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the future residents of the development and the amenities of occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

11) UNI

No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the future residents of the development and amenities of occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

12) UNI

Notwithstanding the information submitted, no development shall commence until an Arboriculturist Method Statement has been submitted to and approved in writing by the Local Planning Authority detailing measures to protect the trees to remain on the site to a British Standard BS 5837 (2005) Trees in Relation to Construction during construction of the development including the construction or demolition of any pathways etc in the vicinity of the retained trees.

Reason: To protect the trees which are to be retained on the site and those in the vicinity of the site and to comply with policy QD16 of the Brighton & Hove Local Plan.

13) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development including intended numbers and species, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

14) UNI

Notwithstanding the Ecological Assessment Document submitted on the 3rd November 2011, no development shall commence until details of nature conservation, protection and enhancement strategies has been submitted to and approved in writing by the Local Planning Authority. These details shall include mitigation measures for the loss of the grassland and pond habitats, quantified nature conservation enhancement measures and a reptile mitigation and method statement which include a precautionary exercise, to capture and remove to an identified and approved temporary receptor site (within the development boundary), any reptiles which may be present on site. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

15) UNI

No development shall commence until an appraisal, either a screening tool or a detailed dispersion model, of the air quality impact of the proposed biomass plant on the third floor accommodation and external roof terrace of the development hereby approved has been submitted to an approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of the development and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

16) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:

- a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of at least 65% in the energy section and at least 62% in the water section of relevant BREEAM assessment within overall 'Excellent' for all non-residential development have been submitted to the Local Planning Authority; and

- b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of at least 65% in the energy section and at least 62% in the water section of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

17) UNI

No development shall commence until details of the proposed means of foul sewage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in strict accordance with the approved details.

Reason: To enable the Local Planning Authority to control foul sewage and surface water drainage in accordance with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.

18) UNI

Prior to the commencement of the development, on site detailed drawings, including levels, sections and constructional details of the proposed highway works, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and to comply with policy TR7 of the Brighton & Hove Local Plan.

19) UNI

The development hereby approved shall not commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: The development is likely to disturb remains or archaeological interest and in order to protect and provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

20) UNI

No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. No external lighting other than that which forms part of the approved scheme shall be installed, unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To control light pollution, to safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan

21) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating at least 65% in the energy section and at least 62% in the water section of relevant BREEAM assessment within overall

'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

22) UNI

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

23) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 6151-AL-001, 6151-AL-002, 6151-PL-003RevH, 6151-PL-004RevG, 6151-PL-005RevG, 6151-PL-023RevB, 2 drawings no. SUN/711018, a drawing titled Access Plan and a drawing titled Tree Protection Plan received on the 3rd November 2011, drawing nos. 6151-PL-006RevG, 6151-PL-007RevC, 6151-PL-008RevF, 6151-PL-009RevF, 6151-PL-20RevA, 6151-PL-021RevC, 6151-PL-022RevA and 6151-PL-024RevA received on the 5th January 2012 and drawing no. 6151-PL-002RevH received on the 11th January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03485

1A Carol Close Brighton

Convert existing garage to games room incorporating erection of a single storey extension to east elevation and associated external alterations. Erection of a single storey detached garage.

Applicant: Mr A Thorpe

Officer: Louise Kent 292198

Approved on 13/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 230-01a, 02b & 3 received on 17 November 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03486

29 Braybon Avenue Brighton

Demolition of garage to facilitate erection of two storey side extension. Erection of single storey rear extension incorporating steps down to raised decking. Erection of front porch.

Applicant: Mr Jon Stubbs

Officer: Helen Hobbs 293335

Approved on 14/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 420(PL)1B and 420(PL)2B received on 10th February 2012, drawing no. 420(SK)1 received on 9th February 2012 and 420(PL)3a received on 29th November 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03522

48 Brangwyn Avenue Brighton

Certificate of Lawfulness for existing single storey rear extension, formation of side dormer and installation of front rooflights (Retrospective).

Applicant: Mr Steve Banks

Officer: Liz Arnold 291709

Approved on 23/02/12 DELEGATED

BH2011/03778

Land Adjacent 1 Warmdene Way Brighton

Application for Approval of Details Reserved by Condition 6 of application BH2011/03778.

Applicant: Mr Bob Walters

Officer: Aidan Thatcher 292265

Approved on 09/02/12 DELEGATED

BH2011/03895

47 Baranscraig Avenue Brighton

Demolition of existing conservatory and erection of single storey rear extension.

Applicant: Mr Dean Gibbons

Officer: Chris Swain 292178

Approved on 15/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH02.09

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with two unnumbered drawings, a site plan and a block plan received on 21 December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

5) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed to the hereby approved extension without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

PRESTON PARK

BH2011/01301

174 Balfour Road Brighton

Erection of single storey rear extension replacing existing conservatory and w.c .

Applicant: Mrs Jane Dunne

Officer: Jonathan Puplett 292525

Approved on 06/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window or door shall be constructed to the northern side elevation of the extension hereby approved without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. 01E received on the 11th of January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/02485

52 Preston Road Brighton

Conversion of single dwelling property to 4no self contained flats, erection of single storey rear extension and construction of new frontage at ground floor.

Applicant: Hardwick Hartley Partnership

Officer: Aidan Thatcher 292265

Refused on 08/02/12 PLANNING COMMITTEE

1) UNI

The proposed scheme fails to provide a unit of accommodation that is suitable for occupation by a family (including garden access) and as such the proposal is contrary to policy HO9 of the Brighton & Hove Local Plan.

2) UNI2

The application fails to demonstrate that the site would fall within a satisfactory noise category and have no adverse air quality issues and as such could cause harm to the amenity of the future occupiers of the units. The proposal is contrary to policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

3) UNI3

The proposed rear extension would have an unacceptable impact on the character and appearance of nos. 52 and 54 Preston Road, resulting in an overly dominant extension by virtue of its excessive width and depth. The proposal is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

4) UNI4

The proposed development would have an unacceptable impact on the living conditions of the future occupiers by virtue of a cramped form of accommodation, particularly within the ground floor units, poor outlook and would result in inter-overlooking between the proposed and existing units (including neighbouring residential accommodation). Therefore the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

5) UNI5

The application fails of provide for an acceptable standard of cycle parking provision and as such the proposal is contrary to policies TR14 and HO9 of the Brighton & Hove Local Plan.

6) UNI6

The proposed development fails to demonstrate adequate compliance with lifetime homes criteria and is contrary to policy HO13 of the Brighton & Hove Local Plan.

BH2011/03504

311 Ditchling Road Brighton

Erection of replacement single storey rear extension.

Applicant: Mr & Mrs Giustiniani

Officer: Sue Dubberley 293817

Approved on 17/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 1399/1507 and 1508 received on 15 November 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03505

311 Ditchling Road Brighton

Certificate of lawfulness for a proposed loft conversion incorporating rooflights to east elevation and rear facing dormer.

Applicant: Mr & Mrs Giustiniani

Officer: Sue Dubberley 293817

Approved on 17/02/12 DELEGATED

BH2011/03623

56 Edburton Avenue Brighton

Loft conversion incorporating rear dormer and rooflight to front roof slope.

Applicant: Mr Rupert Hawkes

Officer: Helen Hobbs 293335

Approved on 14/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH12.05A

The rooflight[*s*] hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. L-103 revision C received on 3rd February 2012 and drawing no. L-102 received on 28th November 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03650

213 Preston Drove Brighton

Erection of single storey rear extension with glazed roof.

Applicant: Mr Peter Roberts

Officer: Chris Swain 292178

Approved on 16/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 11/036/01, 11/036/02 and 11/036/03 and a design and access statement received on 29 November 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03783

Preston Lawn Tennis Club Preston Drove Brighton

Installation of 2no eight metre high floodlights and posts to court 3.

Applicant: Preston Lawn Tennis Club

Officer: Aidan Thatcher 292265

Approved on 02/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 23/H/11, 11/02, 11/5 and 11/6 received on 08.12.11.

Reason: For the avoidance of doubt and in the interests of proper planning.

3) UNI

The floodlighting hereby approved shall only be in use between the hours of 16:00 and 22:00 daily.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The floodlight posts hereby permitted shall be painted green to match the other posts within the site within 2 weeks of their erection and be retained as such thereafter.

Reason: To ensure the satisfactory preservation of the setting of the adjacent listed buildings and to safeguard the amenities of the occupiers of adjoining properties to comply with policies QD27 and HE6 of the Brighton & Hove Local Plan.

5) UNI

No development shall commence until a scheme of maintenance and details of the fittings to each floodlight to mitigate light spillage have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of the setting of the adjacent listed buildings and to safeguard the amenities of the occupiers of adjoining properties to comply with policies QD27 and HE6 of the Brighton & Hove Local Plan.

6) UNI

No development shall commence until a scheme of additional tree planting has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details prior to the floodlights coming into use and be retained as such thereafter.

Reason: To ensure the adequate protection of residential amenity and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

BH2011/03787

Flat 4 180 Springfield Road Brighton

Replacement of existing single glazed windows with UPVC double glazed units.

Applicant: Mr Eden Phillips

Officer: Helen Hobbs 293335

Approved on 14/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. BM-0805-2 and window specification details received on 9th December 2011 and site plan received on 3rd January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03843

140 Balfour Road Brighton

Installation of external insulation with rendered finish to existing walls. Removal of ground floor windows on side elevation.

Applicant: Mr T Small

Officer: Aidan Thatcher 292265

Approved on 15/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 06-1111, 06-1111a, 06-1111b, 06-1111c and 06-1111d received on 16.12.11.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03888

103 Hythe Road Brighton

Erection of single storey rear extension.

Applicant: Mr & Mrs Gilman

Officer: Jonathan Puplett 292525

Approved on 15/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with drawing nos. 1130-01 received on the 21st of December 2011 and no. 1130-02A received on the 14th of February 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2012/00053

58 Hamilton Road Brighton

Certificate of Lawfulness for proposed conservatory extension to rear installation of rear dormer incorporating Juliet balcony and rooflights to front elevation.

Applicant: Ms Lauren Atallah

Officer: Anthony Foster 294495

Approved on 10/02/12 DELEGATED

BH2012/00235

101 Chester Terrace Brighton

Non material amendment to BH2010/03405 for larger velux windows and 3-leaf patio doors and fixed light window in place of 4-leaf patio doors on rear elevation and change to roof material from slate to tiles.

Applicant: Mrs L Wakefield

Officer: Liz Arnold 291709

Approved on 20/02/12 DELEGATED

REGENCY

BH2011/02644

100A Western Road Brighton

Change of Use of ground floor and basement from sandwich bar (A1) to restaurant (A3) incorporating extraction duct.

Applicant: Mr Nima Bakhtiar

Officer: Wayne Nee 292132

Refused on 20/02/12 DELEGATED

1) UNI

Policy QD27 of the Brighton & Hove Local Plan seeks to protect the amenity of an area, its users, residents and occupiers, from disturbance such as smells and other pollution. There is potential for significant disturbance for occupants of the surrounding residential units from the proposed extraction duct. Having regard to the location directly below residential windows, the applicant has failed to demonstrate that the proposed extraction duct would not have a significant effect upon neighbouring residences in terms of odour issues. The proposal is therefore contrary to the aims of policy QD27.

BH2011/02817

20-25 North Street Brighton

Change of use from basement storage areas to mixed use arts venue with integral restaurant and bar (sui generis), new access doors at ground floor level and associated duct work.

Applicant: Theatre In The Lanes

Officer: Guy Everest 293334

Approved on 17/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH02.07

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

3) BH07.03

No development shall commence until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

4) BH07.04

No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan

5) BH07.07

No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

6) UNI

Unless otherwise agreed in writing by the Local Planning Authority the brickwork around the hereby approved ducting, as indicated on drawing no. P/11/045 003, shall match the material, colour, style and texture of the adjacent wall. The brickwork screen shall be completed prior to the ventilation system being brought into use and shall be retained thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

7) UNI

The rear ground floor fire exit to the hereby approved basement premises shall not be opened except for emergency access and egress between the hours of 23:00 and 07:00.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan

8) UNI

The use hereby permitted shall not be open or in use except between the hours of 10:00 and 00:00 (midnight) on Mondays to Wednesdays; between the hours of 10:00 and 02:00 on Thursdays to Saturdays; and between the hours of 10:00 and 00:00 (midnight) on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

9) UNI

The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

10) UNI

Prior to its installation 1:20 elevational drawings and 1:1 joinery details of the entrance door onto Meeting House Lane shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details and brickwork around the doorframe shall be made good to match the existing.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

11) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. P/11/045 001, P/11/045 002, P/11/045 003 & P/11/045 004 received on 12th October 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03380

First Floor Mitre House Western Road Brighton

Change of use to non-residential institutions (D1) and offices (B1) at first floor level. (Part Retrospective)

Applicant: Tareem Ltd C/O Montague Management Ltd

Officer: Guy Everest 293334

Approved on 08/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

No part of the first floor premises shall be used as a children's day nursery or crèche unless prior written consent is obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. 3318.EX.001 A received on 7th November 2011; and approved drawing no. 3318.EXG.002 A received on 15th November 2011

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03434

Mitre House 149 Western Road Brighton

Change of use of North block and addition of fourth storey contained within a mansard roof to form hotel (C1) with associated works.

Applicant: Tareem Ltd C/O Montague Management Ltd

Officer: Guy Everest 293334

Approved on 07/02/12 PLANNING COMMITTEE

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The access doors to Hampton Street, Spring Street and Hampton Place shall only be used in an emergency, and for no other purpose, and have a security alarm fitted prior to the commencement of the use hereby approved which shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

3) UNI

No loading or unloading of vehicles relating to the hotel shall take place on Hampton Street, Spring Street or Hampton Place.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

4) UNI

Unless otherwise agreed in writing by the Local Planning Authority the fanlight grille to the hereby approved Western Road entrance shall match the design, proportions and detailing of the existing, and adjoining, fanlight grille.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

5) UNI

The stone window cills to the north, west and southern elevations of the building shall be retained as existing and shall not be removed or rendered.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

6) UNI

Unless otherwise agreed in writing by the Local Planning Authority the roof of the northern block shall be kept clear of any plant, machinery, ductwork or railings.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD5 and HE6 of the Brighton & Hove Local Plan.

7) UNI

The railings at ground floor level to Hampton Street shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policy QD1 of the Brighton & Hove Local Plan.

8) UNI

Notwithstanding the submitted details the railings at first floor level to the Hampton Place frontage shall be painted grey to match the window frames and shall be retained as such.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policy QD1 of the Brighton & Hove Local Plan.

9) UNI

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

10) UNI

Prior to their installation details, at a 1:20 scale, of the replacement doors to the corner entrance at the junction of Spring Street and Hampton Street shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

11) UNI

No works to the eastern (Spring Street) elevation of the building shall take place until details, to include sections at a 1:20 scale, of the blocked windows at first floor level have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

12) UNI

A Travel Plan shall be submitted to the Local Planning Authority no less than three months prior to the first occupation of the hereby approved hotel. The Travel Plan shall be agreed in writing by the Local Planning Authority and include a package of measures, proportionate to the scale of the approved development, aimed at promoting sustainable travel choices and reducing reliance on the car. It shall also set out arrangements for provisions of disabled parking for guests and employees. The measures shall be implemented within a time frame as agreed with the Local Planning Authority and should be subject to annual review.

Reason: In order to promote sustainable choices and to reduce reliance on the private car to comply with policies SU2, TR1, TR4 and TR18 of the Brighton & Hove Local Plan.

13) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the accommodation at third floor level (within the additional mansard roof storey) shall not be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

14) UNI

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

15) UNI

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

16) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 3204.EXG.001 B, 3204.EXG.002, 3204.EXG.101 B, 3204.EXG.102 B, 3204.EXG.103 B, 3204.EXG.201 A, 3204.EXG.301 A, 3204.EXG.302 A, 3204.EXG.303 A, 3204.EXG.306 A, 3375.PL.100,

3375.PL.101, 3375.PL.102, 3375.PL.103, 3375.PL.104, 3375.PL.105, 3375.PL.106, 3375.PL.300, 3375.PL.301, 3375.PL.302, 3375.PL.800 A, 3375.PL.801, 3375.PL.802, 3375.PL.803, 3375.PL.804 & 3375.PL.805 submitted 8th November 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03658

Ground Floor Flat 14 Russell Square Brighton

Replacement of single glazed timber framed windows and doors with UPVC double glazed units incorporating installation of French doors to replace existing window and door at lower ground floor to rear.

Applicant: Mr Alastair Dodd

Officer: Wayne Nee 292132

Refused on 06/02/12 DELEGATED

1) UNI

Policy HE6 of the Brighton & Hove Local Plan states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show the use of building materials and finishes which are sympathetic to the area. Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted. The replacement of the existing front elevation basement windows with uPVC frames would be inappropriate for the character of the property and would be detrimental to the appearance of the surrounding street scene. This proposal is inappropriate in terms of its materials and would also fail to preserve or enhance the character and appearance of Regency Square Conservation Area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

BH2011/03699

16B Montpelier Crescent Brighton

Erection of new wall and recycling bin enclosure in front garden. (Part retrospective).

Applicant: Mr Toby & Mrs Jennifer Ombler

Officer: Mark Thomas 292336

Refused on 02/02/12 DELEGATED

1) UNI

Policy HE1 of the Brighton & Hove Local Plan states that alterations to a Listed Building will only be permitted where the proposal would not have an adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting, and should respect the scale, design, materials and finishes. Policy HE3 states that development will not be permitted if it would have an adverse impact on the setting of a listed building, through factors such as its siting, height, bulk, scale, materials, layout, design or use. The construction of a wall to the eastern side of the entrance path is in contrast to the open nature of the garden as originally designed and those to properties within Montpelier Crescent. The creation of a bin store within the wall has further increased the visually obtrusive and alien nature of the development. The development has and would result in significant harm to the character, architectural setting and significance of the Grade II* Listed Building, contrary to the above policies.

BH2011/03700

16B Montpelier Crescent Brighton

Erection of new wall and recycling bin enclosure in front garden. (Part retrospective).

Applicant: Mr Toby & Mrs Jennifer Ombler

Officer: Mark Thomas 292336

Refused on 02/02/12 DELEGATED

1) UNI

Policy HE1 of the Brighton & Hove Local Plan states that alterations to a Listed Building will only be permitted where the proposal would not have an adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting, and should respect the scale, design, materials and finishes. Policy HE3 states that development will not be permitted if it would have an adverse impact on the setting of a listed building, through factors such as its siting, height, bulk, scale, materials, layout, design or use. Policy HE6 states that proposals within conservation areas should preserve or enhance the character of the area. The construction of a wall to the eastern side of the entrance path is in contrast to the open nature of the garden as originally designed and those to properties within Montpelier Crescent. The creation of a bin store within the wall has further increased the visually obtrusive and alien nature of the development. The development has and would result in significant harm to the character, architectural setting and significance of the Grade II* Listed Building, and to the character and appearance of the wider Montpelier and Clifton Hill conservation area contrary to the above policies.

BH2011/03775

103 Upper North Street Brighton

Certificate of Lawfulness for proposed erection of a detached single storey outbuilding in rear garden.

Applicant: Mr James Tierney

Officer: Jason Hawkes 292153

Approved on 22/02/12 DELEGATED

BH2011/03782

Flat 1 & 2 65 - 66 Regency Square Brighton

Internal alterations to convert flats 1 & 2 into 1no residential unit.

Applicant: Mr Nigel Rose

Officer: Christopher Wright 292097

Approved on 17/02/12 DELEGATED

1) BH01.05

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

The new doors and walls shall have architraves and skirting boards to match the existing architraves and skirting boards and all works of making good shall match the existing.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

Notwithstanding the drawings submitted, no works shall take place until precise construction details for the supporting lintels over the proposed openings have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

Notwithstanding the drawings submitted, no works shall take place until 1:20 sample elevations and 1:1 joinery sectional profiles of all new doors have been submitted to and approved in writing by the Local Planning Authority, and the works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

BH2011/03819

41 Regency Square Brighton

Replacement of existing windows with new timber sliding windows to front elevation at ground and first floor level.

Applicant: Mr & Mrs White

Officer: Steven Lewis 290480

Approved on 08/02/12 DELEGATED

BH2011/03820

41 Regency Square Brighton

Replacement of existing windows with timber sliding sash windows to front elevation at ground and first floor level.

Applicant: Mr & Mrs White

Officer: Steven Lewis 290480

Approved on 08/02/12 DELEGATED

BH2011/03858

54 - 55 Meeting House Lane Brighton

Display of 2no externally illuminated fascia signs.

Applicant: Mr Paul Craig

Officer: Wayne Nee 292132

Refused on 10/02/12 DELEGATED

1) UNI

Policy QD12 of the Brighton & Hove Local Plan states that advertisements and signs should be sensitively designed and located, and should contribute to the visual amenity of the area. Policy HE9 of the Brighton & Hove Local Plan states that advertisements and signs within conservation areas will only be allowed when they do not have any adverse effect on the architectural and historical character or appearance of the building, on a conservation area or on their settings. Supplementary Planning Document 7 on Advertisements also outlines the Council's approach to advertisements. The proposed top signage fascia, which would be externally illuminated, would appear incongruous and would be unduly visually prominent at a high level on the building. This would be detrimental to the appearance and character of the Old Town Conservation Area, and is therefore contrary to the above policies and supplementary planning document.

2) UNI2

The proposed main signage fascia panel would be an inappropriate addition as it would stand off the building more than the existing fascia, thereby reducing the definition of the architectural features surrounding the fascia. Furthermore, the method of illumination of trough lighting would obscure important architectural features which would harm the character and appearance of the building and would be detrimental to the Old Town Conservation Area. The signage is therefore contrary to policies QD12, HE6 and HE9 of the Brighton & Hove Local

ST. PETER'S & NORTH LAINE

BH2011/01046

31 - 33 Bath Street Brighton

Proposed redevelopment of site providing 5no residential dwellings to the rear and A1 retail with B1 offices above to front.

Applicant: Mr Essam Barakat

Officer: Kate Brocklebank 292175

Approved on 17/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH05.01B

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

3) BH05.02B

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

4) BH08.01

The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,
- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning

Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress; and

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

5) UNI

No development shall take place until elevational details of the refuse and recycling storage indicated on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full as approved prior to occupation and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.

6) UNI

Notwithstanding the approved drawings, no development shall commence until details including a 1:10 scale elevation of the architectural metalwork of the Juliet balconies and the central entrance gates, which shall be of an artistic design, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

7) UNI

The windows servicing the bathrooms within the dwellings hereby approved shall not be glazed otherwise than with obscured glass. The upper half of the sash windows servicing the bathrooms within units R4 and R5 shall also be fixed shut and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

8) UNI

The top half of the sash windows servicing the second bedrooms within the rear elevations of units R2 and R3 hereby approved shall not be glazed otherwise than with obscured glass and shall also be fixed shut and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

9) UNI

A method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after demolition and construction works, shall be submitted to and approved by the Local Planning Authority before works commence. The demolition and construction works shall be carried out and completed full in accordance with the approved method

statement.

Reason: To ensure satisfactory protection of the existing boundary walls which are considered to be an important feature within the conservation area, in accordance with policy HE6 of the Brighton & Hove Local Plan.

10) UNI

Before development commences details of the treatment to all boundaries to the site including details of any retained walling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details prior to first occupation of the development and retained thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

11) UNI

The walls of the new buildings shall be smooth rendered down to ground level and shall not have bell-mouth drips or channels.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

12) UNI

All new rainwater goods, soil and other waste pipes shall be in cast iron.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

13) UNI

No development shall take place until elevational details of the cycle storage indicated on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full as approved prior to occupation and the cycle storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy TR14 of the Brighton & Hove Local Plan

14) UNI

No development shall commence until details of the type and location of a swift nesting box has been submitted to an approved in writing by the Local Planning Authority. The box shall then be provided in accordance with the approved details prior to first occupation and retained as such thereafter.

Reason: To ensure protection of species on the site in accordance with policy QD18 of the Brighton & Hove Local Plan.

15) UNI

No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme for landscaping, which shall include hard and soft landscaping, tree and shrub planting, level changes, reinstated paths, new paths and hard paved areas, fences, walls and gates, and the works shall be carried out in strict accordance with the approved details and maintained as such thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with policy QD15 of the Brighton & Hove Local Plan.

16) UNI

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed

before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with policy QD15 of the Brighton & Hove Local Plan.

17) UNI

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and subsequent amendments, the commercial units at first and second floors within the frontage block of the development hereby approved shall be used only as B1 (a) and (b) and for no other purpose in Use Class B1.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenity of the area in accordance with policy QD27 of the Brighton & Hove Local Plan.

18) UNI

The B1 commercial units within the development hereby approved shall only be in use between the hours of 08:00 - 19:00 Monday to Friday and 09:00 - 18:00 on Saturdays. There shall be no working on Sundays, bank or public holidays and no deliveries shall take place outside these hours.

Reason: To safeguard the amenities of adjoining occupiers and to accord with policies QD27 and SU10 of the Brighton & Hove Local Plan.

19) UNI

No external working in relation to the commercial units on the ground floor shall be carried out at any time.

Reason: To safeguard the amenities of adjoining occupiers and to accord with policies QD27 and SU10 of the Brighton & Hove Local Plan.

20) UNI

A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved by the local planning authority. The use of the premises shall not commence until all specified works have been carried out to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of adjoining occupiers and to accord with policies QD27 and SU10 of the Brighton & Hove Local Plan.

21) UNI

A scheme for the soundproofing of the building shall be submitted to the Local Planning Authority and no development shall commence until a scheme is approved by the Local Planning Authority. The end use of the premises shall not commence until all soundproofing works have been carried out to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of adjoining occupiers and to accord with policies QD27 and SU10 of the Brighton & Hove Local Plan.

22) UNI

No development shall commence until detailed drawings of the reinstated pavement abutting the site, including levels, sections and constructional details of the pavements treatments, surface water drainage, outfall disposal of the pavement adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and for the benefit and convenience of the public at larger and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

23) UNI

The development hereby permitted shall not be commenced until details of sustainability measures to be incorporated into the commercial element of the development have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would

be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design and unless agreed in writing by the Local Planning Authority shall include the incorporation of a similar amount of Photovoltaic panels as shown on drawing number TA 553/10 Rev D. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

24) UNI

No development shall take place until samples of the materials (including colour of render, paintwork and coloured panels) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

25) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no demolition of the building shall take place during the bird nesting season (1 March - 31 July inclusive).

Reason: To ensure that nesting birds are not disturbed and to comply with policy QD18 of the Brighton & Hove Local Plan.

26) UNI

Unless otherwise agreed in writing, no development shall commence until details of the proposed green walling and chalk grassland roof including a timetable for implementation, maintenance programme, sections of the grassland roof and seed mix have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

27) UNI

The following details shall be submitted to and approved by the Local Planning Authority before works commence:

- i) sectional profiles at 1:1 scale of window, door and shopfront frames.
- ii) details and samples of materials.
- iii) details of colours and finishes.

The scheme shall then be carried out in strict accordance with the agreed details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

28) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. TA 553 /01 rev. B, TA 553 /02 rev. B, TA 553 /03 rev. A, TA 553 /17 rev. B, TA 553 /18 rev. B received on 13 April 2011, TA 553 /11 rev. B, TA 553 /12 rev. C, TA 553 /14 rev. D, TA 553 /15 rev. C, TA 553 /19 rev. D, TA 553 /20 rev. C, TA 553 /21 rev. A, TA 553 /22, TA 553 /23 received on 31 May 2011, TA 553 /13 rev. E, TA 553 /16 rev. D, TA 553 /30 rev. C received on 23 June 2011, TA 553 /10 rev. D received on 30 June 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03561

8-11 Pavilion Buildings Brighton

Internal alterations to layout of ground and first floors and removal of service lift. Restoration of external doors, windows and stonework.

Applicant: The Royal Bank of Scotland Group Plc

Officer: Chris Swain 292178

Approved on 03/02/12 DELEGATED

1) BH01.05

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

The new flooring to the banking hall shall be loose laid over the existing marble floor and no physical or adhesive fixings shall be made into or onto the marble.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

The cleaning to the external stone work shall only be carried out using a nebulous clean water spray to soften accumulated dirt, followed by light brushing of the stone with soft phosphor bronze brushes, and/or rinsing with a low pressure water lance. Heavily soiled areas may be cleaned with an application of neutral ph soap or detergent to ensure that a consistent appearance of the stonework is achieved. Details of any alternative method of cleaning must be submitted to and approved in writing by the LPA and the cleaning carried out in accordance with the approved method.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2011/03562

8-11 Pavilion Buildings Brighton

Display of internally-illuminated fascia and projecting signs.

Applicant: The Royal Bank of Scotland Group Plc

Officer: Chris Swain 292178

Approved on 03/02/12 DELEGATED

1) BH10.01

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.

2) BH10.02

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

3) BH10.03

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of

public safety.

4) BH10.04

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.

5) BH10.05

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) BH10.06

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7) BH10.07

The illumination of the advertisement shall be non-intermittent.

Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.

BH2011/03585

34 Marlborough Place Brighton

Application to extend time limit for implementation of previous approval BH2008/03488 for internal alterations, proposed rear dormer, reinstatement of front railings and original front basement sash window.

Applicant: Mrs Zerrin Hodgkins

Officer: Chris Swain 292178

Approved on 06/02/12 DELEGATED

1) BH01.05

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) BH13.01

No works shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) BH13.09

The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) BH13.12

This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

5) UNI

Before works commence, 1:20 scale elevations and 1:1 scale section details or samples must be submitted showing the proposed new railings to the front elevation. The railings must be in cast iron.

Reason: As insufficient information has been submitted to ensure the satisfactory preservation of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.

6) UNI

For the avoidance of doubt, the external width of the proposed rear dormer shall not exceed 1 metre and there shall be no other projections beyond the plane of the roof.

Reason: To ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

7) UNI

For the avoidance of doubt, the proposed dormer shall be set back at least 500mm from the eaves, measured along the slope of the roof.

Reason: To ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

8) UNI

Before works commence, 1:20 scale elevations and 1:1 scale joinery sections must be submitted to and approved by the Local Planning Authority showing the proposed front basement window and the proposed rear dormer window. Both windows must be in painted softwood.

Reason: As insufficient information has been submitted to ensure the satisfactory preservation of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.

9) UNI

Before works commence a 1:20 scale section must be submitted showing the proposed floor construction.

Reason: As insufficient information has been submitted to ensure the satisfactory preservation of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.

BH2011/03691

24 Clifton Street Brighton

Erection of single storey rear extension. (Part retrospective)

Applicant: Mr Tim Pearce

Officer: Jonathan Puplett 292525

Approved on 07/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The external walls of the extension hereby approved shall be of a painted render finish to match that of the existing building.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the location plan, block plan and drawing nos. 01REVA, 02REVA, 03REVA, 04REVA and 05REVA received on the 5th of December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03698

Block K Stroudley Road Brighton

Temporary local area of play, erection of secure palisade fencing and associated landscape improvements.

Applicant: TimeC 1328 Ltd

Officer: Liz Arnold 291709

Approved on 10/02/12 DELEGATED

1) UNI

The Local Area of Play and associated fencing hereby permitted is for a temporary period of 2 years only from the date of the permission.

Reason: The temporary Local Area of Play and associated fencing hereby approved is not considered suitable as a permanent form of development, to safeguard the appearance of the site and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. L25RevisionB and 07C received on the 9th February 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

3) UNI

The fencing hereby approved, as shown in drawing no. L25Revision B received on the 9th February 2012, shall not be erected until details of the provision of an access point, for maintenance purposes, to the areas outside of the Local Area of Play, have been submitted to an approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the area and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

4) UNI

Notwithstanding drawing no. L25Revision B received on the 9th February 2012, the area coloured green and annotated as 'Area for Future Office Development' on drawing no. L25Revision B shall be re-seeded with a wild flower mix. Details of the wild flower mix to re-seed the areas outside of the Local Area of Play shall be submitted to an approved in writing by the Local Planning Authority prior to commencement of works.

Reason: To compensate for the loss of the existing habitat and to accord with policy QD17 of the Brighton & Hove Local Plan.

5) UNI

The Local Area of Play shall not be accessible to members of public until after 8am each morning and shall remain open during daylight hours, up until 7.30pm. These times shall be clearly advertised at the entrance to the Local Area of Play.

Reason: To ensure that the Local Area of Play is accessible to members of public in accordance with policy H06 of the Brighton & Hove Local Plan.

BH2011/03721

12 Compton Avenue Brighton

Erection of single storey rear extension at basement level and alterations to retaining wall to form landscaped steps up to main garden.

Applicant: Ms Sara Taverner

Officer: Helen Hobbs 293335

Approved on 15/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH12.02

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. CH378-2/001, CH378-2/002, CH378-2/003, CH378-2/004 and CH378-2/005 received on 7th December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03798

34 Marlborough Place Brighton

Application to extend time limit for implementation of previous approval BH2008/03472 for internal alterations, proposed rear dormer, reinstatement of front railings and original front basement sash window.

Applicant: Mrs Zerrin Hodgkins

Officer: Chris Swain 292178

Approved on 06/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH13.01

No works shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) BH13.09

The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) BH13.12

This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

5) UNI

Before works commence a 1:20 scale section must be submitted showing the proposed floor construction.

Reason: As insufficient information has been submitted to ensure the satisfactory preservation of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.

6) UNI

Before works commence, 1:20 scale elevations and 1:1 scale section details or samples must be submitted showing the proposed new railings to the front elevation. The railings must be in cast iron.

Reason: As insufficient information has been submitted to ensure the satisfactory preservation of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.

7) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 530.01A, 530.02A, 530.03, the Design & Access Statement, the Heritage Statement and the site location plan received on the 27th October 2008, drawing no. 530.05 received on the 8th January 2009 and a site plan received on 22 November 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

8) UNI

For the avoidance of doubt, the proposed dormer shall be set back at least 500mm from the eaves, measured along the slope of the roof.

Reason: To ensure the satisfactory preservation of the listed building and to comply with policy HE1 and HE6 of the Brighton & Hove Local Plan.

9) UNI

For the avoidance of doubt, the external width of the proposed rear dormer shall not exceed 1 metre and there shall be no other projections beyond the plane of the roof.

Reason: To ensure the satisfactory preservation of the listed building and to comply with policy HE1 and HE6 of the Brighton & Hove Local Plan.

10) UNI

Before works commence, 1:20 scale elevations and 1:1 scale joinery sections must be submitted to and approved by the Local Planning Authority showing the proposed front basement window and the proposed rear dormer window. Both windows must be in painted softwood.

Reason: As insufficient information has been submitted to ensure the satisfactory preservation of the listed building and in accordance with policy HE1 and HE6 of the Brighton & Hove Local Plan.

BH2011/03879

38 Guildford Street Brighton

Replacement of existing single glazed crittal windows with hardwood timber double glazed windows at front elevation to ground and first floor levels.

Applicant: Mr Kim Fagerlie

Officer: Liz Arnold 291709

Approved on 13/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The frames of the replacement windows hereby approved shall be painted with gloss paint within one month of the permission hereby approved.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 101, 106 and 107 received on the 20th December 2011 and drawing nos. 102RevB, 103RevA, 104RevA and 105RevB received on the 3rd February 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03880

Sovereign House Church Street Brighton

Application for Approval of Details Reserved by conditions 2ii, 2iii, 2iv, 3iv and 3v of application BH2010/02855.

Applicant: Aberdeen Asset Management

Officer: Jonathan Puplett 292525

Approved on 20/02/12 DELEGATED

BH2011/03881

124 Dyke Road Brighton

Installation of metal palisade fence to rear to replace existing timber fence.

Applicant: The Co-operative Group

Officer: Liz Arnold 291709

Approved on 16/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.1939.01 received on the 20th December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2012/00010

17 York Place Brighton

Change of use from retail (A1) to a restaurant (A3) and take-away (A5).

Applicant: Mr Kara

Officer: Aidan Thatcher 292265

Approved on 15/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH02.08

No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

3) BH05.09A

The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

4) BH06.02

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

5) UNI

No alcohol shall be sold or supplied except to persons who are taking meals on the premises and who are seated at tables.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

6) UNI

No loading or unloading of vehicles shall take place to the site except between the hours of 07.30 and 19.00 Monday to Friday and 09.00 and 19.00 on Saturdays, Sundays and Bank Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

7) UNI

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

8) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. site location plan (unreferenced), block plan (unreferenced), K001 Rev A, K002 and K003 Rev A received on 21/12/11.

Reason: For the avoidance of doubt and in the interests of proper planning.

9) UNI

The use hereby permitted shall not be open to customers except between the hours of 09.00-23.00.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

BH2012/00081

52 Clifton Street Brighton

Certificate of Lawfulness for a proposed single storey rear extension.

Applicant: Mr Barrie Hullis

Officer: Pete Campbell 292359

Approved on 23/02/12 DELEGATED

WITHDEAN

BH2010/03226

Westdene Primary School Bankside Brighton

Application for Approval of Details Reserved by Conditions 1-15 of application BH2010/01382.

Applicant: Brighton & Hove City Council

Officer: Adrian Smith 290478

Approved on 08/02/12 DELEGATED

BH2011/02869

250 London Road Brighton

Erection of raised escape platform to first floor rear elevation with balustrade, privacy screen and fixed planters, and new doors (part retrospective)

Applicant: Mrs Emma Reohorn

Officer: Wayne Nee 292132

Refused on 16/02/12 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan states that extensions and alterations will only be granted if the proposed development would not result in significant loss of amenity to neighbouring properties. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to neighbouring residents, and that residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. Despite the proposed measures for screening and limiting the usable area, the raised platform by virtue of its proximity to the site boundary of no. 2 Surrenden Crescent would represent an overbearing addition for the occupiers of this neighbouring property due to an increased sense of overlooking and loss of privacy to their rear garden. Furthermore the proposal has the potential to increase noise and disturbance to this adjoining residence. The proposal is detrimental to residential amenity, and therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2011/03056

Varndean College Surrenden Road Brighton

Installation of additional floor over existing hall incorporating pitched to flat roof alterations and associated works.

Applicant: Varndean College

Officer: Guy Everest 293334

Approved on 06/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The brickwork of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy QD14 of the Brighton & Hove Local Plan.

3) UNI

Unless otherwise agreed in writing by the Local Planning Authority the window frames within the hereby approved extension shall match the thickness of the existing adjacent windows.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy QD14 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 1880.02 G, 1880.03 B, 1880.04 C, 1880.05 F, 1880.06, 1880.07 A, 1880.10 B, 1880.11 E & 1880.12 A received on 10th October 2011; and drawing no. 1880.18 received on 16th November 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03431

Land West of Redhill Close Brighton

Application for variation of conditions 8 and 13 of application BH2010/00692 (Outline application for 31 dwellings (0.62 ha) with public open space (2.11 ha) and approval of reserved matters for layout, access and landscaping) to change the requirement for code for Sustainable Homes rating from level 5 to level 4.

Applicant: Braybon Holdings Ltd

Officer: Clare Simpson 292454

Refused on 16/02/12 DELEGATED

1) UNI

The development has been assessed as economically viable to be constructed to reach Code for Sustainable Homes Level 5. The approved application is for outline permission and there are no other constraints which have been identified to justify the reduction in the sustainability standards as outlined in Supplementary Planning Document on Sustainable Building Design (SPD08). The proposed variation of conditions 8 and 13 would be contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document on Sustainable Building Design (SPD08).

BH2011/03444

Westdene Primary School Bankside Brighton

Application for variation of condition 8 of application BH2010/01382 (Extensions and alterations to school including 2 storey extension to East side to accommodate 12 new classrooms and school facilities and relocation of games court and reconfiguration of external play areas) that the temporary classroom building and part of the all weather play area shall be removed from the site and the land returned to its former condition. Part of the all weather play area shall be retained and the area previously occupied by the temporary classroom building will be infilled as an all weather play area to match.

Applicant: Brighton & Hove City Council

Officer: Adrian Smith 290478

Approved on 07/02/12 DELEGATED

1) UNI

The development hereby permitted shall be carried out in accordance with the material samples and drawing no. 410 received on the 12th October 2010 under

application reference BH2010/03226.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

2) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 50% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

3) UNI

All new hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall not be occupied the scheme to improve the provision for sustainable transport modes and road safety in the roads around the school has been implemented in strict accordance with the Transport Assessment received on the 12th October 2010 under application reference BH2010/03226. *Reason: To ensure that the proposed development provides for the demand for travel it creates and does not increase the danger to pedestrians walking to and from the site and to comply with policies TR1, TR7, TR8 and SU15 of the Brighton & Hove Local Plan.*

5) UNI

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with the scheme contained within the arboricultural report submitted with the application. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

6) UNI

The development hereby permitted shall be carried out in accordance with the construction management plan detailed on drawing no.2253/DS01 received on the 21st December 2010 under application reference BH2010/03226, and the facilities shall thereafter be retained until the completion of the development.

Reason: To ensure that construction operations, vehicles, materials and waste do not impact on highway safety and the operation of the school, to protect the amenities of adjacent occupiers and to comply with policies TR7, SU13 and QD27 of the Brighton & Hove Local Plan.

7) UNI

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the

completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

8) UNI

The development hereby approved shall not be occupied until the refuse and recycling storage facilities detailed on drawing no.ED141A received on the 22nd December 2010 under application reference BH2010/03226 have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

9) UNI

The development hereby permitted shall not be occupied until the parking and disabled parking bays detailed on drawing no. 013 received on the 11th May 2010 under application reference BH2010/01382 have been fully implemented and made available for use, and these areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure that satisfactory facilities for the parking of vehicles are provided and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.

10) UNI

At least six months prior to the first occupation of the development hereby approved a 'School Travel Plan' (a document setting out a package of measures tailored to meet the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on private motor vehicles including students, visitors, staff, deliveries, servicing, parking management and other uses of the site) for the development shall be submitted to the Local Planning Authority. The school travel plan shall be approved in writing by the Local Planning Authority prior to the first occupation of the development and shall be implemented as approved thereafter and shall be subject to annual review in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles and to comply with policy TR4 of the Brighton & Hove Local Plan.

11) UNI

Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of works, a presence/absence amphibian survey to establish whether Great Crested Newt is present within the vicinity of the site shall be carried out in accordance with advice contained within the submitted Ecological assessment and the findings shall be submitted for approval by the Local Planning Authority. Should evidence be found that the Great Crested Newt is present within the vicinity of the site, details of mitigation works shall be submitted to and approved in writing by the Local Planning Authority and no works shall commence until approval is granted thereafter.

Reason: To safeguard the protection of the Great Crested Newt as a European protected species and to comply with policy QD18 of the Brighton & Hove Local Plan.

12) UNI

The development hereby permitted shall be carried out in accordance with the scheme for the proposed means of foul sewerage disposal detailed on drawing

no.51 received on the 23rd December 2010 under application reference BH2010/03226.

Reason: To prevent the pollution of controlled waters by ensuring the provision of a satisfactory means of foul sewerage disposal and to comply with policy SU5 of the Brighton & Hove Local Plan.

13) UNI

Prior to the commencement of works six Schwegler 1WQ wall-mounted bat boxes, six Schwegler 1MR Avianex wall-mounted bird boxes and ten Schwegler Sparrow Terraces shall be erected within the grounds of the school to the satisfaction of the Local Planning Authority and thereafter maintained.

Reason: In order to provide a net gain in biodiversity following the development to comply with policy QD17 of the Brighton & Hove Local Plan.

14) UNI

Unless otherwise agreed in writing by the Local Planning Authority, within three months of the date of completion of the development the temporary classroom building hereby permitted shall be removed from the site and the all-weather play area laid out and constructed as per drawing no. 206 Rev A received on the 13th January 2012. The remaining land that does not form part of the revised all-weather play area shall be reinstated as playing field to a quality at least equivalent (or better) than the previous quality or a condition fit for use as a playing field or in accordance with 'Natural Turf for Sport' Sport England 2000'.

Reason: The temporary classroom hereby approved is not considered suitable as a permanent form of development to safeguard the appearance of the site and to comply with policies QD1 of the Brighton & Hove Local Plan.

BH2011/03588

Windsor Court Tongdean Lane Brighton

Replacement of the timber balconies to flats 83, 85, 101, 103, 109 and 110 on South elevation.

Applicant: Hanover Housing Association

Officer: Mark Thomas 292336

Approved on 03/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 50382-P-006b, 758/52, 758/55 received on 12th December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03792

19 Tongdean Rise Brighton

Erection of a two storey side/rear extension and a single storey rear extension.

Applicant: Mr Michael Orchard

Officer: Mark Thomas 292336

Refused on 13/02/12 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Further, the policy states that development should take account of the existing space around buildings and the character of the area and an appropriate gap should be

retained between the extension and the joint boundary if to do otherwise would be detrimental to the character of the area. The proposed two storey extension would be too close to the shared boundary with no. 18 Tongdean Rise and the neighbouring property itself. The result would be a visually cramped form of development, representative of an overdevelopment of the site. The degree of glazing to the front elevation of the side extension would not relate well to the main house, and would draw the eye when the property was viewed from the street. It is considered that this is indicative that the proposed extension is not suitably subordinate to the main house. Overall, the proposed extensions in combination, by virtue of their scale and bulk, and the combination of varying roof forms, would result in the property having an overextended appearance, and the rear elevation in particular appearing visually cluttered. For the reasons outlined the proposed development would be contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2011/03856

69 Bramble Rise Brighton

Erection of single storey front extension with pitched roof incorporating creation of entrance porch and extension to width of existing rear balcony.

Applicant: Mr George Higgs

Officer: Mark Thomas 292336

Refused on 03/02/12 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The proposed front extension by virtue of its excessive scale, bulk and positioning represents an uncharacteristic and incongruous addition which would significantly detract from the character and appearance of the recipient property and the wider street scene. The proposal is therefore contrary to the above policy

BH2011/03862

59 Fernwood Rise Brighton

Loft conversion incorporating raised ridge height, hip to barn end roof extension, side dormers and rooflights.

Applicant: Mr Carlos Cano-Menendez

Officer: Steven Lewis 290480

Refused on 10/02/12 DELEGATED

1) UNI

The dormer roof extensions are considered poorly designed by reason of their siting, scale, bulk and fail to relate well to the host property and that of the prevailing appearance of the immediate street scene. The extensions would have a detrimental impact upon the appearance of the dwelling and that of the wider area, this is contrary to policies QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 1 (SPGBH1 - Roof Extensions and Alterations).

BH2011/03867

106 Surrenden Road Brighton

Demolition of existing garage and outbuildings. Erection of single storey extension to front. Raising of existing ridge incorporating 2no dormers, rooflights and 2no new roof slopes. Widen existing driveway.

Applicant: Mr & Mrs Grice

Officer: Jason Hawkes 292153

Approved on 16/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.02

No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) BH05.08A

No development shall take place until a written Waste Minimisation Statement, in accordance with Supplementary Planning Document 03: Construction and Demolition Waste, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

4) BH05.10

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

5) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no alterations or extensions to the approved northern facing roof slope shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: To protect residential amenity in accordance with policies QD14 and QD27 of the Brighton & Hove Local Plan.

6) UNI

The three side first floor windows to the northern roof slope of the dwelling hereby approved shall be obscure glazed and non-opening unless any parts of the windows which can be opened are more than 1.7 metres above the floors of the rooms in which the windows are installed and thereafter retained as such, unless otherwise agreed with the local planning authority in writing.

Reason: To safeguard the amenity of the occupiers of nearby adjacent properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

7) UNI

The substantial tree along the front boundary and the street trees adjacent the road near the vehicle entrance to the site shall be protected during the works in accordance with BS 5837 (2005) Trees in Relation to Construction.

Reason: To protect street trees and a tree which is to be retained on the site, in the interest of the visual amenity of the area and to comply with policies QD1 and

QD16 of the Brighton & Hove Local Plan.

8) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.857/01A & 857/02A received on the 26th January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

9) UNI

No development shall take place until reasonable facilities have been arranged with the Local Planning Authority, including rights of regular access to a person, or persons, authorised by that Authority, during any construction work in order to prepare archaeological records. At least three weeks notice in writing shall be given to the Local Planning Authority, and their nominated representatives, of the date when work on site is likely to start.

Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

BH2011/03870

3 Millcroft Brighton

Certificate of Lawfulness for proposed loft conversion incorporating hip to barn and roof extensions, rear dormer with Juliet balcony, rooflights to front elevation and associated alterations.

Applicant: Duncan George

Officer: Christopher Wright 292097

Approved on 03/02/12 DELEGATED

BH2011/03877

Westview Cornwall Gardens Brighton

Certificate of Lawfulness for the proposed erection of shed to rear garden.

Applicant: Mr & Mrs Anderson

Officer: Robert McNicol 292322

Approved on 13/02/12 DELEGATED

BH2011/03897

26 Valley Drive Brighton

Erection of front porch and replacement of garage doors with a window.

Applicant: Mr & Mrs Garrett

Officer: Robert McNicol 292322

Approved on 16/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 01 and 02 received on 21-Dec-2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03941

14 Shepherds Croft Brighton

Erection of single storey rear extension and extension to first floor over existing garage. Loft conversion incorporating roof extension, rear dormer and rooflights.

Applicant: Mr M Turner

Officer: Adrian Smith 290478

Approved on 13/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window openings shall be constructed in the north side elevation of the extension hereby permitted without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 1, 11, 12, 13, 14 & 15 received on the 22nd December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03942

109 Tivoli Crescent North Brighton

Certificate of Lawfulness for proposed single storey rear extension to replace existing conservatory.

Applicant: Dr Howard Bentley

Officer: Steven Lewis 290480

Approved on 13/02/12 DELEGATED

BH2011/03951

First Floor Flat 55 Tivoli Crescent Brighton

Insertion of velux rooflights to front and rear roof slopes to first floor flat.

Applicant: Peter Shepherd

Officer: Robert McNicol 292322

Approved on 16/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 01 and 02 received on 28-Dec-2011 and drawing no. 03a received on 10-Feb-2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

EAST BRIGHTON

BH2011/03471

Sheepcote Waste Site Sheepcote Valley Brighton

Excavation of embankments to create additional hard standing areas for new revised layout of site.

Applicant: Veolia ES South Downs Ltd

Officer: Anthony Foster 294495

Approved on 07/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

If, during development, contamination not previously identified is found to be present at the site then unless otherwise agreed in writing with the Local Planning Authority, no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved Planning Statement received on 10 November 2011, Biodiversity Checklist, Design and Access Statement received on 9 December 2011, drawings no. VES_DTO_BRIGHT_100_001 Rev B, 002, 003 Rev A, 004, 005, 006, received on 14 December 2011 and Intrusive Site Investigation received on 10 January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03508

15 Eaton Place Brighton

Reconfiguration of rear steps to garden. (Part retrospective)

Applicant: Dr Michael Lipton

Officer: Louise Kent 292198

Approved on 23/02/12 DELEGATED

BH2011/03652

43 Eaton Place Brighton

Installation of rear dormer.

Applicant: Mr K Webster

Officer: Helen Hobbs 293335

Refused on 23/02/12 DELEGATED

1) UNI

The proposed rear dormer, by virtue of its size, positioning and inappropriate design forms an incongruous addition, detrimental to the appearance of the building, the visual amenities enjoyed by neighbouring properties and the surrounding conservation area. The development is therefore contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan and to Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions.

BH2011/03718

7 Chichester Terrace Brighton

Internal alterations to layout of flat and external alterations including replacement of single glazed metal windows with double glazed timber sash units.

Applicant: Mr Martin Jenkins

Officer: Liz Arnold 291709

Approved on 23/02/12 DELEGATED

1) BH01.05

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

Notwithstanding the submitted skirting board detail, all reinstated architraves, skirting boards, picture rails, cornices, render work, moulding etc shall match exactly the originals in material, sizes, proportions and designs.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

No works shall take place until further details of the ceiling rose, hereby approved, have been submitted to an approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

The removal or over boarding of the original floor coverings or installing insulation above the floor covering is not permitted unless agreed in advance in writing by the Local Planning Authority.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

5) UNI

No works shall take place until further details of the flue, hereby approved, have been submitted to an approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

6) UNI

No works shall take place until further details of the fireplace, hereby approved, have been submitted to an approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2011/03730

Flat 4 3 Chesham Place Brighton

Installation of flue to roof.

Applicant: Paul Clayton

Officer: Jonathan Puplett 292525

Approved on 14/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with drawing nos. TRP-PG-DWG01, 02, 03, 04, 05 and 06 received on the 20th of December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03731

Flat 4 3 Chesham Place Brighton

Internal and external alterations to flat.

Applicant: Paul Clayton

Officer: Jonathan Puplett 292525

Approved on 14/02/12 DELEGATED

1) BH01.05

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

All new doors, other than the main entrance door to the flat, shall be of timber construction with recessed panels. Any fireproofing to doors should be an integral part of the door construction, and self closing mechanisms, if required, shall be of the concealed mortice type.

Reason: For the avoidance of doubt in accordance with drawing no. TRP-PG-DWG04 and the email from the agent for the application dated 17th of January 2012, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2011/03744

18 College Gardens Brighton

Loft conversion incorporating rear dormer and rooflights to front and rear roof slopes.

Applicant: Ms Lucy Beacham

Officer: Helen Hobbs 293335

Approved on 03/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH12.05A

The rooflight[*s*] hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no158.103.a and 158.105.a received on 31st January 2012 and 158.101, 158.102 and 158.100 received on 8th December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03770

15 Eaton Place Brighton

Reconfiguration of rear steps to garden. (Part retrospective)

Applicant: Dr Michael Lipton

Officer: Louise Kent 292198

Approved on 03/02/12 DELEGATED

BH2011/03947

83 St Georges Road Brighton

Internal alterations including removal of existing bar, staircase, DJ booth & stage and creation of two internal balconies, new staircase & stage and relocation of bar area & DJ booth to upper ground floor.

Applicant: Proud Group Ltd

Officer: Anthony Foster 294495

Approved on 16/02/12 DELEGATED

1) BH01.05

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

BH2012/00151

12 Sudeley Terrace Brighton

Application for Approval of Details Removed by Condition 3 of application BH2011/03209.

Applicant: Mr K Newman

Officer: Liz Arnold 291709

Approved on 09/02/12 DELEGATED

HANOVER & ELM GROVE

BH2011/03884

84 Bernard Road Brighton

Part one part two storey side extension.

Applicant: Mr Rob Lane

Officer: Anthony Foster 294495

Approved on 13/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.02

No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with drawings no. BR1103/101, 102, 103A, 104A, 108, 109A, and Design and Access Statement received on the 20 December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2012/00101

53 Holland Street Brighton

Certificate of Lawfulness for proposed loft conversion incorporating rooflights to front and dormer to rear.

Applicant: Ms Gabriel Best

Officer: Pete Campbell 292359

Approved on 03/02/12 DELEGATED

HOLLINGDEAN & STANMER

BH2011/02299

Varley Halls of Residence Coldean Lane Brighton

Application for Approval of Details Reserved by Conditions 18 and 25 of application BH2010/00235.

Applicant: University of Brighton

Officer: Kate Brocklebank 292175

Approved on 09/02/12 DELEGATED

BH2011/03571

Northfield University of Sussex Brighton

Application for approval of details reserved by conditions 12, 17, 18, and 19 of application BH2011/00358.

Applicant: University of Sussex

Officer: Anthony Foster 294495

Approved on 20/02/12 DELEGATED

BH2011/03621

Attenborough Centre Gardner Centre Road Stanmer Brighton

Internal and external alterations incorporating replacement of external windows and doors, improved disabled access and lift installations, replacement of electrical and mechanical services, construction of external screened plant area and other associated works.

Applicant: University of Sussex

Officer: Anthony Foster 294495

Approved on 20/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

No development shall take place until 1:20 scale elevations of all new external doors and windows have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

No development shall take place until full manufacturer's details of the tension wire grid, including full details of the frames and mesh have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

Notwithstanding the information shown on the Proposed External Works Plan drawing number BST 2030 01, any new paving to the main entrance shall consist of concrete slabs and no bollards shall be erected outside the building except where agreed by the Local Planning Authority as strictly necessary for the control of vehicular traffic.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

5) UNI

No development shall take place until details and samples of all new external lighting, bollards and paving have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

6) UNI

No development shall take place until 1:20 scale elevations and sections through framing elements of the green wall to the external plant area, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

7) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. BST 1021 Rev 01, 1020 Rev 02, 2000 Rev 01, 2001 Rev 01, 2002 Rev 01, 2003 Rev 01, 2004 Rev 01, 2016 Rev 01, 2017 Rev 01, 2018 Rev 01, 2019 Rev 01, 2020 Rev 04, 2021 Rev 04, 2022 Rev 04, 2023 Rev 04, 2024 Rev 01, 2025 Rev 01, 2030 Rev 01, 2100 Rev 01, 2101 Rev 01, 2130 Rev 01, 2131 Rev 01, 2132 Rev 0, 2200 rev 01, 2201 Rev 01, Design and Access Statement received on 25 November 2011. 2210 Rev 02, 8040 Rev 02, received on 28 November 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

8) UNI

No development shall take place until details of the new roof-top condenser units, including all dimensions in relation to the existing parapet walls, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2011/03622

Attenborough Centre Gardner Centre Road Stanmer Brighton

Internal and external alterations incorporating replacement of external windows and doors, renovation and refurbishment of auditorium including new floor, improved disabled access and lift installations, upgraded toilets and changing facilities, replacement of electrical and mechanical services and other associated works.

Applicant: University of Sussex

Officer: Anthony Foster 294495

Approved on 20/02/12 DELEGATED

1) BH01.05

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

No development shall take place until details of the new roof-top condenser units, including all dimensions in relation to the existing parapet walls, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

Notwithstanding the information shown on the Proposed External Works Plan drawing number BST 2030 01, any new paving to the main entrance shall consist of concrete slabs and no bollards shall be erected outside the building except where agreed by the Local Planning Authority as strictly necessary for the control of vehicular traffic.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

No development shall take place until details and samples of all new external lighting, bollards and paving have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

5) UNI

No works shall take place until 1:20 scale elevations of the new disabled passenger lift and supporting masonry structure have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

6) UNI

No development shall take place until full manufacturer's details of the tension wire grid, including full details of the frames and mesh have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

7) UNI

Notwithstanding the notes to the Proposed Demolitions Plans, no original quarry tiled floors, including skirtings and no existing handrails or balustrades shall be removed unless these areas of tiling and/or sections of handrail and balustrade to be removed have been agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

8) UNI

Notwithstanding the notes to the Proposed Demolitions Plans, no internal doors shall be removed except where marked for removal on a Proposed Demolition Plan hereby approved. Sample details of all new and replacement internal doors, at 1:20 scale, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

9) UNI

No development shall take place until 1:20 scale elevations of the glass balustrade to teaching tower 3, including full-scale sections through frames and mullions have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

10) UNI

No development shall take place until 1:20 scale elevations and sections of the acoustic wall treatment to the auditorium, including details of the finish finishes; have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

11) UNI

No development shall take place until 1:20 scale elevations the proposed new internal doors have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

12) UNI

No development shall take place until 1:20 scale elevations and sections through framing elements of the green wall to the external plant area, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

13) UNI

No development shall take place until 1:20 scale elevations of all new external doors and windows have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

14) UNI

No works shall take place until a sample of the proposed motorised fabric banners to the auditorium 'ears' and details of the proposed lifting mechanism has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2011/03859

University of Sussex Bramber House Refectory Road Brighton

Formation of enclosed service yard.

Applicant: The Southern Co-Operative

Officer: Helen Hobbs 293335

Approved on 13/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings entitled COOP-Sussex Uni-existing, COOP-Sussex Uni-proposed COOP-Sussex Uni-CP1107-site and COOP-Sussex Uni-CP11-07-location received on 19th December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

MOULSECOOMB & BEVENDEAN

BH2011/03046

31 Coombe Terrace Brighton

Change of use from part retail/part single dwelling house to single dwelling house, with associated alterations to front elevation.

Applicant: Mr & Mrs Tomkins

Officer: Kate Brocklebank 292175

Approved on 22/02/12 DELEGATED

1) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 11-053-1 and 11-053-02 received on 18 October 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

2) UNI

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

BH2011/03450

52-56 Baden Road Brighton

Erection of terrace of 3no three storey residential dwellings incorporating parking.

Applicant: Pursuit Properties

Officer: Sue Dubberley 293817

Approved on 21/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH02.01

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) BH02.07

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

4) BH03.01

No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

5) BH04.01

The new dwelling[s] shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

6) BH05.01B

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a DesignStage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

7) BH05.02B

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

8) BH06.01

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the

occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

9) BH06.03

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

10) UNI

Prior to commencement of development a Discovery Strategy shall be submitted and approved in writing by the Local Planning Authority detailing what action will be taken if unsuspected contamination findings are discovered whilst developing the site. Development shall be undertaken in strict accordance with the approved strategy.

Reason: Previous activities within close proximity of this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution and in accordance with policy SU11 of the Brighton & Hove Local Plan.

11) UNI

Prior to commencement of development full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished ridge heights of all buildings including the houses at the rear of Nos.58-74 Baden Road and structures have been submitted to and approved in writing by the Local Planning Authority. All levels shall be in metric units and related to Ordnance Survey Datum. The development shall thereafter be built in accordance with the agreed details.

Reason: to safeguard the amenities of nearby residential properties and to safeguard the character and appearance of the area, and to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

12) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.2283/01 received on 10 November 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03452

12 Baden Road Brighton

Erection of three storey detached dwelling incorporating parking and formation of access from Bevendean Road.

Applicant: Mr J Bacon

Officer: Sue Dubberley 293817

Approved on 21/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH02.01

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission

shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) BH02.07

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

4) BH03.01

No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

5) BH04.01A

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling[*s*] hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

6) BH05.01B

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

7) BH05.02B

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

8) BH06.01

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

9) BH06.03

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

10) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority an Arboriculture Method Statement. The works shall be carried out in accordance with the agreed details.

Reason: To protect the tree which is to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

11) UNI

Prior to commencement of development full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished ridge heights of all buildings including the adjoining approved houses at the rear of Nos.14-18 Baden Road and structures have been submitted to and approved in writing by the Local Planning Authority. All levels shall be in metric units and related to Ordnance Survey Datum. The development shall thereafter be built in accordance with the agreed details.

Reason: to safeguard the amenities of nearby residential properties and to safeguard the character and appearance of the area, and to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

12) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.2284/01 received on 10 November 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2012/00019

27 Ladysmith Road Brighton

Replacement of 2 wooden windows with UPVC windows (Retrospective).

Applicant: Mr Nicholas Dwyer

Officer: Chris Swain 292178

Approved on 21/02/12 DELEGATED

QUEEN'S PARK

BH2011/02361

12 Charles Street Brighton

Change of use from single dwelling house to house of multiple occupancy.

Applicant: Mr Paul Samouel

Officer: Anthony Foster 294495

Approved on 07/02/12 PLANNING COMMITTEE

1) UNI

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

Prior to the commencement of the use of the site as a HMO a Site Management Plan is to be submitted to and approved in writing by the Local Planning Authority. The Management Plan should address issues including anti-social behaviour, soundproofing, amenities, repair, fire precautions and safety of the residents. The Management Plan should also contain details of the contract entered into by the Registered Social Landlord and details of the general management of the site. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings Site Location Plan and "Letter from Brighton Housing Trust dated 20 July 2011" received 8 August 2011, Design and Access Statement received 30 November 2011, supporting information "Location: 12 Charles Street Brighton BN2 1TG" received 19 December 2011, Existing Floor Plan and Proposed Floor Plan received 17 January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/02362

12 Charles Street Brighton

Interior alterations and associated works in connection with the change of use from single dwelling house to a house in multiple occupation (part-retrospective).

Applicant: Mr Paul Samouel

Officer: Anthony Foster 294495

Approved on 07/02/12 PLANNING COMMITTEE

1) UNI

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

BH2011/02975

43 Upper St James Street Brighton

Change of use from a sandwich bar/Café (A1) to a restaurant/café (A3)

Applicant: Mr Ali Utkusavas

Officer: Sue Dubberley 293817

Refused on 16/02/12 DELEGATED

1) UNI

Policy SR6 seeks to maintain and enhance the vitality and viability of St George's Road local centre by the retention of a predominance of Class A1 retail uses. The proposal is contrary to criterion (a) of this policy which states that permission will not be granted if a proposal would result in the number of non-retail units or the proportion of frontages exceeding 35% of the centre. The proposed change of use would result in the number of non-retail units being 39%. Furthermore it has not been adequately demonstrated that a Class A1 retail use is no longer economically viable in the particular unit or the centre as a whole, contrary to criterion (b). The proposal would also result in three non-retail units in a row leading to a break in the retail frontage of more than 10 metres contrary to

criterion (e). The proposal is therefore contrary to the policy SR6.

BH2011/03639

26 East Drive Brighton

Demolition of existing garage and erection of single storey outbuilding, including car parking and cycle space.

Applicant: Mr & Mrs Webb

Officer: Jonathan Puplett 292525

Approved on 02/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with drawing no. PA1002 received on the 8th of December 2011 and the Design and Access Statement and drawing nos. PA1001, 1002, 1003, 1010, 1011, 1020, 1021, 1023, 1025, 1027 and 1200 received on the 19th of December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03671

5A College Place Brighton

Rearrangement of window and door at rear elevation.

Applicant: Miss Greer Whitewick

Officer: Jonathan Puplett 292525

Approved on 20/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the unnumbered drawings received on the 5th of January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03873

15 Upper Rock Gardens Brighton

Removal of rear fire escape at second and third floor levels.

Applicant: Mr David Beckley

Officer: Helen Hobbs 293335

Approved on 13/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The fire escapes and all embedded metalwork should be carefully removed in order to avoid future corrosion which could result in harm to the masonry, and the full reinstatement of affected surfaces in appropriate materials including lime based mortars to matching profiles and finishes should be carried out within 3 months of the fire escapes removal.

Reason: To ensure the satisfactory appearance of the development and to comply with policies HE 1 and HE 6 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 31837/2, 31837/3, 31837/4 & 31837/5 received on 19th December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2012/00065

19 Princes Street Brighton

Application for Approval of Details Reserved by Condition 5 of application BH2010/01561.

Applicant: Harket Property LLP

Officer: Anthony Foster 294495

Approved on 14/02/12 DELEGATED

ROTTINGDEAN COASTAL

BH2011/02306

Ovingdean Hall College Greenways Brighton

Erection of a single storey ancillary storage building for a temporary period of 3 years.

Applicant: Ovingdean Property Ltd

Officer: Sue Dubberley 293817

Approved on 17/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH09.02

The building hereby permitted shall be removed and the land restored to its condition immediately prior to the development authorised by this permission commencing on or before [***] in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

*Reason: The building hereby approved is not considered suitable as a permanent form of development to safeguard [***] and to comply with policies [***] of the Brighton & Hove Local Plan.*

3) UNI

The building hereby approved shall be painted in Umber Grey 7022 as shown on the submitted RAL colour chart within 3 months of this permission.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.0166.PL.001, 002, 003, 004 and 0166.EXG.001, 002, 003, 004 received on 04 August 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/02307

Ovingdean Hall College Greenways Brighton

Erection of a single storey ancillary storage building for a temporary period of 3 years.

Applicant: Ovingdean Property Ltd

Officer: Sue Dubberley 293817

Approved on 22/02/12 DELEGATED

1) BH01.05

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) BH09.02

The building hereby permitted shall be removed and the land restored to its condition immediately prior to the development authorised by this permission commencing on or before 3 years in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: The building hereby approved is not considered suitable as a permanent form of development to safeguard the setting of the Grade II Listed Building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

The building hereby approved shall be painted in Umber Grey 7022 as shown on the submitted RAL colour chart within 3 months of this permission.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2011/02712

Land to Rear of 23 Falmer Road Rottingdean Brighton

Application for Approval of Details Reserved by Conditions 3, 6, 10, 12, 14, 15, 18 and 19 of application BH2010/03462.

Applicant: Mr & Mrs S Maccurie

Officer: Jonathan Puplett 292525

Approved on 17/02/12 DELEGATED

BH2011/03371

6 Saltdean Drive Saltdean Brighton

Certificate of lawfulness for proposed loft conversion with dormer and rooflight to both side elevations and hip to gable roof extension to rear. Conversion of basement to habitable rooms and conversion of garage to bedroom.

Applicant: Mr & Mrs Miles

Officer: Louise Kent 292198

Approved on 17/02/12 DELEGATED

BH2011/03501

34 Roedean Crescent Brighton

Erection of two storey front extension and external alterations including alterations to windows and doors. Alterations to front boundary wall and creation of additional vehicular crossover. Formation of raised patio areas and swimming pool to rear garden.

Applicant: Mr Damian Sablon

Officer: Jonathan Puplett 292525

Approved on 10/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH14.01

No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

3) UNI

Unless other wise agreed in writing by the Local Planning Authority, the raised patio areas and swimming pool hereby approved shall not be brought into use until the 2 metre high privacy screen to the eastern side of the patio shown on approved plan nos. RHA.003-202 H, 206 A, 207 B and 208B has been erected. Unless other wise agreed in writing by the Local Planning Authority the privacy screen shall be retained as such thereafter.

Reason: To protect the amenity of neighbouring residents and to comply with policy QD27 of the Brighton & Hove Local Plan.

4) UNI

The ground level changes to the rear garden area hereby approved are restricted to those shown on the approved plans only which consist of the formation of enlarged raised patio areas and a swimming pool. No other ground level changes to the rear garden area are approved.

Reason: For the avoidance of doubt, to protect the amenity of neighbouring residents and to comply with policy QD27 of the Brighton & Hove Local Plan.

5) UNI

The gates hereby approved shall not open outwards over the adjoining public highway.

Reason: To protect the safety of users of the adjoining public highway and to comply with policy TR7 of the Brighton & Hove Local Plan.

6) UNI

The development hereby permitted shall be carried out in accordance with drawing no. RHA.003-100, 102, 103, 203B and 204B received on the 15th of November 2011, nos. RHA.003-101B and 104A received on the 22nd of December 2011, no. RHA.003-105 received on the 30th of December 2011, no. RHA.003-206A received on the 17th of January 2012, nos. RHA.003-202H, 205F, 207B and 208B received on the 19th of January 2012, no. RHA.003-200A received on the 20th of January 2012 and no. RHA.003-209 received on the 6th of February 2012.

Reason: For the avoidance of doubt and in the interests of proper planning

BH2011/03613

63 Westmeston Avenue Saltdean Brighton

Erection of part single storey part two storey rear extension. Erection of front and side extensions at first floor level. Associated external alterations including creation of front porch and raising of ridge height.

Applicant: Armand Vigneswaren

Officer: Helen Hobbs 293335

Refused on 17/02/12 DELEGATED

1) UNI

The proposed eastern side extension, by virtue of its height, bulk and design would result in an overly complicated and excessively cluttered appearance and would harm the character, appearance and views of the property from the street scene. The proposal would be out of keeping with the established built form of the immediate surroundings and would compromise the existing spaces and open

views between buildings at roof level from the street scene. Cumulatively the proposal fails to enhance the positive qualities of the key neighbourhood principles of the area. This is contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2011/03625

88 High Street Rottingdean Brighton

Conversion of first and second floor (A1) retail to form 1no one bedroom maisonette.

Applicant: Farrington Property Developments Ltd

Officer: Anthony Foster 294495

Approved on 07/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH02.07

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

3) BH05.09A

The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 2905-002A, 003A, 004A, 005A, 006, 007, Planning, Design and Access Statement received on 28 November 2011, Site Waste Management Plan and Sustainability Checklist received 13 December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03626

59 Longridge Avenue Saltdean Brighton

Change of use of ground floor from financial and professional services (A2) to retail (A1) and installation of new shopfront.

Applicant: Farrington Property Developments Ltd

Officer: Jonathan Puplett 292525

Approved on 20/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the Design and Access Statement and drawing nos. 2903 001A, 002A, 003A, 010, 011 and 012 received on the 28th of November 2011 and the shopfront specification received on the 8th of December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03806

3 Arundel Terrace Brighton

Internal alterations to layout of lower ground floor flat.

Applicant: Gary Whelan

Officer: Helen Hobbs 293335

Refused on 13/02/12 DELEGATED

1) UNI

The proposed alterations to the layout of the flat disrupt the plan form and the remaining historic character of the property, which would significantly harm this listed building. The proposals, are therefore contrary to policy HE1 of the Brighton & Hove Local Plan.

2) UNI2

The applicant has failed to provide details regarding the location of services to the bathroom and kitchen. As such the Local Planning Authority is unable to assess the impacts that these works could have on the architectural, historic character and appearance of the Grade I Listed Building. The proposal is contrary to policy HE1 of the Brighton & Hove Local Plan.

BH2011/03824

24 Roedean Crescent Brighton

Erection of two storey rear extension. Alterations to front and side boundary walls including the installation of iron railings and brick piers.

Applicant: Mr David Bean

Officer: Helen Hobbs 293335

Approved on 07/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 01, 02, 03, 04, 05, 06, 10 and 20 received on 13th December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03831

The Elms Cottage The Green Rottingdean

Application for Approval of Details Reserved by Condition 15 of application BH2011/00035.

Applicant: Frank Wenstrom

Officer: Sue Dubberley 293817

Approved on 16/02/12 DELEGATED

BH2011/03863

23 Roedean Crescent Brighton

Erection of lower ground floor extension to include integral garage parking, creation of lower front including external swimming pool, enlargement of front entrance. Erection of side extension with circular turret, balconies and alterations to front dormer at first and second floor levels, alterations to rear dormer and new rooflights and alterations to existing rear extension at ground floor level and roof terrace.

Applicant: Ms Joanna Barrett

Officer: Liz Arnold 291709

Approved on 16/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI

The first floor en-suite and study windows in the west side elevation and the second floor rooflight to the master suite in the west side roofslope of the development hereby permitted shall be obscure glazed. These windows shall also be non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The windows shall thereafter be permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 10-016/100RevF, 10-016-101RevB, 10-016-102RevB, 10-016-103RevB, 10-016-104RevB, 10-016-105RevB, 10-016-106RevB, 10-16/201RevW, 10-16/202RevV, 10-16/203RevP, 10-16/204RevW, 10-16/205RevC1, 10-016/206RevL, 10-016/207RevG and 10-16/209RevL received on the 19th December 2011 and drawing nos. 10-16-200RevS and 10-16/208RevN received on the 14th February 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

5) UNI

No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

BH2011/03930

12 The Cliff Brighton

Demolition of existing dwelling and garage and erection of new dwelling house with garage.

Applicant: Mr Mike Wilson

Officer: Anthony Foster 294495

Refused on 16/02/12 DELEGATED

1) UNI

The proposed dwelling by reason of its design, scale, bulky partially flat roof form and massing would result in the development appearing overly dominant in the street scene. The proposed dormers are out of scale and relate poorly to the main dwelling. The siting, size and detail of the windows, balcony and rooflights to the front elevation relate poorly to the building and do not present an interesting or attractive frontage. As such the proposal would be of detriment to the character and appearance of the area and is contrary to policies QD1, QD2, QD3 and QD5 of the Brighton & Hove Local Plan and Supplementary Planning Guidance 01 Roof alterations and extensions.

2) UNI2

The proposed development by virtue of the increase in height and bulk, and its close proximity to the adjoining properties No.10 and 14 The Cliff, would have an overbearing impact upon the occupiers resulting in an unacceptable level of overshadowing, loss of light and sense of enclosure. As such the proposal is contrary to policy and QD27 of the Brighton & Hove Local Plan.

BH2012/00042

Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land

Non Material Amendment to BH2006/01124 to add condition listing the approved drawings of the existing 2006 permission.

Applicant: Brunswick Developments Group plc

Officer: Kate Brocklebank 292175

Approved on 10/02/12 DELEGATED

1) UNI

1. An additional condition setting out the list of approved drawings as shown on the decision notice for BH2006/01124 under informative no.1 is a non-material amendment to the approved scheme.
2. Condition 70 of planning permission BH2006/01124 shall read as follows:
70. The development hereby permitted shall be carried out in accordance with the approved drawings listed below received on 4 April 2006.

Existing Site:

353/060/P1 1:3000 Planning Application Site plan

353/P/100/P3 1:2500 Existing Site Plan

Proposed Development:

353/P/101/P3 1:2500 Proposed Site Plan

353/P/152/P3 1:1000 Vehicular Routes

353/P/160/P3 1:500 Landscape & Surface Treatment Plan (& protective pile locations)

353/P/238/P3 1:500 Storey Height Plan

353/P/400/P3 1:1500 South & East Context Elevations

General Arrangement Floor Plans:

353/P/201/P3 1:500 Level 0 Plan (10.5m to 13.6m)

353/P/203/P3 1:500 Level 1 Plan (levels 2-5 similar)

353/P/204/P3 1:500 Level 7 Plan

353/P/200/P3 1:500 Level -1 Plan (+5.0m to +10.5m)
353/P/205/P3 1:500 Car park Plan level +3.55m and -0.10m
353/P/240/P3 1:500 Plan of Principal Pile Locations

Site Elevations/ Elevational Sections:

353/P/300/P3 1:500 West Elevation
353/P/301/P3 1:500 South Elevation
353/P/302/P3 1:500 East Elevation
353/P/303/P3 1:500 North Elevation
353/P/304/P3 1:500 Site Section Through Entrance Ramp
353/P/305/P3 1:500 Site Section Through Promenade Looking North
353/P/306/P3 1:500 Site Section (west end) Through Promenade Looking West
353/P/307/P3 1:500 Site Section Through Promenade Looking South
353/P/309/P3 1:500 Site Section Through Promenade Centre
353/P/310/P3 1:500 Cross Section Through Promenade Centre Looking East:

Detailed Floor Plans

353/P/550/P3 1:200 West Buildings (Block K+J+A) Ground Floor Layout
353/P/551/P3 1:200 West Buildings (Block K+J+A) First Floor Layout
353/P/552/P3 1:200 West Buildings (Block K+J+A) Typical (2nd-4th) Floor Layout
353/P/553/P3 1:200 West Buildings (Block K+J+A) 5th Floor Layout
353/P/554/P3 1:200 West Buildings (Block K+J+A) 6th-7th Floor Layout
353/P/555/P3 1:200 West Buildings (Block K+J+A) 8th Floor Layout
353/P/556/P3 1:200 West Buildings (Block K+J+A) 9th Floor Layout
353/P/557/P3 1:200 West Buildings (Block K+J+A) 17th Floor Layout
353/P/558/P3 1:200 West Tower (Block K) 25th-33rd Floor Layout
353/P/559/P3 1:200 West Tower (Block K) 34th-39th Floor Layout & Roof plan
353/P/561/P3 1:200 Podium Buildings (BlockH2+C) Ground Floor Layout
353/P/562/P3 1:200 Podium Buildings (BlockH2+C) 3rd Floor Layout
353/P/563/P3 1:200 Podium Buildings (BlockH2+C) 6th Floor Layout
353/P/564/P3 1:200 Podium Buildings (BlockH2+C) 7th Floor Layout
353/P/565/P3 1:200 Podium Buildings (BlockH2+C) 8th Floor Layout
353/P/566/P3 1:200 Podium Buildings (BlockH2+C) 9th and 10th Floor Layout
353/P/567/P3 1:200 Podium Buildings (BlockH2+C) 11th Floor Layout
353/P/568/P3 1:200 Podium Buildings (BlockH2+C) 12th Floor Layout
353/P/569/P3 1:200 Podium Buildings (BlockH2+C) Roof
353/P/580/P3 1:200 West Quay Building (Block F1+F2) Minus 1 Floor Layout
353/P/581/P3 1:200 West Quay Building (B

Landscape

353P/906/P3 1:100 Café Space
353P/909/P3 1:100 West Entrance Detail
353P/910/P3 1:100 Eastern Promenade Detail
353P/911/P3 1:100 Central Promenade and Green Space Detail
353/P/156/P3 1:1000 Pedestrian Routes
353/P/157/P3 1:1250 East Breakwater access/ uses

Misc. Details

353/P/800/P3 1:200 Marina Bridge Plan, Elevation and Cross Section
353/P/801/P3 1:200 Marina Bridge Detail Cross Section and Perspective Views
353/P/802/P3 1;200 Black Rock Beach Bridge Plan & Elevation
353/P/803/P3 1:25 Black Rock Beach Bridge Detail Elevation, Cross Section and Perspective
353/P/907/P3 1:100 RNLI Station Plans and Elevations
353/P/908/P3 1:200 RNLI Station Context Plans and Elevations
2139770/CR/0/003 /P3 - Brighton Marina Emergency/Maintenance
Access Using Existing Route also showing swept paths

Reason: For the avoidance of doubt and in the interests of proper planning.

Detailed Plans

353/P/700/P3 1:50 Detailed Typical Plan West Tower (Block K)

353/P/701/P3 1:50 Detailed Typical Plan (Block J)
 353/P/702/P3 1:50 Detailed Typical Plan Promenade Tower (Block H2)
 353/P/703/P3 1:50 Detailed Typical Plan Podium Building (Block C2)
 353/P/705/P3 1:50 Detailed Typical Plan West Quay Building (Block F)
 353/P/706/P3 1:50 Detailed Typical Plan Podium Building (Block A)
Module/Bay Study
 353/P/750/P3 01:50 Bay Study Elevation & Section West Tower (Block K)
 353/P/751/P3 01:50 Bay Study Elevation & Section (Block J)
 353/P/752/P3 01:50 East Bay Study Elevation & Section Podium Building (Block C2)
 353/P/753/P3 01:50 North Bay Study Elevation & Section Podium Building (Block C 1)
 353/P/754/P3 01:50 East Bay Study Elevation & Section Promenade Tower (Block H2)
 353/P/755/P3 01:50 West Bay Study Elevation & Section Promenade Tower (Block H2)
 353/P/756/P3 01:50 East Bay Study Elevation & Section West Quay Building (Block F)
 353/P/757/P3 01:50 Upper Level Bay Study Elevation & Section West Quay Building (Block F)
 353/P/583/P3 1:200 West Quay Building (Block F1+F2) 5th Floor Layout
 353/P/584/P3 1:200 West Quay Building (Block F1+F2) 6th Floor Layout
 353/P/585/P3 1:200 West Quay Building (Block F1+F2) 7th Floor Layout
 353/P/586/P3 1:200 West Quay Building (Block F1+F2) 8th Floor Layout & Roof
Detailed Building Elevations and Sections
 353/P/600/P3 1:200 Detailed West Elevation (Block A+J)
 353/P/601/P3 1:200 Detailed East Elevation (Block K+J)
 353/P/603/P3 1:200 Detailed Long Section West Tower (Block K+J)
 353/P/605/P3 1:200 Detailed Podium Section Looking East (Block C+H)
 353/P/606/P3 1:200 Detailed Section Podium Building (Block C)
 353/P/607/P3 1:200 Detailed Section Promenade Tower & Podium Building (Block H2+C)
 353/P/608/P3 1:200 Detailed Podium Section Looking West (Block C+H)
 353/P/609/P3 1:200 Detailed Cross Section Promenade Towers and West Pier (Blocks J+H2+H3)
 353/P/610/P3 1:200 Detailed Long Section Through Entrance Ramp Looking East
 353/P/611/P3 1:200 Detailed Long Section Through West Quay Promenade
 353/P/613/P3 1:200 Detailed Section West Quay Building (Block F)
 353/P/651/P3 1:200 Detailed West & South Elevations West Tower (Block K)
 353/P/652/P3 1:200 Detailed East & North Elevations West Tower (Block K)
 353/P/658/P3 1:200 Detailed Elevations Podium Building (Block B)
 353/P/653/P3 1:200 Detailed Elevations Podium Building (Block C)
 353/P/659/P3 1:200 Detailed Elevations Podium Building (Block D)
 353/P/654/P3 1:200 Detailed Elevations Promenade Tower (Block H2)
 353/P/655/P3 1;200 Detailed Building Elevations West Quay North (Block F1)
 353/P/656/P3 1;200 Detailed Building Elevations West Quay South (Block F2)
 353/P/657/P3 1;200 Detailed Building Elevations Podium Building (Block A)

BH2012/00045

5 Chailey Avenue Rottingdean Brighton

Application for Approval of Details Reserved by Conditions 7, 9, 10, 14 and 17 of application BH2010/03947.

Applicant: Mrs Lynda Hyde

Officer: Liz Arnold 291709

Approved on 23/02/12 DELEGATED

BH2012/00068

72-74 High Street Rottingdean Brighton

Non Material Amendment to BH2009/03070 to relocate refuse bin store from side of building and associated repositioning of entrance doorway from rear to side of building (Retrospective).

Applicant: Mr P Ghazal

Officer: Liz Arnold 291709

Approved on 02/02/12 DELEGATED

BH2012/00183

Land Rear Of 20 Lustrells Crescent Saltdean Brighton

Non material amendment to BH2010/00925 to addition of photovoltaic panels added to south facing roof slope.

Applicant: Mr Graham Goodwin

Officer: Liz Arnold 291709

Approved on 09/02/12 DELEGATED

BH2012/00257

54 Ainsworth Avenue Brighton

Non material amendments to BH2010/03125 including omission of balcony and alterations to windows and doors.

Applicant: Mr Brian Kendall

Officer: Jonathan Puplett 292525

Approved on 20/02/12 DELEGATED

WOODINGDEAN

BH2011/03687

440 Falmer Road Brighton

Loft conversion incorporating hip to gable roof extension, 3no side dormers, revised fenestration and erection of 1.8m front boundary wall.

Applicant: Mrs Julia Dean

Officer: Liz Arnold 291709

Refused on 15/02/12 DELEGATED

1) UNI

The submitted plans are inaccurate with regards to the proposed roof extensions as there are discrepancies between the two proposed side elevations with regards to the new roof ridge of the main ridge, in addition to there being discrepancies between the proposed elevational drawings with regards to the amount of retained ridge of the front projecting hipped roof, two existing north facing windows being shown when only one was seen on site and the stated height of the new front boundary wall and the height measured on the drawings, thus not giving the opportunity for the proposal to be fully assessed. Therefore it is not possible to determine whether the scheme complies with policies QD1 and QD14 of the Brighton & Hove Local Plan.

2) UNI2

Notwithstanding reason for refusal no. 1 the proposed front gable roof extension and side dormer windows in conjunction with the existing front projecting hipped roof form results in a complicated and bulky roof configuration to the property. The proposal is considered to adversely affect the appearance and character of the host building and the wider street scene. The development is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

3) UNI3

Notwithstanding reason for refusal no. 1 the proposed dormer windows, by virtue of their size, positioning and design, which includes areas of cladding either side of the windows, the side elevational windows and roof forms and windows are not appropriate to the character of the existing dwelling, they are considered to be poorly designed and poorly relate to the existing building and therefore of detriment to the character and appearance of the existing property and the wider area. The proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

4) UNI4

Notwithstanding reason for refusal no. 1 the creation of a west facing Juliet Balcony would result in a contrived and incongruous addition to the existing property to the detriment of the parent property and the Falmer Road street scene. As such the proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and the design guidance contained in Supplementary Planning Guidance note SPGBH1: Roof Alterations and Extensions.

5) UNI5

Notwithstanding reason for refusal no. 1 the applicant has failed to demonstrate that the proposes south facing dormer windows would not have a significant adverse impact upon the amenities of the occupiers of no. 438 Falmer Road with regards to loss of privacy or overlooking by failing to provide drawings which show the neighbouring dormer window in context with the proposed south facing dormer windows, contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2011/03751

Woodingdean Business Park Bexhill Road Brighton

Application for Approval of Details Reserved by Condition 39 of application BH2011/02290.

Applicant: St Modwen Developments

Officer: Aidan Thatcher 292265

Approved on 03/02/12 DELEGATED

BH2011/03795

Sutton Close Woodingdean Brighton

Formation of 10 parking bays on central grassed area with associated works.

Applicant: Mears

Officer: Jonathan Puplett 292525

Refused on 07/02/12 DELEGATED

1) UNI

The applicant has failed to justify the loss of public open space and has not demonstrated that the development is of national importance or essential to meet social, environmental and/or economic needs which cannot be located elsewhere. Furthermore the works would have a damaging impact upon the recreational, community and amenity value of the open space. This is contrary to policy QD20 of the Brighton & Hove Local Plan.

2) UNI2

The loss of open space is considered to have a harmful impact upon the character and appearance of the area. The development would result in incongruous hard landscaping and vehicle parking and would fail to emphasise or enhance the developed background and the layout of the surrounding streets and space. This is contrary to policies QD1, QD2, QD20 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The application fails to demonstrate that the proposed development would maximise the use of public transport, walking and cycling. This is contrary to Policy TR1 of the Brighton & Hove Local Plan.

BH2011/03866

20 Millyard Crescent Woodingdean Brighton

Demolition of garage and erection of single storey rear/side extension.

Applicant: Miss Alice Conti

Officer: Jonathan Puplett 292525

Approved on 13/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window or door shall be constructed to north facing side elevation of the extension hereby approved without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of no. 22 Millyard Crescent and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The extension hereby approved shall only be used as ancillary accommodation in connection with the use of the main property as a single dwelling house and shall at no time be converted to or sold as a self-contained unit.

Reason: In order to protect the amenities of neighbouring properties and in accordance with policies QD27 of the Brighton & Hove Local Plan.

5) UNI

The ground level changes to the rear garden area hereby approved are restricted to those shown on the approved plans only which consist of the enlargement of the existing patio area. No other ground level changes to the rear garden area are approved.

Reason: For the avoidance of doubt, to protect the amenity of neighbouring residents and to comply with policy QD27 of the Brighton & Hove Local Plan.

6) UNI

The development hereby permitted shall be carried out in accordance with the location plan, block plan and drawing nos. MCB 1/1 and MCB 1/2 received on the 19th of December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BRUNSWICK AND ADELAIDE

BH2011/03354

7 Brunswick Street West Hove

Conversion of ground floor to form two bedroom flat.

Applicant: Mr R Rigg

Officer: Adrian Smith 290478

Refused on 06/02/12 DELEGATED

1) UNI

Policy QD27 of the Brighton & Hove Local Plan states that planning permission will not be granted for development that would cause material nuisance and loss of amenity to proposed, existing or adjacent users or where it is liable to be detrimental to human health. The proposed residential unit, by reason of its poor quality outlook with minimal access to natural light, falls below the standards reasonably expected by the local planning authority. It will result in a gloomy living environment and a generally substandard form of accommodation for future residents which would be of detriment to their living conditions and therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

2) UNI2

Policies HE1 & HE6 of the Brighton & Hove Local Plan state that alterations within a conservation area and/or to a listed building will only be permitted where the proposal would not have any adverse effect on the architectural and historic character or appearance of the building and the proposal respects the scale, design, materials and finishes of the existing buildings, and preserves its historic fabric. SPD08 'Architectural Features' provides additional design guidance. The proposed external alterations, by virtue of the loss of the historic garage door feature to this Grade I listed Mews building, represent a harmful alteration to the heritage asset and the wider Brunswick Town Conservation Area, contrary to the above policies.

BH2011/03548

Palmeira Plaza 63B Holland Road Hove

Change of use from vacant retail/office (A1/A2) unit to cafe/bakery (A3) incorporating installation of ventilation system and extract ducting.

Applicant: Matthew Drennan

Officer: Clare Simpson 292454

Approved on 13/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The use hereby permitted shall not be open to customers except between the hours of 7am to 7pm on Mondays to Fridays and 8am to 7pm on Saturdays and 8am to 6pm on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

3) UNI

Unless otherwise agreed in writing, no development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

4) UNI

No machinery and/or plant shall be used at the premises except between the hours of 7am to 7pm on Mondays to Fridays and 8am to 7pm on Saturdays and 8am to 6pm on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

5) UNI

No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 7am and 7pm on Monday to Friday and 8am and 6pm on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

6) UNI

Unless otherwise agreed in writing, no development shall commence until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

7) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.GH151211 received on 16th December 2011 and 2424/18C (which for the avoidance of doubt shows the proposed installation of an extract grille only for the north elevation) received on the 20th December 2011,

Reason: For the avoidance of doubt and in the interests of proper planning.

8) UNI

Noise associated with the kitchen extraction system shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997 and an acoustic report provided.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

BH2011/03615

Flat 2a 7 Brunswick Square Hove

Internal alterations to layout of flat incorporating renovation works and installation of fire sprinkler system (Part Retrospective).

Applicant: Ricky Paugh

Officer: Clare Simpson 292454

Approved on 09/02/12 DELEGATED

1) UNI

Unless otherwise agreed in writing, within 3 months of the date of this permission, the lobby partition between the bedroom door and chimney breast shall permanently removed in accordance with approved drawing 1a received on the 6th February 2012.

Reason: to ensure the removal of the unsympathetic works and allow for the appreciation of the historic character of the listed building in accordance with

policy HE1 of the Brighton & Hove Local Plan.

2) UNI

The proposed sprinkler system outlets shall match the colour of the existing ceiling and be retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

Unless otherwise agreed in writing, within 3 months of the date of this permission, the existing flush bathroom door shall be replaced with a 4 panel timber door in accordance with approved drawing 1a received on the 6th February 2012 and retained in place thereafter. For the avoidance of doubt the mouldings shall not be surface mounted on to a flush door.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

Unless otherwise agreed in writing, within 3 months of the date of this permission the existing bedroom door and door frame shall be permanently removed from site and a new door constructed to the rear of the living room in accordance with approved drawing 1a received on the 6th February 2012 and retained in place thereafter. The new door shall be constructed with moulding profiles and horizontal lines to match the existing front door. For the avoidance of doubt the mouldings shall not be surface mounted on to a flush door.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2011/03842

Land to the rear of 68 - 70 Brunswick Place

Application for Approval of Details Reserved by Condition 2 of application BH2010/04003.

Applicant: Baron Homes

Officer: Mark Thomas 292336

Refused on 06/02/12 DELEGATED

BH2011/03875

Flat 3 5 Brunswick Terrace Hove

Addition of mezzanine bed space over kitchen/bathroom area (Retrospective).

Applicant: Mr Daren Rix

Officer: Christopher Wright 292097

Approved on 23/02/12 DELEGATED

1) UNI

The existing timber balusters to the mezzanine staircase and mezzanine balcony shall be removed within 3 calendar months of the date of this decision unless otherwise agreed in writing.

Reason: The existing timbers balusters are unauthorised and detrimental to the character and appearance of the listed building interior and to ensure the satisfactory preservation of this listed building and comply with policy HE1 of the Brighton & Hove Local Plan.

2) UNI

Notwithstanding the removal of the existing timber balusters to the mezzanine staircase and mezzanine balcony, no works shall take place until the precise details of the colour which the open stair risers and doors to the kitchen and bathroom will be painted have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented within 3 calendar months of the date of this decision and carried out in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

The replacement glass and metal balusters to the mezzanine staircase and mezzanine balcony shall not be installed until full details of the proposed glass and metals balusters including 1:20 scale sample elevations and 1:1 scale profile drawings together with precise details of the metal finish, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

CENTRAL HOVE

BH2011/03150

17 Wilbury Grove Hove

Installation of 12 no photovoltaic solar panels.

Applicant: Mr Duncan Henderson

Officer: Wayne Nee 292132

Refused on 16/02/12 DELEGATED

1) UNI

Inaccurate roof and elevation drawings have been provided with the application, and these do not accurately reflect the size of the solar panels. Notwithstanding this, the solar panels by virtue of their number, scale, and positioning are considered to represent an incongruous and unsympathetic development which are detrimental to the roof form and the original roof profile of the property. This has resulted in significant harm to the appearance of the recipient property which detracts from the character of the Willett Estate Conservation Area, and the proposal is therefore contrary to policies HE6 and QD14 of the Brighton & Hove Local Plan.

BH2011/03183

Flat 4 Ventnor Lodge 9 Ventnor Villas Hove

Replacement of existing timber windows and door with UPVC units.

Applicant: Mr S Purser

Officer: Guy Everest 293334

Approved on 10/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The hereby approved replacement windows and door shall match exactly the glazing pattern and opening method of the existing windows and door.

Reason: For the avoidance of doubt and to ensure a satisfactory appearance to the development and to comply with policy QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 4949/01, 4949/02, 4949/03, 4949/04 & 4949/05 received on 20th October 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03378

Land to rear of 1-2 Victoria Terrace, Kingsway & Spa Court Kings Esplanade, Hove

Certificate of lawfulness for the existing use as workshop/storage (B1/B8).

Applicant: Hoveco

Officer: Guy Everest 293334

Approved on 02/02/12 DELEGATED

BH2011/03510

Flat J 21 Wilbury Road Hove

Replacement upvc double glazed windows to front and rear.

Applicant: Mr P Hebrard

Officer: Wayne Nee 292132

Refused on 16/02/12 DELEGATED

1) UNI

Policy HE6 of the Brighton & Hove Local Plan states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show the use of building materials and finishes which are sympathetic to the area. Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted. The replacement of the existing timber sash windows within the front elevation dormers with uPVC frames would be an inappropriate expanse of modern material in a prominent position on the building. This would detract from the character of the property and would fail to preserve or enhance the character and appearance of The Willett Estate Conservation Area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

BH2011/03541

Lancaster Court Kingsway Hove

Rendering of existing brick elevations and replacement of balcony balustrades with stainless steel railings and frosted glass panels.

Applicant: Coastal Estate Management Ltd

Officer: Christopher Wright 292097

Approved on 14/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

No development shall take place until samples of the materials (to include colour and texture of the render, paintwork and colourwash as appropriate) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved design and access statement, computer generated photo montage, location plan, block plan and drawing no. 01 received on 30 December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03583

47 Norton Road Hove

Loft conversion to form 1 no self-contained residential unit incorporating rooflights to rear.

Applicant: Mrs Gillian Greenwood

Officer: Jason Hawkes 292153

Approved on 23/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH02.06

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

3) BH02.08

No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

4) BH04.01A

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling[*s*] hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

5) BH05.08A

No development shall take place until a written Waste Minimisation Statement, in accordance with Supplementary Planning Document 03: Construction and Demolition Waste, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

6) BH06.02

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and

to comply with policy TR14 of the Brighton & Hove Local Plan.

7) BH06.05

The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

8) BH12.05A

The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

9) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.0911/011, 012, 013 & 014 received on the 22nd November 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03597

82 Church Road Hove

Conversion of first, second and third floors and roof space to form 2no one bedroom and 1no two bedroom flat incorporating rooflights to front and rear roof slopes. Relocation of existing first floor offices to basement.

Applicant: Thatchers Freehold

Officer: Adrian Smith 290478

Approved on 03/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

3) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

4) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until an Ecohomes Design Stage Certificate (or certificate from equivalent or successor assessment tool) and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved an Ecohomes Refurbishment rating has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

5) UNI

The development hereby permitted shall not be commenced until full details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

6) UNI

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

7) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under Ecohomes (or an equivalent or successor assessment tool) and a Design Stage Assessment Report showing that the development will achieve an Ecohomes Refurbishment rating for all residential units have been submitted to the Local Planning Authority; and
- (b) a BRE issued Design Stage Certificate demonstrating that the development has achieved an Ecohomes Refurbishment rating for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

8) UNI

The development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

9) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos.ADC422/BP, ADC422/06A & ADC422/09A received on the 23rd November 2011; drawing nos.ADC422/LPA received on the 8th December 2011; and drawing nos.ADC422/01A, ADC422/03C & ADC422/11A received on the 31st January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

10) UNI

The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

BH2011/03647

76 Tisbury Road Hove

Application for Approval of Details Reserved by Condition 8 of application BH2011/01660.

Applicant: Mr Ian Bunday

Officer: Christopher Wright 292097

Approved on 16/02/12 DELEGATED

BH2011/03747

19 George Street Hove

Display of non-illuminated ATM surround sign.

Applicant: Nationwide Building Society

Officer: Jason Hawkes 292153

Approved on 16/02/12 DELEGATED

1) BH10.01

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.

2) BH10.02

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

3) BH10.03

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.

4) BH10.04

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.

5) BH10.05

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) BH10.06

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

BH2011/03892

89 Church Road Hove

Erection of two storey rear extension.

Applicant: Messrs Dean & Kevin Colburn & Mr Molonus

Officer: Steven Lewis 290480

Approved on 15/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH12.02

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

3) BH12.03

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved Colin Jessey Associates drawings no.222.11.01, 222.11.02, 222.11.03 Rev A, 222.11.04 Rev A & 222.11.05 received on 21/12/2011 & 23/01/2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03903

18 Connaught Terrace Hove

Erection of single storey side/rear extension.

Applicant: Mr N Edmonds

Officer: Wayne Nee 292132

Approved on 15/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. CT18PRO/01, 02 and 03 received on 21 December 2011, and drawing no. CT18PRO/04 received on 14 February 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03910

19 George Street Hove

Replacement of 3no air conditioning condensers and installation of 4no additional air conditioning condensers.

Applicant: Nationwide Building Society

Officer: Christopher Wright 292097

Refused on 09/02/12 DELEGATED

1) UNI

Policy SU10 of the Brighton & Hove Local Plan requires proposals for new development to minimise the impact of noise on the occupiers of neighbouring properties and the surrounding environment and policy QD27 states that planning permission will not be granted for development where it would cause material nuisance and loss of amenity to existing and adjacent occupiers or residents. The applicant has not submitted an acoustic report, details of noise levels generated by the proposed development or details of noise attenuation measures that would be incorporated to reduce the impact on the surrounding land uses. As such it cannot be concluded the noise levels generated by the proposed development would not cause unacceptable noise, disturbance and consequent loss of amenity for occupiers of neighbouring residential units and as such the application is contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

BH2011/03920

Flat A 1 Kings Gardens Hove

Internal alterations to flat including removal of non-original internal lobby, re-instatement of an existing doorway and relocation of an existing door.

Applicant: Mr James Forbes

Officer: Mark Thomas 292336

Approved on 13/02/12 DELEGATED

1) BH01.05

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

BH2012/00066

Day Centre Connaught Road Hove

Installation of access ramp and associated works.

Applicant: Brighton & Hove City Council

Officer: Steven Lewis 290480

Approved on 17/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

Within one month of commencement of development upon site, the railings shall be painted black and shall thereafter retained as such.

Reason: In the interests of the setting of the adjacent listed building and to enhance the appearance of the Old Hove Conservation Area. And to comply with policies HE3 & HE6 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved NPS group drawings no. SUB11-3086 A-001 Rev A, SUB11-3086 A-003 Rev A, SUB11-3086 A300 Rev A, SUB11-3086 A301 Rev B, SUB11-3086 A-302 Rev B and SUB11-3086 A303 Rev B received on 12/01/2012 & 10/02/2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2012/00320

31 Vallance Gardens Hove

Non material amendment to BH2011/03494 to replace 2no roof domes with 1no new roof lantern at rear.

Applicant: Mr Scott Sale

Officer: Steven Lewis 290480

Approved on 20/02/12 DELEGATED

GOLDSMID

BH2010/03470

Regent Language School 18 Cromwell Road Hove

Removal of external fire escape spiral stairs and platforms to rear incorporating associated restorative work to façade. Fire precaution upgrade of internal doors.

Applicant: Regent Brighton Language School

Officer: Steven Lewis 290480

Approved on 16/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH13.14

The smoke detectors, fire alarm call points, fire alarms, emergency lighting fittings and control boxes shall be located in unobtrusive positions in the corners of rooms and their electrical cabling systems shall not be surface mounted but concealed within the floors, ceilings and walls, except where otherwise approved, and the walls, floors and ceilings made good to the satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

The overboarding of the basement ceiling shall not result the ceilings dropping below the levels of the tops of windows and does not obscure door and window architraves.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

The works hereby approved shall be carried out and completed in their entirety full in accordance with the approved drawings within one month of the commencement of works.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

5) UNI

The existing red cable running across the ceiling in the ground floor entrance hall shall be removed and the area made good within one month of the commencement of works.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

6) UNI

All redundant existing surface mounted fire alarm, emergency lighting, electrical and telecommunications cabling and equipment inside the building and on its exterior shall be removed within one month of the commencement of the works hereby approved.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

7) UNI

No works shall take place until samples of the buff gault brick to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

8) UNI

The development hereby permitted shall be carried out in accordance with correspondence received 07/02/2012, 18/11/2011, the approved site plan, Graham Watts Partnership drawings no.1706 D2, 1706 D3/Rev B, 1706/D4, 1706 D5, 1706 D6/Rev A, 1706 WD3 & 1706 WD4 received on 07/02/2012 & 05/11/2010 .

Reason: For the avoidance of doubt and in the interests of proper planning

9) UNI

The door closers shall be only Perkomatic overhead concealed self-closers in a brass finish.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2010/03472

Regent Language School 18 Cromwell Road Hove

Removal of external fire escape spiral stairs and platforms to rear incorporating associated restorative work to façade. Fire precaution upgrade of internal doors.

Applicant: Regent Brighton Language School

Officer: Steven Lewis 290480

Approved on 16/02/12 DELEGATED

1) BH01.05

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) BH13.14

The smoke detectors, fire alarm call points, fire alarms, emergency lighting fittings and control boxes shall be located in unobtrusive positions in the corners of rooms and their electrical cabling systems shall not be surface mounted but concealed within the floors, ceilings and walls, except where otherwise approved, and the walls, floors and ceilings made good to the satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

The works hereby approved shall be carried out and completed in their entirety full in accordance with the approved drawings within one month of the commencement of works.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

The existing red cable running across the ceiling in the ground floor entrance hall shall be removed and the area made good within one month of the commencement of works.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

5) UNI

All redundant existing surface mounted fire alarm, emergency lighting, electrical and telecommunications cabling and equipment inside the building and on its exterior shall be removed within one month of the commencement of the works hereby approved.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

6) UNI

The overboarding of the basement ceiling shall not result the ceilings dropping below the levels of the tops of windows and does not obscure door and window architraves.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

7) UNI

No works shall take place until samples of the buff gault brick to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

8) UNI

The door closers shall be only Perkomatic overhead concealed self-closers in a brass finish.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2011/03567

83 Addison Road Hove

Installation of UPVC french doors and windows at ground floor level to replace existing timber windows and door to rear elevation.

Applicant: Geneva Investment Group

Officer: Adrian Smith 290478

Approved on 09/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. 3089-10 rev A received on the 4th January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03624

Upper Flat 70 Clarendon Road Hove

Replacement of existing single glazed timber window with new UPVC double glazed unit.

Applicant: Jeremy Key

Officer: Robert McNicol 292322

Approved on 20/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved product survey sheet, product specification and brochure received on 13-Jan-2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03724

Ground Floor Flat 31 Wilbury Crescent Hove

Erection of single storey rear extension incorporating raised decked area to rear.

Applicant: Mr Alastair Jay

Officer: Guy Everest 293334

Approved on 17/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

No development shall take place until details of 2 metre high solid screening to the western boundary of the raised terrace have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the screen shall be retained thereafter in accordance with the approved details.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved 1:1250 site plan, 1:500 block plan (existing and proposed) and drawing nos. 1 & 2 received on 6th December 2011; and approved drawing no. 3 received on 8th December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03776

20 Cromwell Road Hove

Erection of rear boundary fence to replace existing. (Part retrospective)

Applicant: Mr Cade

Officer: Mark Thomas 292336

Refused on 13/02/12 DELEGATED

1) UNI

Policy HE1 of the Brighton & Hove Local Plan states that alterations to a Listed Building will only be permitted where the proposal would not have an adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting, and should respect the scale, design, materials and finishes. Policy HE3 states that development will not be permitted if it would have an adverse impact on the setting of a listed building, through factors such as its siting, height, bulk, scale, materials, layout, design or use. Policy HE6 states that development within or affecting the setting of conservation areas should preserve or enhance the character or appearance of the area. The timber fencing to the eastern and western boundaries adjacent the rear garden building by virtue of its excessive height and obscuration of the original side boundary walls of the application site would be incongruous and visually obtrusive, detracting from the setting and views of the listed building and the Willett Estate conservation area. Moreover these sections of higher fencing would look unbalanced in relation to the remainder of the proposed western boundary treatment. As such the proposal is considered to represent significant harm to the setting of this Grade II Listed building and the wider Willett Estate conservation area contrary to the aforementioned policy.

BH2011/03777

20 Cromwell Road Hove

Erection of rear boundary fence to replace existing. (Part Retrospective)

Applicant: Mr Cade

Officer: Mark Thomas 292336

Refused on 13/02/12 DELEGATED

1) UNI

Policy HE1 of the Brighton & Hove Local Plan states that alterations to a Listed Building will only be permitted where the proposal would not have an adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting, and should respect the scale, design, materials and finishes. Policy HE3 states that development will not be permitted if it would have an adverse impact on the setting of a listed building, through factors such as its siting, height, bulk, scale, materials, layout, design or use. The timber fencing to the eastern and western boundaries adjacent the rear garden building by virtue of its excessive height and obscuration of the original side boundary walls of the application site would be incongruous and visually obtrusive, detracting from the setting and views of the listed building. Moreover these sections of higher fencing would look unbalanced in relation to the remainder of the proposed western boundary treatment. As such the proposal is considered to represent significant harm to the setting of this Grade II Listed building contrary to the aforementioned policy.

BH2011/03793

101 Shirley Street Hove

Loft conversion incorporating new rear dormer with Juliet balcony and front rooflights.

Applicant: Mr James Epps

Officer: Mark Thomas 292336

Refused on 14/02/12 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Further advice is contained within supplementary planning guidance on roof alterations and extensions (SPGBHI). The proposed dormer window is inappropriately sized and represents an overly bulky addition to the rear roofslope. Further, the dormer features inappropriately large areas of tile hung cladding contrary to guidance contained within SPGBH1. The proposal is therefore contrary to the above policy and guidance.

BH2011/03821

Chester Court 30 Davigdor Road Hove

Replacement of existing single glazed timber windows with double glazed UPVC windows.

Applicant: Ditchling Property Company

Officer: Steven Lewis 290480

Approved on 06/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved Landrock Philips drawings no. LP10032/100, LP10032/101 & LP10032/110 received on 14/12/2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03855

Flat 23 Gainsborough House 4 - 6 Eaton Gardens Hove

Replacement of existing aluminium/timber framed windows with new UPVC double glazed units.

Applicant: Mrs C Yorke

Officer: Mark Thomas 292336

Approved on 10/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. E60PW/HP/02, 03, 04, 'Schedule of Photographs', and window specification document received on 16th December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning

BH2011/03936

33 Wilbury Avenue Hove

Erection of single storey rear extension incorporating new bifold doors at ground floor.

Applicant: Mr Paul Christmas

Officer: Robert McNicol 292322

Approved on 22/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. 001 received on 23-Dec-2011 and 101B received on 20-Feb-2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2012/00024

7 Eaton Gardens Hove

Removal of fire escape.

Applicant: Eastbrook Properties Ltd

Officer: Christopher Wright 292097

Approved on 20/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved planning statement, design and access statement, method statement and drawing nos. 1418/1540 and 1418/1541 received on 5 January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2012/00060

19 Wilbury Avenue Hove

Erection of replacement conservatory.

Applicant: Mr & Mrs Turner

Officer: Robert McNicol 292322

Approved on 20/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings TA572/10, TA572/11 and TA572/12 received on 11-Jan-2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

HANGLETON & KNOLL

BH2011/03364

107 Boundary Road Hove

Application for Approval of Details Reserved by Condition 8 of application BH2008/03442. (Appeal Q1445/A/09/2101398)

Applicant: Mr Ben Harrison

Officer: Jason Hawkes 292153

Approved on 14/02/12 DELEGATED

BH2011/03502

128 Hangleton Way Hove

Erection of single storey rear extension with associated external alterations.

Applicant: Mr M Mitchell

Officer: Jason Hawkes 292153

Approved on 22/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH02.09

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.02 received on 15th November 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

5) UNI

The side window hereby approved shall be obscure glazed and non-opening unless any part of the window which can be opened is more than 1.7 metres above the floor of the room in which the window is installed and thereafter retained as such, unless otherwise agreed with the local planning authority in writing.

Reason: To safeguard the amenity of the occupiers of nearby adjacent properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2011/03664

5 The Parade Hangleton Road Hove

Display of 1no non illuminated projecting sign and 1no non illuminated fascia sign.

Applicant: Food Programme Deliver Orchid Group

Officer: Wayne Nee 292132

Approved on 07/02/12 DELEGATED

1) BH10.01

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.

2) BH10.02

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

3) BH10.03

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.

4) BH10.04

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.

5) BH10.05

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) BH10.06

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

BH2011/03833

22 Broad Rig Avenue Hove

Erection of single storey side extension and extension of roof.

Applicant: Tracy Barker

Officer: Christopher Wright 292097

Approved on 03/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The window on the northern flank elevation of the extension hereby permitted, alongside the joint boundary with 24 Broad Rig Avenue, shall not be glazed other than with obscure glass and retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows or other openings other than those expressly authorised by this permission shall be constructed on the northern flank wall of the extension, which runs alongside the joint boundary with 24 Broad Rig Avenue, without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of the neighbouring property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan

5) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. 477/02 received on 16 January 2012; and drawing no. 477/01 Revision A received on 31 January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03860

9 Burwash Road Hove

Change of use from driving test centre (sui generis) to pharmacy (A1) (Retrospective).

Applicant: Ms Mala Bhargav

Officer: Clare Simpson 292454

Approved on 13/02/12 DELEGATED

BH2012/00013

260 Hangleton Road Hove

Certificate of Lawfulness for proposed single storey rear extension and loft conversion incorporating rear dormer.

Applicant: Mr Paul Smyth

Officer: Robert McNicol 292322

Approved on 17/02/12 DELEGATED

NORTH PORTSLADE

BH2011/03883

41 New Barn Close Portslade

Erection of a new front entrance porch.

Applicant: Karl Jones

Officer: Robert McNicol 292322

Approved on 23/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 11.11-SK03, 11.11-SK04 and 11.11-SK05 received on 20-Dec-2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03937

292 Mile Oak Road Portslade

External alterations within boundary to include installation of new cycle storage facilities, access ramp, new fencing and planting areas.

Applicant: Downsview Developments Ltd

Officer: Clare Simpson 292454

Approved on 17/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

All planting, seeding or turfing, comprised in the approved scheme of landscaping shown on drawing number 899/P054 received on the 20th January 2012 shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.899/P09A submitted on 20th January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2012/00044

10 Gorse Close Portslade

Erection of single storey rear extension.

Applicant: Mr G Doyle

Officer: Steven Lewis 290480

Approved on 17/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.03

The external finishes of the development hereby permitted shall match in

material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved unnamed drawings no.1201/01, 1201/02, 1202/03 & 1201/04 received on 06/01/2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

SOUTH PORTSLADE

BH2011/03033

184 Old Shoreham Road Portslade

Application for Approval of Details Reserved by Condition 2 of Application BH2010/03981.

Applicant: Timpson Properties Ltd

Officer: Wayne Nee 292132

Refused on 17/02/12 DELEGATED

BH2011/03251

28-48 Church Road Portslade

Application for Approval of Details Reserved by Conditions 3 and 5 of application BH2011/01964.

Applicant: ATS Euromaster Ltd

Officer: Guy Everest 293334

Approved on 10/02/12 DELEGATED

BH2011/03316

1 Trafalgar Road Portslade

Demolition of existing building and erection of 2no. two storey 3 bed houses incorporating associated access, parking and cycle and bin stores.

Applicant: Portslade Dental Care

Officer: Adrian Smith 290478

Approved on 07/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

All new hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

3) UNI

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

Reason: to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

4) UNI

No development shall take place until samples of the materials (including colour of render, paintwork, cladding and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

5) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

6) UNI

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

7) UNI

No development shall take place until full details of the proposed external lift, or any other means of attaining wheelchair access to the building, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HO13 of the Brighton & Hove Local Plan.

8) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

9) UNI

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the

sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

10) UNI

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

11) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

12) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos.P31, P35 & P36 received on the 31st October 2011; and drawing no. P34A received on the 24th January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

13) UNI

Construction shall not begin until a detailed scheme for protecting the proposed development from noise and vibration from the neighbouring railway line has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details regarding any ventilation measures that may be necessary on all works which form part of the approved scheme shall be completed before any part of the development is occupied.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

BH2011/03826

10 South Street Portslade

Non Material Amendment to BH2007/03591 to revise footprint of bay window and provision of bin stores in alternative location.

Applicant: Mr Robert Ransom

Officer: Christopher Wright 292097

Refused on 09/02/12 DELEGATED

1) UNI

The proposed alterations would have a material effect on the external appearance of the development, its size, scale, form and bulk, and the prominence of the extension in the street scene owing to the building line moving closer to the street. For these reasons the proposed alterations are not considered to be Non Material Amendments.

BH2011/03850

21A - 21B Station Road Portslade

Erection of 3 additional storeys above existing retail unit at ground floor to form 2no one bed flats and 2no two bed maisonettes incorporating roof terraces at first and third floors and juliet balconies at second floor. Retention of retail space at ground floor and new shopfront.

Applicant: Mr David Perry

Officer: Jason Hawkes 292153

Refused on 17/02/12 DELEGATED

1) UNI

The proposed development, by virtue of its set back from the front elevation adjacent relates poorly to the host property and adjacent properties and would stand out in the street scene as an inappropriate and incongruous addition. The proposal would look out of character with the existing development in the area and is contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan which seek to ensure that new developments emphasise and enhance the positive qualities of the local neighbourhood.

2) UNI2

The scheme results in front windows and roof terraces for the flats which are in close proximity to an existing illuminated sign for Tesco Metro. The set back of the development from the front elevation results in the retention of this sign. The illumination of the large sign would illuminate the living areas and balconies of the proposed flats and would detract from the standard of accommodation. The scheme is therefore deemed contrary to policy QD27 of the Brighton & Hove Local Plan which protects the amenity of the development's future occupier.

3) UNI3

The proposed development is in close proximity to various noise sources which could detrimentally affect the amenity of the proposed flats, including a lift shaft and air conditioning units for Tesco Metro. The applicant has not submitted an acoustic report detailing noise levels generated by the adjacent sources and how these would affect the proposed residential uses. As such it cannot be concluded the noise levels generated by the adjacent sources would not cause unacceptable noise, disturbance and consequent loss of amenity for the future residents of the proposed residential units. The application is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

4) UNI4

The proposed rear facing windows for the flats at first and second floor level serve bedrooms and are in close proximity to the rear car park. The users of the car park would have clear views into the bedroom windows resulting in a loss of privacy for the users of the flats. The scheme is therefore deemed contrary to policy QD27 of the Brighton & Hove Local Plan.

5) UNI5

The proposed cycle parking at ground floor level is cramped and does not have enough space around it to allow the store to be used efficiently. Due to the size and limited space, the cycle parking facilities are deemed unpractical and inconvenient and the scheme is deemed to be contrary to policy TR14 of the Brighton & Hove Local Plan which states that cycle parking should secure, convenient and well lit.

BH2011/03857

117 - 119 Victoria Road Portslade

Certificate of Lawfulness for proposed change of use from Architectural Metalworkers (B2) to motor vehicle repair shop incorporating MOT test station (B2).

Applicant: Mr Ali Azarbayjan

Officer: Christopher Wright 292097

Approved on 20/02/12 DELEGATED

HOVE PARK

BH2011/03035

47 Hill Drive Brighton

Certificate of lawfulness for a proposed erection of an enclosure to accommodate a toilet, shower and storage for pool equipment.

Applicant: Mr Farnood Asghari

Officer: Clare Simpson 292454

Approved on 07/02/12 DELEGATED

BH2011/03275

12 St Josephs Close Hove

Replacement of wooden framed single glazed window with UPVC double glazed windows to east elevation. (Retrospective).

Applicant: Mrs Donna Vye

Officer: Adrian Smith 290478

Approved on 16/02/12 DELEGATED

BH2011/03287

35 Hill Brow Hove

Demolition of existing dwelling and erection of 2no storey house with basement/garage level.

Applicant: Mr Peter & Mrs Tena Hocking-Darey

Officer: Jason Hawkes 292153

Approved on 08/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH02.03

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) BH02.08

No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first

occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

4) BH03.01

No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

5) BH05.01B

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

6) BH05.02B

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

7) BH05.08A

No development shall take place until a written Waste Minimisation Statement, in accordance with Supplementary Planning Document 03: Construction and Demolition Waste, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

8) BH05.10

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface

within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

9) BH06.02

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

10) BH11.01

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

11) BH11.02

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

12) UNI

No development shall commence until an Arboricultural Method Statement has been submitted for the approval of the Local Planning Authority. The statement shall include the trees in 33 Hill Brow, the 2 street trees outside 35 Hill Brow, the trees of the garden of the new property to the rear, the building of the wall in close proximity to the Yew tree and any other vegetation that is to remain in the garden of 35 Hill Brow. The scheme shall be implemented as agreed and shall be in accordance with BS 5837 (2005) Trees in Relation to Construction.

Reason: To protect adjacent trees and trees and vegetation which are to be retained on the site in the interest of the visual amenity of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

13) UNI

No development shall commence until details have been submitted to and approved in writing to the Local Planning Authority which indicate that the approved house will be fully compliant with Lifetime Homes standards and retained as such thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the

Brighton & Hove Local Plan.

14) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.85/14, 85/15 received on the 5th December and drawings no.85/10, 85/11, 85/12 & 85/13 received on the 26th January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

15) UNI

No development shall commence until full details of the proposed boundary walls and gates, including elevation plans, have been submitted to and approved by the Local Planning Authority in writing. The scheme shall be implemented in accordance with the agreed details and thereafter retained as such.

Reason: To safeguard the amenity of the occupiers of nearby adjacent properties, the visual amenity of the area and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

16) UNI

The side first floor windows of the dwelling hereby approved shall be obscure glazed and non-opening unless any parts of the windows which can be opened are more than 1.7 metres above the floors of the rooms in which the windows are installed and thereafter retained as such, unless otherwise agreed with the local planning authority in writing.

Reason: To safeguard the amenity of the occupiers of nearby adjacent properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

17) UNI

The opaque glazed screens for the approved terraces, as indicated on drawings 85/10, 85/12 & 85/13 shall be a minimum of 1.8m high from the finished floor levels of the terraces and shall be installed before the terraces are brought into use. The screens shall be retained as such thereafter.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

18) UNI

No development shall not commence until full details of the finished ground levels of the landscaped and terraced areas around the approved dwelling in relation to surrounding buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in strict accordance with the agreed details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

BH2011/03314

215 Nevill Road Hove

Erection of a detached 2no storey dwelling to rear of existing property with associated landscaping and new access.

Applicant: Mr & Mrs Durrant

Officer: Wayne Nee 292132

Approved on 16/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH02.03

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration

of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) BH02.07

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

4) BH03.01

No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

5) BH04.01A

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

6) BH05.01B

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 5 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 5 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

7) BH05.02B

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton &

8) BH05.10

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

9) BH06.02

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

10) BH06.03

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

11) BH11.01

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

12) BH11.02

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

13) UNI

The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be

retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with Local Plan policies TR1, TR19 and SPG4.

14) UNI

No development shall commence until full details of existing and proposed ground levels within the site and on land adjoining the site to OS Datum, by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved level details.

Reason: To ensure a satisfactory appearance to the development and to protect the amenity of surrounding neighbours in accordance with policies QD1, QD2, and QD27 of the Brighton & Hove Local Plan.

15) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 847/01, 02, 03, 04 and 05 received on 28 October 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03469

BHASVIC College 205 Dyke Road Hove

External refurbishment of Student Common Room including installation of access ramp. Erection of canopies to College House, the main building, student services building and the canteen area.

Applicant: BHASVIC

Officer: Clare Simpson 292454

Approved on 08/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.DJD-BHASVIC02, DJD-SCR 01, 02, 04, 06, 07, 08, 09,10, 11; DJD-SS01, 02, 03; DJD-CH 01, 02, 03, 04, DJD-CAN 01, 02, 03, 04, 05, 06 received on the 10th November 2011, BHASVIC 03, 04, 05, 06, SCR-WIN 01, 02, 03, 04, 05, 06 received on the 14th December 2011, site location plan received on the 17th January 2012, DJD-BLOCK received on the 18th January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03478

139 Shirley Drive Hove

Widening of existing vehicular crossover.

Applicant: Mrs Angela Vaughan

Officer: Mark Thomas 292336

Approved on 08/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. 477/02a received on 14th December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03479

Ground Floor 119 Nevill Avenue Hove

Erection of timber shed in rear garden (Retrospective).

Applicant: Mr Shane Beech

Officer: Jason Hawkes 292153

Approved on 22/02/12 DELEGATED

1) UNI

The development hereby permitted shall be carried out in accordance with the approved layout plan and elevation drawings received on the 1st December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03605

10 Benett Drive Hove

Repositioning of existing timber fence to front boundary and installation of new timber gate in association with new vehicular crossover and hardstanding.

Applicant: Mr Richard Henderson

Officer: Steven Lewis 290480

Approved on 06/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH05.10

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

3) UNI

An Arboricultural Method Statement regarding the construction of the cross-over and protection of the bole and root plate of the tree during the course of the development (BS 5837 (2005) Trees in Relation to Construction refers) should be submitted to and approved by the Local Planning Authority prior to any development commencing.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan

4) UNI

Notwithstanding the approved plans, the proposed gate shall have an inward opening mechanism and may not encroach upon the public highway and shall thereafter be retained as such.

Reason: In the interests of highway safety and to accord with policy TR7 of the Brighton & Hove Local Plan.

5) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no 10-01 Rev A. received on 12/12/2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

6) UNI

The external finishes of the gate hereby permitted shall match in material, colour and style, those of the existing boundary fence.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

BH2011/03694

18 Sandringham Drive Hove

Application for Approval of Details Reserved by Conditions 5 and 7 of application BH2011/02781

Applicant: Mrs Louise Adams

Officer: Jason Hawkes 292153

Approved on 17/02/12 DELEGATED

BH2011/03708

1 Radinden Manor Road Hove

Demolition of existing garage and side extension and erection of single storey side and rear extension to east and first floor extension to west elevation.

Applicant: WS Planning & Architecture

Officer: Christopher Wright 292097

Refused on 16/02/12 DECISION ON APPEAL

1) UNI

The proposed extensions would, by reason of their form, detailing, design, siting and massing, have an unsympathetic visual relationship with the host dwelling and the space around it, and would detract from its character and appearance to the detriment of visual amenity and the positive characteristics of the local neighbourhood. As such the proposal is contrary to the requirements of policy QD14 of the Brighton & Hove Local Plan.

2) UNI2

The proposed side and rear extension would, by reason of the siting and proportions, have a significant adverse impact on neighbour amenity by way of increased enclosure and an overbearing impact and is thereby contrary to the objectives of policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2011/03769

2 Bishops Road Hove

Erection of part two storey part single storey rear extension incorporating removal of a dormer and the creation of an additional gable end to rear elevation. Erection of a rear extension at first floor level over existing ground floor. New dormer to front elevation with associated external alterations.

Applicant: Mr Philip Drake

Officer: Christopher Wright 292097

Approved on 15/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with approved design and access statement; and drawing nos. PD/150911/01, PD/150911/02 and PD/150911/04A received on 9 December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03790

2 Tongdean Place Hove

Erection of single storey side extension and loft conversion incorporating extension of roof with gable ends and 4no dormers.

Applicant: Dave Roberts

Officer: Clare Simpson 292454

Refused on 06/02/12 DELEGATED

1) UNI

The proposed extension, by reason of its design, bulk, massing and siting, is considered to be an overdevelopment of the site which would detract from the character and appearance of the building and the spacious character of the plot and the open character of the overall area. The extended roof form is also considered to be an unattractive and incongruous addition to the building, detracting from the outlook of the rear garden of 4 Tongdean Road. The development would be contrary to policies QD2, QD14, and QD27 of the Brighton & Hove Local Plan.

2) UNI2

Notwithstanding reason for refusal 1 above, the submitted drawings suggest the development would result in the formation of a separate residential unit which would not be ancillary to the primary residence. The site is of an inadequate size to accommodate an additional dwelling whilst preserving the open character of the area. The proposal represents an overdevelopment of the site, out of keeping with the surrounding area, and contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan which seek to ensure a high standard of design, and secure an intensity of development appropriate to the locality.

BH2011/03891

Unit 4 Goldstone Retail Park Newtown Road Hove

External air conditioning condenser units to rear (Retrospective).

Applicant: Pets At Home Limited

Officer: Steven Lewis 290480

Approved on 09/02/12 DELEGATED

BH2011/03934

33 Woodruff Avenue Hove

Erection of new boundary wall with infill railings incorporating new vehicular sliding gate and new entrance gate.

Applicant: Mr Mark Johnston

Officer: Mark Thomas 292336

Approved on 16/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. L-04 revision b received on 31st January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2012/00057

34 Court Farm Road Hove

Erection of single storey side extension.

Applicant: Mahmood Mirzadeh

Officer: Jason Hawkes 292153

Approved on 20/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The extension hereby permitted shall be used only as ancillary accommodation in connection with the enjoyment of the main property as a single dwellinghouse and not for any other purpose.

Reason: In order to protect the amenities of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings named 'Existing Details' and 'Proposed Details' received on 11th January 2013.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2012/00080

4 Queen Caroline Close Hove

Non Material Amendment to BH2010/00608 to turn flat roof over a porch into a pitched roof.

Applicant: Mrs J Goodman

Officer: Mark Thomas 292336

Refused on 03/02/12 DELEGATED

1) UNI

The proposed revisions to the scheme approved under application BH2010/00608 are considered material and warrant the submission of a further application for planning permission to enable the Local Planning Authority to fully assess the revised proposals in respect of the following issues:

"Impact upon the character and appearance of the recipient property and the wider street scene.

WESTBOURNE

BH2011/03758

3 Hogarth Road Hove

Erection of ground floor rear extension.

Applicant: Mrs Jill Robinson

Officer: Adrian Smith 290478

Approved on 02/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The external finishes of the development hereby permitted (with the exception of the roof covering) shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The window in the north side elevation of the development hereby permitted shall be obscure glazed and non-opening and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 429(PL)1 & 429(PL)2 received on the 9th December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03851

2 - 6 Pembroke Crescent Hove

Conversion of existing carehome to form 2no four bed semi detached dwelling houses and 1no six bed detached dwelling house and associated works.

Applicant: Mrs Beverley Ouanounou

Officer: Adrian Smith 290478

Approved on 13/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

3) UNI

Notwithstanding the details shown on drawing no.03 received on the 19th December 2011, all new and replacement windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

4) UNI

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

5) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under Ecohomes (or an equivalent or successor assessment tool) and a Design Stage Assessment Report showing that the development will achieve an Ecohomes Refurbishment rating for all residential units have been submitted to the Local Planning Authority; and
- (b) a BRE issued Design Stage Certificate demonstrating that the development has achieved an Ecohomes Refurbishment rating for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan.

6) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until an Ecohomes Design Stage Certificate (or certificate from equivalent or successor assessment tool) and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved an Ecohomes Refurbishment rating has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

7) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

8) UNI

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

9) UNI

The development hereby permitted shall be carried out in accordance with the approved site plan, block plan and drawing nos. 03 & 04 received on the 19th December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

10) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the garage located adjacent to No.6 Pembroke Crescent and detailed on drawing no.03 received on the 19th December 2011 shall be used solely for the parking of vehicles for the benefit of No.2 Pembroke Crescent.

Reason: to ensure an adequate level of parking provision for each dwelling and to avoid additional street parking and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.

BH2012/00007

28 Sackville Road Hove

Erection of rear conservatory extension.

Applicant: Mr A Measom

Officer: Robert McNicol 292322

Approved on 23/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH12.02

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. 12/11/06(2 of 3), the conservatory structure specification and the detail drawings received on 03-Jan-2012, and drawing no. 12/11/06(3 of 3) received on 13-Jan-2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2012/00016

29 Westbourne Street Hove

Single storey rear extension & garage conversion to provide additional living space.

Applicant: Mr Rupert Maitland

Officer: Steven Lewis 290480

Refused on 23/02/12 DELEGATED

1) UNI

The proposed rear extension would have a detrimentally harmful enclosing impact upon the neighbouring property and result in a seriously harmful loss of outlook and light. This is contrary to policy QD14 of the Brighton & Hove Local Plan.

2) UNI2

The extension by reason of its coverage, siting, form and scale is considered poorly design and an overdevelopment of the site which would fail to respect and emphasise or enhance the positive qualities, the background character and appearance of the area. This is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2012/00062

53A New Church Road Hove

Application for Approval of Details Reserved by Conditions 6, 7, 8a, 8b, 10, 13, 15, 19, 20 and 21 of application BH2010/00813.

Applicant: Mrs Philippa Stephen-Martin

Officer: Christopher Wright 292097

Approved on 06/02/12 DELEGATED

WISH

BH2011/03301

309A Kingsway Hove

Formation of crossover incorporating dropped kerb and removal of piers and boundary fence.

Applicant: Miss Emma Smith

Officer: Wayne Nee 292132

Approved on 03/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The development hereby permitted shall be carried out in accordance with the block plan received on 28 October 2011, and the approved unnumbered drawings received on 12 December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning

BH2011/03656

15 Boundary Road Hove

Change of Use from Offices (B1) to dental surgery (D1).

Applicant: Selits Ltd

Officer: Steven Lewis 290480

Approved on 15/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The use hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development and comply with local plan policies TR1, TR14 and SPG4

3) UNI

The applicant shall ensure that a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be implemented prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

4) UNI

Prior to the commencement of the use, signage that allocates the 5 car parking spaces to the Dental Surgery only, shall be erected and thereafter retained.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

5) UNI

The use hereby permitted shall not be open to customers except between the hours of 8am and 6pm on Mondays to Fridays and 8am and 1pm on Saturdays and not at anytime on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

6) UNI

The development hereby permitted shall be carried out in accordance with the approved Stiles Harold Williams Site Location Plan, Marketing Letter, Planning Statement, Further Information letter and Macmillan Architects Drawings no. 211106/01 & 211106/02 received on 30/11/2011, 19/01/2012, 03/02/2012 & 13/02/2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

7) UNI

The use shall not commence until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicle.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with Local Plan policies TR1, TR19 and SPG4

BH2011/03716

27 Jesmond Road Hove

Removal of existing garage and utility room and erection of two storey side extension and single storey rear extension. Loft conversion and incorporating rear dormer and rooflights to front, side and rear.

Applicant: Mr Tom Patterson

Officer: Adrian Smith 290478

Approved on 20/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) UNI

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The windows in the south side elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos.001, 004 & 005 received on the 7th December 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

BH2011/03772

First Floor Flat 25 Welbeck Avenue Hove

Loft conversion incorporating rear and side dormers and rooflights to front elevation.

Applicant: Mr Seroj Janiyan

Officer: Christopher Wright 292097

Approved on 14/02/12 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved location plan and block plan received on 9 December 2011 and approved drawing no. 02D received on 13 January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

Withdrawn Applications

BH2011/03849

56 Brittany Road Hove

Certificate of Lawfulness for a proposed single storey rear extension and roof conversion incorporating hip to gable extension and rear dormer.

Applicant: Mr Danny Wilson

Officer: Mark Thomas 292336

WITHDRAWN ON 03/02/12