



**Brighton & Hove
City Council**

Plans List

PLANNING COMMITTEE

2.00PM, WEDNESDAY, 4 APRIL 2012

COUNCIL CHAMBER, HOVE TOWN HALL

**BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENT**

**PLANS LIST
PLANNING COMMITTEE
Date: 04 April 2012**

**TREES
Delegated Powers of implementations of a previous Committee Decision Page 5**

MAJOR APPLICATIONS

| | Application Number | Area | Ward | Address | Proposal | Recommendation | Page |
|----------|---------------------------------------------------|-------------|-------------|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------|
| A | BH2012/00114 Full planning | West | Hove Park | Park House, Old Shoreham Road | Demolition of former residential language school and erection of 5 storey block of 71 flats incorporating basement car park and surface car parking to provide 71 parking spaces, including landscaping and other associated works. | Minded to Grant | 11 |
| B | BH2011/03743 Removal or variation of condition | East | Woodingdean | Woodingdean Business Park, Sea View Way | Application for variation of condition 25 of application BH2011/00362 to allow HGV's (with the exception of articulated vehicles) to enter the site and service the units. Original permission BH2008/00955 (continuation of master plan, with construction of 6 light industrial (B1) units in two buildings and the provision of 30 parking spaces and associated landscaping) (Amended description). | Grant | 49 |

MINOR APPLICATIONS

| | Application Number | Area | Ward | Address | Proposal | Recommendation | Page |
|----------|---------------------------------------------------|-------------|--------------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------|
| C | BH2011/03509 Full planning | West | Hove Park | 7 Elm Close | Erection of 1 no five bedroom house. (Part Retrospective) | Grant | 63 |
| D | 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 | 75 |
| E | 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 1 no floor of retail space with 1 no 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 | 87 |
| F | BH2011/03705 Householder planning | East | Preston Park | 23 Lowther Road | Erection of single storey side and rear extension. | Grant | 99 |
| G | BH2011/03785 Full planning | West | Regency | 11 Dyke Road | Change of Use from nightclub Sui Generis to indoor recreation maze (D2) for a 5 year temporary permission and incorporating revised side entrance, external lanterns, canopy and associated works. | Minded to Grant | 109 |
| H | BH2011/03786 Listed Building Consent | West | Regency | 11 Dyke Road | Internal and external alterations to enable use as indoor recreational maze incorporating revised side entrance, external lanterns, fascia sign and associated works. | Minded to Grant | 125 |

Determined Applications: Page 133

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.

PLANS LIST 04 April 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**

PRESTON PARK

Application No: BH2012/00439

30A Beaconsfield Villas

1no Sycamore - reduce in height to 7ft (old pollard, weak unions, likely to cause actual structural damage).

Applicant: Mrs Caroline Baker

Approved on 07 Mar 2012

Application No: BH2012/00510

Yew Tree House, 5b Preston Park Avenue and 4 Preston Park Avenue

1no Ash (in garden of No 4) - reduce crown over boundary back to previous pruning points. 1no Elder (in garden of No 5) - reduce crown by 50%.

Applicant: Ms Susan Paskins

Approved on 06 Mar 2012

Application No: BH2012/00511

30 Preston Park Avenue

1no Sycamore (T1) and 1no Horse Chestnut (T2) - crown lift to approx 10 metres. 1no Holly (T3) - reduce height by approx 50% and tidy sides.

Applicant: Ben McWalter

Approved on 02 Mar 2012

Application No: BH2012/00512

8 Preston Park Avenue

Fell 1no twin stem Sycamore (no public amenity value, liberate old pear trees)

Applicant: Tom Fellows

Approved on 02 Mar 2012

Application No: BH2012/00596

68 Waldegrave Road

Fell one Pittosporum

Applicant: Ben McWalter
Approved on 02 Mar 2012

Application No: **BH2012/00597**
The Boardwalk, 4A Preston Park Avenue, Brighton

1no Wild Cherry - remove low small branch extending towards Ash, remove second lowest branch growing towards fence, crown reduce by approx. 30% and shape; 1no Ash (large) - remove low branch, crown reduction and crown thin; Eucalyptus - reduce and re-shape by 30%; 2no Mimosa - prune back/remove selected low branches to discourage climbing plants, reduce and re-shape crowns by approx. 20-25% to contain spread.

Applicant: Sally Kennedy
Approved on 07 Mar 2012

Application No: **BH2012/00687**
87 Stanford Avenue, Brighton

Fell 1no Cedar (poor form, no public amenity value).

Applicant: Carol O'Connor
Approved on 15 Mar 2012

Application No: **BH2012/00693**
108 Stanford Avenue, Brighton

Fell 1no Pear tree (no public amenity value).

Applicant: Mr B Cullis
Approved on 15 Mar 2012

Application No: **BH2012/00696**
The Boardwalk, 4A Preston Park Avenue, Brighton

Fell 1no Ash (small).

Applicant: Sally Kennedy
Approved on 07 Mar 2012

WITHDEAN

Application No: **BH2012/00364**
16 Hazeldene Meads

1no Corsican Pine (T1) - reduce and reshape by approx 2.5-3 metres to lessen 'sail area' in high winds as substantial lean over neighbouring property . 1no Corsican Pine (T2) - remove dead hanging section back to suitable growth point.

Applicant: Carlos Daly

Approved on 02 Mar 2012

MOULSECOOMB & BEVENDEAN

Application No: BH2012/00518
Former Falmer High School, Lucraft Road

Fell 6no Silver Birch (T1, T2, T3, T4, T6, T9), 1no Cherry (T5), 2no Maple (T7, T8), 4no Lawson Cypress (T10, T11, T12, T13), 1no Cotoneaster (T14), 1no Yew (T15), 1no Sycamore (T17), 2no Ash (T18, T20), 1no Leyland Cypress (T19) and 1no Apple (T21) (All trees of low amenity value and low quality. The TPO is an Area Order from 1974 and if the Arboricultural Section were to resurvey the site and update the TPO as would be considered good practice, the above trees would not be included on an updated order. Several of the trees have defects such as die-back in the crown, fungal fruiting bodies indicating deadwood, or partially collapsed canopy).

Applicant: Peter Rainier
Approved on 29 Feb 2012

Application No: BH2012/00562
Former Falmer High School, Lucraft Road

1no Beech (T16).

Applicant: Peter Rainier
Refused on 29 Feb 2012

QUEEN'S PARK

Application No: BH2012/00507
Flat 1, 34C Egremont Place

1no Elder - prune away from street light. 1no Apple - prune. 1no Buddleia - prune back and reduce height to street sign. 1no Sycamore - reduce by approx 30% and remove dead wood.

Applicant: Miss Jean Rose
Approved on 02 Mar 2012

ROTTINGDEAN COASTAL

Application No: BH2012/00508
Old Farm House, The Green, Rottingdean

Fell 1no Leyland Cypress (causing actual structural damage)

Applicant: Mr Mike Parfitt
Approved on 07 Mar 2012

Application No: BH2012/00509
Old Farm House, The Green, Rottingdean

1no Bay - lopping by 60%. 1no Cherry - lopping by 30%.

Applicant: Mr Mike Parfitt
Approved on 07 Mar 2012

Application No: BH2012/00777
46 Ainsworth Avenue, Ovingdean, Brighton

Poplar (T1) - light pruning, back to previous pruning points, remove deadwood; 1no Sycamore (T2) - removal of lower branches, crown reduction by 3 metres and overall shaping, removal of ivy.

Applicant: Professor J Davies
Approved on 15 Mar 2012

CENTRAL HOVE

Application No: BH2012/00638
35 Seafield Road, Hove

Fell 1no Sycamore (wall bowed and cracked, causing actual structural damage).

Applicant: Mr Ed Haunton
Approved on 20 Mar 2012

Application No: BH2012/00778
Flat 1, 25 Connaught Road, Hove

Fell 1no Lime (poor form, causing actual structural damage).

Applicant: Carlos Daly
Approved on 20 Mar 2012

GOLDSMID

Application No: BH2012/00513
Furze Croft, Furze Hill

1no Holm Oak (T1) - thin southern crown by 20% to reduce risk of failure, tree has significant rot and ganoderma brackets at base. 1no Elm (T2) - reduce by up to 3m away from property.

Applicant: Mr Duncan Armstrong
Approved on 15 Mar 2012

NORTH PORTSLADE

Application No: BH2012/00700
5 Southdown Road, Portslade

Fell 1no Sycamore (little public amenity value, causing actual structural damage).

Applicant: Mrs Beata Heath
Approved on 15 Mar 2012

HOVE PARK

Application No: BH2012/00691
25 Dyke Road Avenue, Hove

1no Beech (T3) - crown thin by up to 20% and reduce weight on dominant lateral limb to the east. 1no Horse Chestnut (T5) - crown lift to facilitate construction traffic and crown thin by up to 20%. 1no Beech (T4) - remove branch to E at 3m height, reduce canopy max 30%.

Applicant: Mr S Hardman
Approved on 15 Mar 2012

WESTBOURNE

Application No: BH2012/00516
67 Pembroke Crescent, Hove

1no Magnolia - reduce entire canopy 2/3 feet.

Applicant: J Hatch
Approved on 02 Mar 2012

Application No: BH2012/00641
63 Walsingham Road, Hove

1no Oak - remove lower bough and crown thin by 20%.

Applicant: Mr Phil Parrott
Approved on 20 Mar 2012

LIST OF MAJOR APPLICATIONS

| | | | |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------|
| <u>No:</u> | BH2012/00114 | <u>Ward:</u> | HOVE PARK |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Park House, Old Shoreham Road, Hove | | |
| <u>Proposal:</u> | Demolition of former residential language school and erection of 5 storey block of 71 flats incorporating basement car park and surface car parking to provide 71 parking spaces, including landscaping and other associated works. | | |
| <u>Officer:</u> | Christopher Wright | <u>Valid Date:</u> | 18/01/2012 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 18 April 2012 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | Lewis and Co Planning SE Ltd, Paxton Business Centre, Portland Road, Hove | | |
| <u>Applicant:</u> | Hyde Newbuild Limited, 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 it is **MINDED TO GRANT** planning permission subject to the completion of a S106 Agreement and the following Conditions and Informatives.

S106 Heads of Terms

- Affordable housing – 40%.
- A contribution of £180,000.00 for open space
- A contribution of £35,000.00 towards the Local Employment Scheme –
- A commitment to achieve 20% on site Local Employment during construction.
- A contribution of £53,000.00 for Sustainable Transport.
- A contribution of £139,000.00 for education.

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 Design and Access Statement; Planning Supporting Statement; Sustainability Checklist; Sustainability Report; Landscape Specification; One Hove Park Planning Application Supporting Documents; and drawing nos. Y023-001, Y023-001 Revision A, Y023-010 Revision F, Y023-012 Revision D, Y023-013 Revision D, Y023-014 Revision E, Y023-015 Revision E, Y023-017 Revision B, Y023-020 Revision E, Y023-050, OHP-ND-001, OHP-ND-002, OHP-ND-003 OHP-

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ND-004, J37.82/01 Revision B and J37.82/03 received on 17 January 2012; the Archaeological Desk-Based Assessment received on 18 January 2012; the Phase 1 Preliminary Contamination Assessment Report received on 6 March 2012; and drawing nos. Y023-011 Revision G, Y023-016 Revision F and Y023-021 Revision E received on 20 March 2012.

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

- 3) 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.

- 4) Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Home 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) The 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 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.

- 6) The vehicle parking areas 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.

- 7) Notwithstanding the drawings submitted, the development shall provide for a minimum of 7 disabled accessible parking spaces and these 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 adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

- 8) The windows and other openings to the rooms fronting Goldstone Crescent, Old Shoreham Road and Hove Park Gardens within the development hereby permitted, shall not be glazed other than with glazing which meets or exceeds the standard required for satisfactory attenuation of external noise cited in the approved PPG24 Noise Assessment Final Report received on 17 January 2012.

Reason: In order to safeguard the amenities and living conditions of future occupiers of the development and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions-

- 9) No development shall commence until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation programme. The development shall be implemented in accordance with the approved details.

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) 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.

- 11) No development shall commence (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development shall take place except in strict accordance with the approved Arboricultural Method Statement. The method statement shall include:-

- i) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme;
- ii) Timing and phasing of Arboricultural works in relation to the approved development.

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.

- 12) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the method of foundation construction does not result in the deterioration of groundwater quality and in order to comply with policies SU3 and SU11 of the Brighton & Hove Local Plan.

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- 13) 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.
- 14) Notwithstanding the drawings submitted, no development shall take place until the precise details of the canopy shelters, including materials, scale and design, over the surface disabled parking spaces hereby approved, 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.
- 15) No development shall take place until the precise details of an alternative method of ventilation, such as passive or mechanical ventilation, for the rooms fronting Goldstone Crescent, Old Shoreham Road and Hove Park Gardens within the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority.
Reason: In order to safeguard the amenities and living conditions of future occupiers of the development and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 16) No development shall take place until the precise details of a satisfactory visibility splay at the vehicular access to the site off Old Shoreham Road have been submitted to and approved in writing by the Local Planning Authority. Thereafter the visibility splays shall be maintained for the lifetime of the development.
Reason: In order to safeguard inter-visibility between motorists and pedestrians, in the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan.
- 17) No development shall take place until a method statement providing the precise details of how the badger sett on site will be protected during the construction and successfully accommodated within the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of nature conservation and the safeguarding of a protected species and their habitat and in order to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.
- 18) 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 to 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.

- 19) 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 a minimum of 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 a minimum of 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.

- 20) (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). If during development contamination not previously identified is found to be present at the site, 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.

- 21) No development shall take place until the permission of the Local Planning Authority for infiltration of surface water drainage into the ground has been requested and approved in writing, in order to prevent unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed surface water drainage scheme does not cause the mobilisation or introduction of pollutants into the ground and to comply with policies SU3, SU4 and SU11 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions-

- 22) 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 or higher 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.

- 23) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until 4 x bird and 4 x bat roosting boxes, which should be made from 'Woodcrete' or equivalent, and fixed securely to the external walls of the building, have been provided.

Reason: In the interests of nature conservation and enhancement of the biodiversity of the site and in order to comply with policy QD17 of the Brighton & Hove Local Plan.

- 24) 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.

- 25) 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,

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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.

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 acceptable in principle and the amount of affordable housing provision, together with the unit sizes and tenure split reflects and responds to housing need in the city. The form, siting, design and external finishes together with the detailed landscaping scheme are considered appropriate to the site context and would not have a detrimental impact on the character and appearance of the local area on this prominent corner site. The siting and layout of the development in relation to existing neighbouring buildings is such that there would be no significant adverse impact on amenity by way of overlooking or an overbearing impact. The proposal seeks to achieve a high level of sustainability meeting Level 4 of the Code for Sustainable Homes and makes adequate provision for transport demand generated by the development and also provision to mitigate the impact of the development on both protected trees and protected species and their habitats.
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. 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/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html.

4. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
5. The above condition 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. The local planning authority has determined the application on the basis of the information made available to it. The phased risk assessment should be carried out in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990. 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).
6. The applicant is hereby reminded of their duty to observe the requirements of the Wildlife and Countryside Act 1981, including a duty to conserve bats, and that no clearance of vegetation suitable for nesting birds should take place during the bird nesting season taken as 1st March until 31st July without the supervision or authorisation of a qualified Ecologist.
7. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development, and for connection to the water supply. Please contact Atkins Ltd., Anglo St. James' House, 39A Southgate Street, Winchester, SO23 9EH (telephone 01962 858688), or www.southernwater.co.uk.

2 THE SITE

The application relates to a prominent corner site on rising land in between Hove Park and Hove Recreation Ground. The site is bounded on three sides by Goldstone Crescent, Old Shoreham Road and Hove Park Gardens, and backs onto the Hove Park Manor and Gannet House flat development and associated parking and garaging. The site is 0.35 hectares in area and was formerly occupied by a residential language school. The buildings formerly used by the school remain on site and are in a poor and dilapidated condition. These include Park House and modern part one and part two storey annexes.

The site is not situated in a Conservation Area and the existing buildings are not Listed.

3 RELEVANT HISTORY

BH2009/01464: Demolition of former residential language school and erection of part 4 storey and part 5 storey block of 72 flats. Refused on 11 November 2009. Appeal dismissed by decision letter dated 1 April 2010.

BH2008/03640: Demolition of former residential language school and erection of 5 storey block of 72 flats. Refused on 2 March 2009. Appeal dismissed by decision letter dated 1 April 2010.

3/95/0150(F): Conversion of existing roof space into 14 study bedrooms plus ancillary WCs and showers and fire escape. Approved on 30 May 1995.

3/94/0480(F): Removal of window to be replaced with door and steps down to garden from canteen and to provide security bars to ground floor windows overlooking Hove Park. Approved on 7 September 1994.

3/92/0361(CN): (Amended) Outline application for the demolition of the existing buildings and redevelopment of the site for 47 sheltered residential units and associated car parking. Objection to county council proposal.

3/92/0360 (CN): (Amended) Outline application for the demolition of the existing buildings and redevelopment of the site for 32 flats and associated car parking. Objection to county council proposal.

3/92/0159 (CN): Outline application for the demolition of the existing buildings and redevelopment of the site for 47 sheltered residential units and associated car parking. Objection to county council scheme lodged 23 April 1992.

3/92/0158 (CN): Outline application for the demolition of the existing buildings and redevelopment of the site for 32 flats and associated car parking. Objection to county council proposal lodged 23 April 1992.

3/89/0744: Outline application for the demolition of Park House and erection of sheltered housing development. Adverse comments.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing buildings on the site and redevelopment comprising the erection of a 5 storey block (4 levels plus attic storey) of 71 self contained flats, 42% (30 units) of which would be affordable housing, together with basement and surface car parking for 71 cars including 5 for disabled, two vehicular accesses off Goldstone Crescent and Old Shoreham Road, 126 cycle parking spaces and associated landscaping and planting.

5 CONSULTATIONS

External

Neighbours: Forty-seven (47) letters of representation have been received from addresses, listed in Appendix A, objecting to the application for the following reasons:-

Design

- Detrimental to visual amenity.
- Harmful to long views.
- Industrial scale.
- Excessive height.
- Poor siting.
- Not sufficiently set back from road.
- Obtrusive.

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- Too bulky.
- Incongruous attic storey.
- Impact on skyline.
- Unsympathetic.
- Dominant.
- Over development.
- Density too high.
- Inaccurate visuals.
- Park House should be preserved and not demolished.
- Green corridor lost.
- Inadequate tree planting.
- Insufficient room for landscaping.
- Inappropriate materials and finishes.
- Materials and finishes may age/weather poorly.
- Plot too small.
- Contrary to parkland setting.
- Characterless.
- Does not look residential.
- Detrimental to setting of Hove Park.

Amenity

- Impact on local facilities, schools, shops.
- Overshadowing.
- Loss of privacy.
- Noise and disturbance.
- More users of Hove Park.
- Un-useable terraces and balconies.
- Hove Park and Hove Recreation Ground are at capacity.
- Potential vibration damage.
- Intrusive.

Parking

- Increase parking pressures.
- No provision for delivery vehicles, households with more than one car.
- Refuse vehicle access difficult.
- Emergency vehicle access difficult.
- Insufficient off-street parking space.
- Increased congestion.
- Highway safety.
- CPZ Zone T does not have free spaces.
- Infrequent local buses.
- Loss of parking in Hove Park Gardens used by Old Shoreham Road residents.
- Residents will have more than one car.
- Development will cut across new cycle lanes.
- Goldstone Crescent access too near traffic lights.

Other considerations

- Does not comply with Planning Brief (e.g. storeys, bulk, siting)
- Does not overcome previous refusals (e.g. design, height)
- Contrary to policy.
- Detrimental impact on badgers.
- Insufficient renewable energy and energy efficiency.
- Greed.
- Developer bought site prior to obtaining planning consent.
- Excavation could cause subsidence.
- Site should be developed as a primary school.
- Would set a dangerous precedent.
- Construction period will cause disruption and noise.

A **petition** containing **eighty-eight (88)** signatures has been received, objecting to the application and having the following pre-amble:-

- The appearance and size of the new building is inappropriate (5 floors and not in keeping with the area)
- There will be an increase in the volume of traffic in the area (which is already heavily congested at peak times)
- The density does not follow the public 'Planning Brief' produced in March 2011.

Cllr Bennett and Cllr Brown object to the application (copy of letter attached).

Hove Civic Society has submitted a letter in support of the application, for the reasons summarised as follows:-

- High quality materials, design, layout and green spaces.
- Enhance appearance of corner site.
- Would not appear out of place.
- Orientation and landscaping reduce any impression of bulk or intrusion.
- Orientation maximises natural light.
- Continuity with adjacent park.
- Housing of a density required by City Plan.
- Acceptable tenure mix including shared ownership and affordable renting.
- Lifetime Home standards met.
- At least 20% of site's energy requirements generated by low carbon heat source and renewable energy from array of solar panels.
- Air source heat pumps and mechanical ventilation and heat recovery systems will save energy.
- Each dwelling will emit 25% less carbon dioxide compared with 2010 standards.
- Cycle provision and connection with cycle routes.
- Near public transport along Old Shoreham Road.
- Car club facility welcomed.
- Local bus services may improve as a result.

Environment Agency: No objection.

Subject to conditions relating to risk of potential contamination of the site; an approved remediation strategy and long term monitoring and maintenance plan; cessation of development if contamination not previously identified is found to be present; control of surface water drainage to prevent risk to controlled waters; and piling or other foundation designs using penetrative methods should only be used where there is no resultant unacceptable risk to ground water.

The application does not take into consideration historic mapping or former uses or development at the location.

The basement car parking may offer an opportunity to remove any shallow contamination but the construction of the basement may pose an increased risk to the groundwater abstraction with the potential mobilisation of contaminants. Further consideration of ground conditions must be undertaken.

County Archaeologist: No objection.

In light of the potential archaeological significance of this site it is recommended the area affected by the proposals should be subject to a programme of archaeological works to enable archaeological deposits and features disturbed by the proposed works to be adequately recorded and a condition is recommended which should include preparation of a written scheme of investigation.

Brighton & Hove Archaeological Society: No objection.

The recommendations of the County Archaeologist should be followed.

Crime Prevention Design Adviser Sussex Police: No objection.

The level of crime and anti-social behaviour in this area is average when compared with the rest of Sussex and no major concerns with the proposals are identified. The Planning Statement submitted by the applicant clearly indicates they are committed to obtaining accreditation under the Secured by Design scheme.

East Sussex Fire & Rescue Service: No objection.

The installation of sprinkler systems is recommended.

Southern Water: No objection.

Southern Water can provide a water supply to the site but there is currently inadequate capacity in the local network to provide foul and surface water disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. Alternatively the developer can discharge foul flow no

greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. An informative should be added to the decision to this effect.

The Sustainable Urban Drainage System (SUDS) proposed is not adoptable by sewerage undertakers and the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. Good management will avoid flooding from the proposed surface water system. A condition requiring details of proposed means of foul and surface water sewerage disposal is recommended.

No excavation, mounding or tree planting should be carried out within 3 metres of the public water main and sewer without the consent of Southern Water, and any sewer found during construction works should be investigated to ascertain its condition, number of properties served and potential means of access before works continue.

Southern Gas Networks: No objection.

There are low/medium/intermediate pressure gas mains in proximity of the site (map enclosed). No mechanical excavations should take place within 0.5m of low and medium pressure systems and 3m of intermediate pressure systems. Where required hand dug trial holes should be dug to confirm mains positions.

UK Power Networks: No objection.

Internal:

Environmental Health: No objection.

No objection subject to conditions for ensuring that the appropriate levels of enhanced glazing are provided, a scheme for ventilation to be agreed, and for land quality assessment. No objection from an air quality perspective.

Sustainable Transport: No objection.

The Transport Assessment submitted covers impact on traffic, parking and public transport. Attention should be given to providing adequate visibility at the Old Shoreham Road access, provision of 7 disabled car parking spaces as opposed to 5, and painting of 'Keep Clear' road markings in front of the proposed Goldstone Crescent access. Public transport facilities, for example nearby bus stops, would need to be improved. The applicant proposes electric car charging points at each parking space and provision of 2 car club parking bays on street, with the first two years' membership fees for occupiers of the development.

Contributions towards providing sustainable transport infrastructure to support the demand for travel generated by the development is sought and this would go towards safety road markings; improving local bus stops and providing real time bus information and shelters; and improving footway accessibility.

The proposal includes boundary retaining walls and deep basement walls that will support the public highway. The technical approval of these walls will be

required by the highway authority.

Planning Policy: No objection.

The scheme would help to meet the city's general and affordable housing needs and would provide a mix of unit sizes. The proposed density is high for this area, but the Inspector for the previous appeals considered this density to be acceptable provided that related design issues were resolved. Provision of recreation facilities is not fully addressed in the current application and should be discussed further with the applicant to ensure that adequate provision is made for new residents. This should include a financial contribution to off-site provision.

Overall, there is no policy objection subject to the provision of recreation facilities to meet the needs of new residents, a legal agreement to secure other infrastructure requirements and the satisfactory resolution of detailed development control issues such as design, impact on neighbours and tree issues.

Housing Commissioning: No objection.

Housing Commissioning welcome this development which will provide 30 high quality affordable homes (42% of the total scheme), 5 of which will be fully accessible for disabled people in wheelchairs in line with the Affordable Housing Brief. These units will be managed by Hyde Housing Group, one of the Registered Providers of affordable housing.

This scheme, if approved, will help meet the very pressing need for affordable homes in the city. There are currently over 12,000 people on the Housing Register waiting for affordable rented housing and 676 people waiting for low cost home ownership.

Education: No objection.

If this development was to be granted planning consent it would be necessary to receive a contribution towards the cost of providing the necessary education infrastructure to support the development (primary, secondary and sixth form). Education is an essential part of any community and therefore any development needs to be able to provide for the education infrastructure that it requires, in addition the council has a statutory duty to provide a school place for every child that wants one. The sum requested under a S106 agreement is calculated using child yields per dwelling and tenure type multiplied by the cost of providing a school place as calculated by the Department for Education.

The closest primary schools to the development are all full and therefore this development of 71 residential units will need to provide the funding to allow the Local Authority to increase school places to provide for every child the development generates. With regard to secondary provision, the proposed development is in the catchment area for Blatchington Mill and Hove Park Schools, both of these schools are full and oversubscribed.

A financial contribution is requested to help provide for the education

infrastructure that will be required to meet the demand generated by the proposed development

Economic Development: No objection.

The senior economic development officer raises no adverse comments and requests a contribution through a s106 Agreement for a financial contribution towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase.

Accessibility: No objection.

The proposed plans appear generally satisfactory in respect of Lifetime Homes standards

Policy HO13 does not envisage the wheelchair accessible units all being in the affordable sector. At least one unit would normally be expected in the shared ownership or open market sector. On the other it is understood Housing Commissioning is pleased to have all the wheelchair accessible units at their disposal.

The wheelchair accessible units on levels 02, 03, 04 and 05 do not have access to two lifts but in mitigation the maintenance of the lift will be controlled by Hyde Housing Association and there will be a specific policy regarding provision of alternative accommodation if required due to longer term lift maintenance or failure.

It will be useful to have written confirmation of level access to balconies and that the wheelchair accessible bathrooms will have drainage facilities within the floor space to enable the installation of level entry showers.

Ecology: No objection.

The application addresses the existing nature conservation interest if the site but does not appear to adequately address nature conservation enhancement requirements and further information is required by condition. Conditions are recommended.

Sustainability: No objection.

The proposal demonstrates that all aspects of sustainability policy from Local Plan policy SU2, SPD08 and the Park House Planning Brief, have been addressed comprehensively and minimum standards have been met.

All residential units will be delivered to Code Level 4 as recommended in SPD08. There are several ways in which the scheme delivers a positive contribution to sustainability. These include efficient provision of heat and electricity incorporating 264 metres squared of roof mounted photovoltaic array and air source heat pumps for each unit; passive design measures; water efficiency; rainwater butts; use of sustainable materials; food growing areas; tree-planting; and composting provision.

Arboriculture: No objection.

No objection subject to suitable conditions requiring a scheme for tree protection and for a landscaping scheme.

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 4: Planning for Sustainable Economic Growth
- PPS 9: Biodiversity and Geological Conservation
- PPS 10: Planning for Sustainable Waste Management
- PPS 22: Renewable Energy
- PPS 23: Planning and Pollution Control
- PPS 25: Development and Flood Risk

Planning Policy Guidance Notes (PPGs):

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

Planning Brief:

Planning Brief – Park House, Old Shoreham Road. Adopted March 2011.

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR3 Development in areas of low public transport accessibility
- TR5 Sustainable transport corridors and bus priority routes
- TR7 Safe development
- TR8 Pedestrian routes
- TR13 Pedestrian network
- TR14 Cycle access and parking
- 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
- SU9 Pollution and nuisance control
- SU10 Noise nuisance

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| | |
|------|----------------------------------------------------------------------|
| 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 |
| QD5 | Design – 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 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 |
| HE12 | Scheduled ancient monuments and other important archaeological sites |

Supplementary Planning Guidance:

SPGBH4 Parking Standards

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

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

SPD09 Architectural Features

SPD11 Nature Conservation & Development

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of development; appropriateness of the design and appearance together with the impact on amenity, protected species, parking and transport and the sustainability of the proposal.

Background:

Two previous applications for re-development of the site with 72 flats have been refused (BH2008/03640 and BH2009/01464) and subsequent appeals against both decisions to refuse permission were dismissed following a Public Inquiry in March 2010. The Inspector's decision letter, dated 1 April 2010, raised no objection to the proposed footprint or building line, and found the proposed density not to be unacceptable in itself, but concluded the attic storey designs were poorly related to the appearance of the floor below, whilst in the second scheme the design of the attic storey and also the corner of the building at Goldstone Crescent and Old Shoreham Road were considered

unacceptable in appearance. The Inspector supported the stepped approach to the building height along the Old Shoreham Road façade. The Inspector did not raise concerns over levels of parking or the general height of the development proposals.

In order to provide clear guidance in relation to re-development of the site, the Council undertook public and stakeholder consultation on a Planning Brief for the site. The Planning Brief was formally adopted at Environment Cabinet Member’s Meeting on 31 March 2011 and is a material planning consideration when considering proposals for future re-development of the site. As such, reference is made to the adopted Planning Brief in the report.

Although not prescriptive, the Planning Brief set out general principles including siting, generalised building line and set back from highway), height (not to significantly exceed the height of surrounding properties), parking and the introduction of a secondary vehicular access to Goldstone Crescent. Additionally the Brief sought to cover principles of sustainability, tree planting and landscaping, and the impact on protected species and their habitats.

Prior to the application being submitted the applicant has presented evolving proposals twice to the South East Regional Design Panel which has responded generally positively to the amendments and revisions made to the scheme.

Principle:

The redevelopment of the site for residential use is acceptable in principle and would help to meet housing demand. The site has been vacant for some time and the proposal seeks to make more effective and efficient use of the land in accordance with policy QD3 of the Local Plan.

For residential developments producing 10 or more dwelling units, policy HO2 of the Local Plan requires developers to provide an element of affordable housing of 40%. Annex B of PPS3: Housing (reissued June 2011) defines affordable housing as including social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. The proposal is for 71 self contained flats of which 42% (30 units) would be affordable and as such the requirements of policy HO2 are exceeded.

Policy HO3 of the Local Plan seeks to ensure that proposals for new residential development incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove’s housing needs. The table below provides details of the mix of dwelling types and sizes proposed:-

| | 1-Bed | 2-Bed | 3-Bed | Total |
|--------------|-------------------|-------------------|-------------------|-------------------|
| Market | 15 | 14 | 12 | 41 (57.7%) |
| Intermediate | 3 | 8 | 0 | 11 (15.5%) |
| Social rent | 8 | 7 | 4 | 19 (26.8%) |
| Total | 26 (36.6%) | 29 (40.8%) | 16 (22.5%) | 71 (100%) |

Of the 30 affordable units proposed, 11 would be available for shared ownership and 19 as social rented accommodation. The mix of affordable dwelling types breaks down to a ratio split of 37/50/13 1-bed, 2-bed and 3-bed units whilst for the market housing the ratio is 37/34/29 1-bed, 2-bed and 3-bed units. The overall split would be 37/41/22 of 1-bed, 2-bed and 3-bed residential units.

The proposal also includes 5 affordable units which would be fully wheelchair accessible, which accords with the council's Affordable Housing Brief. Both the proportion of affordable housing proposed, the mix of tenure types and the mix of dwelling sizes, are considered acceptable and both reflect and respond to the city's housing needs. In these respects the proposal is welcomed by the council's Housing Commissioning team and the application meets the requirements of policy HO3 of the Local Plan.

Policy QD3 of the Local Plan, which requires development to make effective and efficient use of a site, is linked with policy HO4. Policy HO4 permits residential development at higher densities than those typically found in the locality where it can be demonstrated that the proposal:

- a. exhibits high standards of design and architecture;
- b. includes a mix of dwelling types and sizes which reflect local needs;
- c. is well served by public transport, walking and cycling routes, local services and community facilities; and
- d. respects the capacity of the local area to accommodate additional dwellings.

The proposed density of the development would be 206 dwellings per hectare (dph) and this is higher than those of adjacent sites which are referred to in the adopted Planning Brief for the Park House site. Adjoining Hove Park Manor and Gannet House are 70dph and the semi-detached villas opposite, on the southern side of Old Shoreham Road, are 29dph. However, the density of the development is related to the design and appearance of the proposal, and if this is well related and integrated with its surroundings, the density in itself is also acceptable. The Inspector's decision with regards to the previous applications of 2008 and 2009 does not refer to the density as a reason in itself for upholding the council's decisions to refuse these applications, but rather certain issues in the design and appearance needed to be resolved. The proposed density is considered acceptable and accords with policies QD3 and HO4 and the Planning Policy team is in agreement that provided the design of the scheme is acceptable they have no objection to the density.

Design:

The existing buildings within the site are linked together and are set back from the street frontages. The proposed development follows a similar footprint and although brought forward to create more open space behind the building, the set backs from Goldstone Crescent and Old Shoreham Road are sufficient and follow the generalised building lines between the frontage of Hove Park Manor and the top of Fonthill Road, and the set backs of the villas opposite the site on the southern side of Old Shoreham Road. These set

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backs help maintain the existing character and sense of enclosure experienced when passing through the area, and are considered appropriate and in accordance with the adopted Planning Brief for the site.

In terms of height, the proposed building would be 5 storeys, the top attic storey would be set back a minimum of 1 metre from the front elevation of the lower storeys in order to appear more recessive and reduce the visual impact in terms of bulk and height. The site is on a hillside sloping upwards in a west-east direction and the Old Shoreham Road façade is cranked to follow the line of the road and also steps up in height to give the development the appearance of three buildings which gradually step upwards in harmony with the natural topography.

The adopted Planning Brief for the site does not identify a maximum or minimum number of storeys that would be acceptable but refers to the heights of adjoining developments and an established generalised height line. Redevelopment of the site is expected to incorporate a varied and interesting roofline but the overall height should not rise significantly above the generalised height line or break the skyline in long views.

The generalised height line follows the villas at the top end of Fonthill Road and Old Shoreham Road, which are two storey with pitched roofs and which are built on plinths which are higher than street level; and the top of Hove Park Manor, which is a 3 storey flat roof block of flats again at higher level than the street because it is built on a grassy bank. It is along this plane that longer views of the proposed development would be more readily visible from along Old Shoreham Road. The generalised height line along the east-west axis follows the height of Park House itself and the rising ground level owing to the hillside topography.

The height of the proposed development would not significantly rise above either of the generalised height lines contained in the Planning Brief and it should be noted that the first and second floors of the development would be lower than the ground and first floor storeys of Hove Park Manor, because that block is built on a grassy bank that is more than one storey high. The top edge of the proposed building, excluding the attic storey, aligns with the top of Hove Park Manor and the ridge height of building at the top of Fonthill Road and similarly, the Old Shoreham Road frontage steps up in height along the generalised height line given by the existing Park House building. The villas opposite on the southern side of Old Shoreham Road also step upwards as ground level naturally rises.

The attic storey of the development would exceed the established generalised height lines but would be set well back from the facades of the building and would not appear as a full extra storey owing to the parapet walls rising in front of it. As such the bulk, massing and height of the fifth storey would be sufficiently mitigated and preclude the development appearing unduly high in relation to its surroundings.

The height of the proposal would not break the skyline in long views. At

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present Gannet House rises up behind existing buildings on the Park House site in longer views. This is due to the rising ground level. Behind Gannet House and along the edge of Hove Recreation Ground, there are established trees which are higher still, and form the backdrop to the development site. In longer views from a westerly direction across Hove Park and along Old Shoreham Road, the proposed development would not rise above the height of existing trees both in front of the site or the tree line behind the application site. It is the tree line which forms the skyline and the proposed development would not break that line. This is illustrated by the accurate computer generated image pack submitted by the applicant.

The proposed external finishes would be a light facing brick to the walls and zinc to the attic storey. The zinc would weather to a light, matt grey colour and the Weinerberger-Hurstwood Multi facing brick has been chosen to give the building a light and contemporary appearance whilst also blending in with existing buildings near to the site which are built from light or yellow bricks. Similarly, the boundary wall around the site would be of matching brickwork. This approach is supported by the adopted Planning Brief.

The windows would be made from timber with an aluminium finish and balconies balustrades are proposed to be glass with stainless steel handrails whilst the platforms would be edged in steel C-section channels powder coated grey. The glass balustrades would slot into a channel fixing behind the steel C-section so that no fixing would be visible on the glass panels themselves. The ground level terraces would feature areas of hardwood decking and stone paving.

The two longer frontages onto Goldstone Crescent and Old Shoreham Road feature strong vertical columns and projections similar to bays, that would articulate and relieve these facades and reflect the scale of detailing on neighbouring buildings, such as the bay frontages of properties in Fonthill Road. The balconies would be suspended between the projecting and recessed lines of the façade whilst a clear pattern in the alignment and width of windows on each floor has been incorporated appropriately into the design. The fenestration detail of the attic storey continues up from the windows and brick uprights and balconies of the floors below and the form, set back and stepped heights of the attic storey would give the building an attractive silhouette and address the concerns raised by the Planning Inspector in relation the scheme submitted in 2008 and 2009. In addition, at the junction with Goldstone Crescent and Old Shoreham Road the building would have a corner feature of tinted glass which would add architectural interest to this important corner elevation, and this would be reflected at the corner adjacent to Hove Park Gardens also. The setting of the building would also be well landscaped and this accords with the adopted Planning Brief.

The design, detailing and palette of materials and finishes proposed are considered of satisfactory quality and represent a high quality of design which is appropriate to the site and the scale of development proposed.

Landscaping:

Policy QD15 of the Local Plan requires proposals to submit details to show that adequate consideration has been given to landscape design, including all the spaces between and around buildings, at an early stage in the design process. The adopted Planning Brief states landscaping should be an intrinsic part of the overall design concept and make effective use of existing landscape features, particularly due to the park side location of the application site.

Policy QD16 requires the application to accurately identify existing trees, shrubs and hedgerows; and seek to retain existing trees and hedgerows. The planting of native species will be sought where appropriate. In addition, development in the vicinity of trees to be retained should make adequate provision to protect those trees. The adopted Planning Brief for the site states that some tree groups and specimens are important landscape features which positively contribute to the character of the area and the retention of these features is desirable. However, if the loss of existing trees is unavoidable (for example if their retention would render development unviable), mitigation should be sought in the form of new tree planting and landscaping.

The applicant has submitted a landscaping scheme which would be well integrated with the development and the proposed communal garden to the rear of the building, together with the balconies and garden terraces, would help to soften and integrate the built form with its surroundings.

There is a row of 5 Elm trees along the boundary of the site between the side of Hove Park Manor and these are protected by a Tree Preservation Order. The applicant has shown that these trees would be retained and protected during construction works. A planning condition is recommended to ensure these trees are protected.

Overall there are 56 trees within the application site. The applicant has submitted an Arboricultural Report which identifies 6 of those trees to be dead, dying or dangerous and appropriate to be removed (category R). 36 of the trees are identified as being of low quality and value, with poor crown form and asymmetry for example (category C). 14 trees fall into category B and their retention would be desirable, whilst no trees within the site have been identified as category A (of high quality and value).

It is proposed that 22 category C trees and 5 of the category B trees would require removal to accommodate the re-development of the site as submitted. The removal of the category C trees should not represent a constraint to redevelopment and their removal would be necessary to maximise appropriate use of the site.

Therefore, notwithstanding the category R trees to be removed, 23 of the existing trees would remain on site as part of the proposal. These trees are shown on drawing J37.82/03 and include the London Plane tree on the public footway outside the site along Old Shoreham Road; a row of 3 trees alongside Hove Park Gardens; and 19 trees (included the protected Elm

trees) between the rear boundary of the site and Hove Park Manor and Gannet House.

The applicant proposes to plant replacement trees to mitigate the loss of existing trees within the site and this is shown by drawing OHP-ND-001. Eight trees, including 5 along the Old Shoreham Road frontage and at the corner of the crossroads junction, and 3 along the Goldstone Crescent frontage. These would help preserve and enhance the green corridor link between Hove Recreation Ground and Hove Park and are considered appropriate to the parkland setting of the application site. The trees proposed would be Hornbeams, and the Landscape Specification document submitted by the applicant describes these as having a pyramidal shape growing up to 20m in height and 8m across. These trees can grow in restricted areas. In addition the Planning Statement submitted proposes these trees will be procured and planted at a stage of height and maturity that would provide immediate visual effect. A planning condition is recommended to secure the precise details and tree size specification at time of planting.

Furthermore, the applicant proposes Birch trees at the four pedestrian entrances to the proposed development and the Landscape Specification submitted together with drawings OHP-ND-002, OHP-ND-003 and OHP-ND-004, provide full details of the proposed private terraces, gardens and balconies, including water features and details of surfacing materials. The hard surfaced areas would be permeable to allow for natural drainage of surface run-off water within the site.

No objection has been received from the Council Arboriculturalist subject to conditions for the protection of existing trees to be retained within the site, and the landscaping proposal is considered acceptable and sufficient to mitigate the impact of the development.

Impact on Amenity:

Future occupiers-

The unit sizes range between 45-65 square metres for 1-bed flats; 66-91 square metres for 2-bed flats; and 78-100 square metres for the 3-bed units. As a registered social landlord, the applicant has designed all the affordable units to meet the minimum required sizes and meet Lifetime Home standards and the applicant has extended this approach into the market housing also, which is welcomed. As such the proposal is supported by the Housing Commissioning team and Access Officer, and would meet the requirements of policy HO13 of the Local Plan.

For residential proposals in excess of 10 units, policy HO13 also requires 5% of the units to be wheelchair accessible (in this case 3.5 units) and for 10% of the affordable units to be wheelchair accessible (3 units) in order to meet registered need.

Wheelchair access is shown at ground level for the market housing element of the scheme off Goldstone Crescent, and 5 no. fully wheelchair accessible flat in the affordable rented element, a mixture of 1-bed and 2-bed units.

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There is no objection from the council's Accessibility Officer and the Housing team welcomes the provision of 5 wheelchair accessible units within the affordable rented element of the proposal.

In order to meet the requirements of policy HO5 of the Local Plan, the development should provide private and useable amenity space which is appropriate to the scale and nature of the development. In this instance each of the flats would benefit from a good sized private terrace at ground level, balconies on the upper floors and substantial areas of roof terrace at attic storey level. The amount of private and useable amenity space provided meets or exceeds the minimum levels required to meet Code for Sustainable Homes criteria and all would be accessible from living areas.

In order to meet the requirements of policy HO6 of the Local Plan, and those of the adopted Planning Brief, new residential development should suitably provide for the demand for outdoor recreation space generated in accordance with a standard of 2.4 hectares per 1000 population or part thereof; or any subsequent standard adopted by the council following a local assessment of needs and audits of open space and sport and recreation facilities. This provision must be split appropriately between children's equipped play space, casual/informal play space and adult/youth outdoor sports facilities.

Where it is not practicable or appropriate for all or part of the outdoor recreation space requirements to be provided on site, contributions to their provision on a suitable alternative site may be acceptable. The provision of outdoor recreation space will be in addition to incidental amenity and landscaped areas.

The site lies between Hove Park and Hove Park Recreation Ground. Near to the site is a public bridleway (part of an established long distance route dating back to the 17th century known as 'Monarch's Way' and which forms part of a designated Greenway (policy QD19 of the Local Plan).

The applicant recognises the importance of the parkland setting of the site between Hove Park and Hove Recreation Ground and professional landscape architect has produced a scheme which would form a continuous green corridor through the site, from the line of protected trees alongside the boundary with Hove Park Manor to a planted communal garden to the rear of the building, featuring planted retaining walls and raised planted beds. This communal garden would be situated over part of the basement level parking areas.

In terms of on site childrens equipped play the Inspector when determining the appeals in relation to the two previous applications, considered that there is opportunity to provide children's play facilities on-site and that this would be desirable. This would allow access to an area for play and for parents or guardians to meet for short periods close to home at times when a trip out to the nearby Hove Park or Hove Recreation Ground might not be possible or convenient. However, SPGBH9 calculates the proposal would create demand for 92 square metres of equipped play area whilst the minimum area

sought by the council to form a sustainable and meaningful equipped play area is 400 square metres.

Therefore it would not be appropriate to provide such a small amount of equipped play space on-site and this should be sought off-site and nearby. Hove Park and Hove Recreation Ground can provide outdoor space for the development but improvements would need to be made to add capacity and improve quality. A contribution calculated at £180,000.00 is appropriate.

It should be noted that this is also required by the adopted Planning Brief for the site, and that the Inspector attached full weight to the requirement of such a contribution in order that outdoor recreation facilities are available for the new occupiers of the proposed development without adversely affecting the existing users of those facilities, e.g. Hove Park and Hove Recreation Ground.

The applicant has submitted a 'Place Making Strategy' document which describes provision of local history based games and trails around Hove Park. Such provision would need to tie in with the Council's strategy for improving Hove Park and the strategy proposed by the applicant has not been costed up. The strategy may be useful in guiding the spending of monies secure by s106 Agreement pursuant to meeting the requirements of the development under policy HO6.

The site allocated next to Old Shoreham Road, which is a busy arterial route in and out of the city. The site is not identified as an air quality 'hotspot' or Air Quality Management Area (AQMA).

PPG24: Planning and Noise provides planning guidance relation to residential development proposals near to sources of noise. Policies SU9 and SU10 of the Local Plan require that for permission to be granted for development on such a site the effect of future occupiers and users should not be detrimental and measures should be taken to alleviate effectively potential problems. Planning permission will not be granted if users of a proposed development would be affected adversely by noise. Policy QD27 of the Local Plan also seeks to safeguard future occupiers from material nuisance and loss of amenity.

The applicant has submitted a noise assessment report which concludes the front elevations of the proposed building would fall into Noise Exposure Category (NEC) C, whilst the rear elevations of the building would fall into NEC A.

For the front elevations category C, the noise report recommends a reasonable standard of internal noise could be achieved if standard thermal double glazing is used and the windows remain closed. If however, the windows are partially open to allow for ventilation, the reasonable standard of internal noise levels would be exceeded. Therefore, to ensure adequate protection against noise from Old Shoreham Road and Goldstone Crescent, an alternative ventilation strategy to opening the windows should be provided. One such alternative is passive ventilation such as wall vents or trickle vents.

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The Environmental Health team raises no objection in respect of the noise report, subject to a planning condition requiring precise details of the alternative ventilation strategy to be employed.

The applicant has also submitted a daylight analysis of the proposed development which concludes for all habitable rooms in the development levels of internal daylight would pass the criteria set out by the BRE's Code for Sustainable Homes and that average daylight factor results for all habitable rooms exceed the minimum daylight levels required by BS standards, Code for Sustainable Homes and the BRE guidelines.

In terms of provision of waste and recycling facilities the applicant proposes secure enclosures near to the entrances to the building for communal waste storage and recycling and this is considered acceptable.

Adjoining occupiers

Policy QD27 seeks to ensure that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to existing and adjacent residents or where it is liable to be detrimental to human health. Neighbours can be affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook.

The Goldstone Crescent façade of the proposed development would have an aspect across Hove Park to the west and is not considered likely to cause overshadowing or loss of privacy. Similarly, to the east of the application site is an access road and Hove Recreation Ground and as such there are no residents who would be affected by the development on this side.

In addition, the two northern most flank elevations of the development would be a minimum of 6.4m from Hove Park Manor and 9m from Gannet House respectively. There are no habitable room windows or openings on the flank elevations of Hove Park Manor or Gannet House which would be susceptible to loss of light and overshadowing. Further, between Hove Park Manor and Gannet House there is car parking and garaging for those flats and the siting of the proposed development is such that the east facing windows on the rear of the Goldstone Crescent block, and the northern facing rear windows to the Old Shoreham Road block, would be between 26m and 37m from windows on the front elevation of Gannet House and in excess of 49m from the rear elevation Hove Park Manor respectively and for those windows with a direct line of sight.

These separation distances are acceptable to preclude mutual overlooking, loss of privacy and shadow cast.

Turning to the amenity impact of the proposal opposite the application, nos. 84 to 96 Old Shoreham Road, it should be noted the facades of the proposed building would be set back a minimum of 4m from the edge of public footway and that the road and pavements between are 16.6m in width. Taking into account the front gardens of the houses in Old Shoreham Road, from the edge of the proposed balconies to the front elevations of the properties

opposite would be a minimum of 26m.

The houses in Old Shoreham Road step up in height corresponding to the upward slope of the road, and those houses on the approach to the junction with Fonthill Road are built at higher level than the street and accessed up front steps to a raised ground floor level. The section drawing submitted (Y023-021 Revision D) shows that ground floor level of 94 Old Shoreham Road is approximately the same height as first floor level of the intermediate housing element of the proposal. The eaves height of the house aligns approximately with the second floor level of the intermediate housing block. The fourth storey is approximately the same height as the ridge of the roof to 94 Old Shoreham Road and is the only storey which would be higher than the second floor windows of the houses opposite, whilst the proposed attic storey would be set back 2.2m from the front edge of the building and views into properties on the opposite side of Old Shoreham Road would be prevented by the proposed balustrade around the terraces on the roof of the building.

It is therefore considered that by reason of the separation distance, the presence of the wide public highway, the set back of the proposed attic storey and the fact properties on the opposite side of Old Shoreham Road are raised above street level and also step up in height following the natural topography of the hillside, that these factors would sufficiently preclude overlooking and loss of privacy. In addition, the proposed tree planting discussed previously would also help to mitigate potential overlooking by screening the properties from one another.

Sustainable Transport:

Four pedestrian entrances to the development are proposed. These would be directly connected to the public footway with graded pathways. In addition, pedestrian access directly from the car and cycle parking areas underneath the building could be achieved via internal staircases and the four lifts proposed. Furthermore, the existing pedestrian access through to the rear of Gannet House via Hove Park Gardens would be retained. It is understood that this is a public right of way. This is considered to be a satisfactory degree of integration with the existing pedestrian network and demonstrates a good level of connectivity.

There is existing vehicular access to the site from both Goldstone Crescent and Old Shoreham Road. The application proposes two vehicular accesses off both Goldstone Crescent and Old Shoreham Road via Hove Park Gardens.

The Goldstone Crescent access would incorporate an area for vehicles to pass clear of the highway for vehicles entering and leaving the site simultaneously. A controlled gateway in the undercroft would pass down into basement level parking for 46 car parking spaces, some of which are oversized to allow for disabled parking (e.g. spaces 8 and 46). In the basement parking area, secure, covered and lit cycle parking would be provided for 71 cycles in three separate storage facilities close to the basement parking entrance or internal stair and lift access to the flats above.

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The second access via Hove Park Gardens would lead around the back of the affordable rental element of the development to a ramp down to a second basement parking area providing for 12 cars, again with direct internal access to the flats above via stairs or a lift. The area of basement parking would be over the top of the far end of the Goldstone Crescent accessed basement car park, and hence would be two levels of parking. The Hove Park Gardens area would also have surface parking for 13 cars, including 5 disabled spaces which would be covered by an open sided canopy. Ground level access to secure and covered cycle parking for up to 25 cycles would be provided for the affordable rented block also. The 24 cycle parking spaces for the intermediate housing would be covered and secure and situated conveniently next to the front entrance to the block.

In total 71 car parking spaces are proposed and 126 cycle parking spaces, including 6 visitors' cycle parking spaces in front of the Goldstone Crescent block.

Each of the car parking spaces would have an electric vehicle charging point in order to future proof the development and to encourage the use of emission free vehicles.

These levels of parking accord with the maximum standards set out in SPGBH4: Parking Standards (71 spaces at 1 space per dwelling) and exceeds by 31 spaces the minimum level of cycle parking required (1 secure space per unit and 1 space per 3 dwellings for visitors). All of the cycle parking facilities would be secure, convenient to access, covered and lit.

The Transport Assessment submitted with the application provides evidence that there is sufficient on-street parking capacity to accommodate visitor parking to the development.

In terms of additional traffic movements generated by the proposed development, using National Census data it would be expected to require 59 car parking spaces for residents and a further 14 spaces for visitors, making a total of 73 spaces. As such the provision of 71 spaces leaves a shortfall of 2 parking spaces. However, the applicant also proposes to provide for a car club parking space next to the site in Goldstone Crescent. This is welcomed and would help provide for the transport demand generated by the development and discourage private car use and/or ownership. The provision of a car club parking space should reduce the local demand for car parking by 5 spaces and the city car club has expressed an interest in providing a car at this location. The Transport Assessment submitted states that existing traffic light junctions adjacent to the site have sufficient capacity and subject to highway improvements, for example the painting of Keep Clear road markings, there would not be a significant reduction in highway safety.

The applicant proposes to offer 2 car club parking bays and to cover the cost of setting up the spaces and the first two years' membership fees for future occupiers of the proposed development.

Accordingly it is considered the proposal is compliant with policies TR1, TR14 and TR19 of the Local Plan.

The application site is within walking distance of Hove railway station but is not served by frequent bus services stopping near to the site. The nearest bus stop is Hove Park Villas which is 200m to the east. Policy TR3 of the Local Plan states planning permission will be granted for development proposals in areas of low public transport accessibility where applicants enter into a legal agreement to eliminate or reduce their car parking requirement by preparing, implementing and monitoring a 'travel plan' and where the development incorporates substantial public transport and/or sustainable travel improvements that improve the accessibility rating of the site. Policy TR5 provides support for bus priority measures where feasible along the defined Sustainable Transport Corridors, and this is considered appropriate as Old Shoreham Road is cited as a busy arterial route across the city in the adopted Planning Brief for the site.

Transport Planning has identified that in order to address the additional demand placed on public transport infrastructure as a result of the development, contributions should be sought by way of s106 Agreement to improve existing bus stops by providing better weather protection, real-time information and improved accessibility. In addition the applicant should provide for road safety markings in the vicinity of the development in order to reduce the risk to highway safety and improve traffic flows.

The contribution to be secured has been agreed with the applicant is £53,000.00 which would be used to improve footway accessibility; provide and install real-time bus information and shelters to the two bus stops in Old Shoreham Road nearest the site; the painting of 'Keep Clear' road markings; and monies to help provide a car club parking bay on Goldstone Crescent, in front of the proposed development.

Sustainability:

Policy SU2 of the Local Plan states planning permission will be granted which demonstrate a high standard of efficiency in the use of energy, water and materials provided that they are otherwise in accordance with the other policies of the development plan. Supplementary Planning Document SPD08: Sustainable Building Design, recommends that new build residential developments of more than 10 residential units on previously developed land should achieve Level 4 of the Code for Sustainable Homes, meet lifetime home standards and have a zero net annual carbon dioxide emission level from energy use.

As well as submitting a sustainability checklist, the applicant has also submitted an independent Sustainability Report. The development is committed to achieving Code Level 4 and incorporates air source heat pumps for each unit to serve heating and hot water requirements as a low carbon heat source; a 33 Kilowatt array of photovoltaic solar panels on the two lower flat roofs of the building; and a range of high performance passive measures such as mechanical ventilation with heat recovery, low building U-

values and a good air permeability rate. The development would achieve a 25% reduction in carbon emissions over the current Building Regulations requirements (2010) and at least 20% of the site energy demand would be from the low or zero carbon heat source and renewable energy technologies. The minimum efficiency of 20% above current Building Regulations is cited in the adopted Planning Brief for the site whilst the zero carbon requirement contained in SPD08 is currently being waived due to the economic climate.

The provision of 126 cycle parking spaces, Lifetime Home standards and adoption of the Considerate Constructors' Scheme are compliant and help meet maximum standards under the Code for Sustainable Homes.

There is no objection from the Sustainability Officer and the sustainability checklist, Sustainability Report and Code 'pre-assessment report' together with a report showing energy modelling using SAP, reflect a good level of preparation to ensure that sustainability standards comply with policy SU2 and SPD08.

Ecology/Nature Conservation:

Policy QD17 of the Local Plan states development proposals affecting nature conservation features outside protected sites will only be granted provided the proposal can be subject to conditions that prevent damaging impacts on those features; or the impact is minimised and as many existing features as possible are protected and enhanced and compensating and equivalent features are provided for any that are lost or damaged. Policy QD18 states that where it is evident that a proposal could directly or indirectly affect a protected species, the applicant will be required to undertake an appropriate site investigation. Measures will be required to avoid any harmful impact of a proposed development on such species and their habitats. Where practicable the developer will be expected to enhance the habitat of the respective species. Permission will not be granted for any development that would be liable to cause demonstrable harm to such species and their habitats.

SPD11: Nature Conservation and Development, states it is essential that adequate ecological information is gained from the earliest stages of all development proposals.

There are known to be badgers residing on the site and these and their habitat are protected by the Protection of Badgers Act 1992. The requirement to take into account badgers residing within the application site is made clear in the adopted Planning Brief for the site.

The applicant has submitted a Phase 1 Habitat and Protected Species Report which states there is no evidence of bats within the site, but there is a badger sett.

The current proposal is not considered likely to intersect with any subterranean workings of the badger sett but demolition of the existing buildings on the site will require a disturbance licence from Natural England and should take place only between 1 July and 30 November to be

constrained outside of the badger breeding season. Works in the vicinity of the badger sett would need to be guided by a detailed working method statement. The badger sett is located within a bund at the northwest corner of the site and may overlap under the boundary with the adjoining flats.

The report concludes that final landscaping of the proposed development could incorporate the needs of badgers and that a sufficient buffer area around the sett and a corridor of movement across the site from east to west should be retained to enable badger foraging.

The proposals submitted indicate that a tree lined space between the site and Hove Park Manor, going eastwards to Hove Recreation Ground and overlapping with the grounds of Gannet House adjacent, would be retained.

The badger licence cannot be obtained from Natural England before planning permission is granted. However, the outline mitigation strategy for badgers submitted in the Phase 1 survey has been agreed in principle by Natural England.

In addition, the report recommends woody vegetation is cleared from the site outside of the bird nesting season to avoid an offence under the Wildlife and Countryside Act 1981 and provision for nesting birds (and roosting bats) is proposed by the provision of four bird boxes and four bat boxes.

The Council Ecologist raises no objection to the above.

However, the requirements for nature conservation enhancement are not sufficiently addressed in the application. The sustainability checklist submitted states 720 square metres of semi natural habitat would be provided and a 71 square metre roof garden. No further detail is provided.

The Phase 1 survey does, however, suggest habitat enhancement measures such as native trees, shrubs and plants, including climbing plants on walls and fences, to encourage foraging birds and insects, and also adoption of sustainable horticulture management practices, for example use of peat-free composts, mulches and soil conditioners and minimising use of pesticides. Organic based fertilisers and organic material for example from composted waste could be used.

The survey also recommends 'woodcrete' bird nesting and bat roosting boxes.

These measures would be acceptable to the Council Ecologist and it is suggested a planning condition is imposed to secure the provision of these biodiversity enhancement measures.

Other Considerations:

The application site is considered to be potentially contaminated land owing to former uses as chalk and lime pits and over time the voids left by these uses could have been filled with materials which are not known. On the recommendation of both Environmental Health and in order to comply with

policy SU11 of the Local Plan, a minimum of a desktop study into potential contamination of the land, together with remediation measures as appropriate is required and can be secured by planning condition. The applicant has submitted with the application a Phase 1 Preliminary Contamination Assessment Report which has been seen by Environmental Health and indicates the imposition of the sequential condition to deal with potentially contaminated land is appropriate.

The County Archaeologist advises there is no recorded archaeology on the site prior to an 18/19th century chalk pit. However, there are a number of known sites in the area which together with the known archaeology of the broader Downland landscape, would suggest there is a possibility that there are archaeological remains preserved on the site that may be damaged or destroyed by the proposed development. The applicant has submitted a desk-based Archaeological report which recommends a programme of archaeological assessment should be carried out before building work commences. This recommendation is supported by the County Archaeologist which recommends a condition be imposed requiring details of a programme of archaeological works to enable any archaeological deposits and features disturbed during the works to be adequately recorded. As such the application is in accord with the requirements of policy HE12 of the Local Plan which requires the relative archaeological importance of the site to be considered against the need for the proposal and be satisfied that adverse impacts are minimised. The recording and/or specialist excavation of archaeological items before and during development meets the requirements of policy HE12.

9 CONCLUSION

The demolition of existing buildings and redevelopment of the site for residential use is acceptable in principle. The proposed mix of units to provide affordable housing and a mix of dwelling sizes is welcomed and both reflects and responds to housing need in Brighton & Hove. In terms of form, design, siting and external materials the proposal has responded to the previous appeal decisions and the general framework set out in the adopted Planning Brief for the site. The position of the proposed building, the height, bulk and appearance are considered appropriate to the site context and would enhance the appearance of this prominent corner site and it would not detract from the character of the area. The applicant proposes a quality landscaping and tree planting scheme which would respond well to the parkland setting of the site.

The design and layout of the scheme, including provision of private useable amenity spaces, the floor areas of each unit, together with the relationship with existing buildings is such that both future occupiers' and existing neighbour amenity would not be significantly adversely affected.

The proposal seeks to provide for the transport demand generated by the development providing satisfactory car parking and cycle parking facilities on site, together with provision of 2 car club parking spaces on the highway.

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The application proposed electric vehicle charging points, food growing facilities for future residents and a high level of sustainable in terms of building design, achieving a minimum of Code Level 4 of the Code for Sustainable Homes and utilising renewable energy sources such as solar power and air source heat pumps.

The application takes into consideration both protected trees within the site and also the presence of protected species such as badgers and the proposed strategies to mitigate the impact of the development on protected species and also enhance biodiversity within the development are considered to be appropriate.

In view of the above the scheme is considered to be acceptable subject to conditions and completion of a s106 Agreement.

10 EQUALITIES IMPLICATIONS

The development provides fully wheelchair accessible units and disabled parking spaces and should be constructed to meet Lifetime Homes standards.

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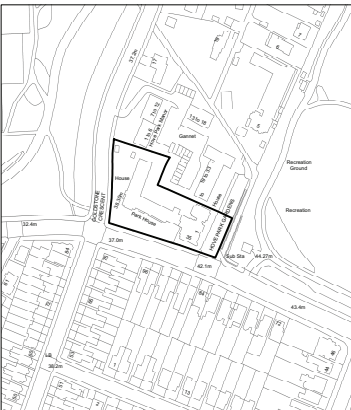
Appendix A - Letters of Objection

| Property Name | Street | Town | Postcode |
|--------------------|--------------------|----------|----------|
| 78 | Old Shoreham Road | Hove | BN3 6HL |
| 57 (x3) | Goldstone Crescent | Hove | BN3 6LR |
| Flat 18 Gannet Hse | Goldstone Crescent | Hove | BN3 6LY |
| Flat 3, 175 | Kingsway | Hove | BN3 4GL |
| Flat 15, 87 | The Drive | Hove | BN3 6FY |
| 7 | Ranelagh Villas | Hove | BN3 6HE |
| 18 | Coleridge Street | Hove | BN3 5AD |
| Flat 1 (x2), 94 | Old Shoreham Road | Hove | BN3 6HL |
| 88 | Old Shoreham Road | Hove | BN3 6HL |
| 1 | Ranelagh Villas | Hove | BN3 6HE |
| 39 | Fonthill Road | Hove | BN3 6HB |
| 6 | Hartington Villas | Hove | BN3 6HF |
| 55 | | Hove | BN3 6HB |
| 79 | Goldstone Crescent | Hove | BN3 6LS |
| 9 | Wellington Avenue | Hove | BN3 7EQ |
| 21A | Chatsworth Road | Brighton | BN1 5DB |
| 17 | Goldstone Crescent | Hove | BN3 6LQ |
| 43 | Newtown Road | Hove | BN3 6AA |
| 41 | Newtown Road | Hove | BN3 6AA |
| 14 | Hartington Villas | Hove | BN3 6HF |
| 35 | Fonthill Road | Hove | BN3 6HB |
| 7 | Wilbury Gardens | Hove | BN3 6HQ |
| 15 | Goldstone Crescent | Hove | BN3 6LX |
| 6 | Hove Park Gardens | Hove | BN3 6LP |
| 31 | Aldrington Avenue | Hove | BN3 7EL |
| 96 | Old Shoreham Road | Hove | BN3 6HL |
| 92 | Old Shoreham Road | Hove | BN3 6HL |
| 80 | Old Shoreham Road | Hove | BN3 6HL |
| 23 (x2) | Ranelagh Villas | Hove | BN3 6HE |
| Fairhaven, 58 | Fonthill Road | Hove | BN3 6HD |
| 10 | Wilbury Avenue | Hove | BN3 6HR |
| 54 | Fonthill Road | Hove | BN3 6HD |
| 44 | Hove Park Villas | Hove | BN3 6HG |
| 10 | Kingsland Road | Worthing | BN14 9EB |
| 3 | Ranelagh Villas | Hove | BN3 6HE |
| Flat 47, Kingsmere | London Road | Brighton | BN1 6UX |
| 13 | Fonthill Road | Hove | BN3 6HB |
| 89 | Hove Park Road | Hove | BN3 6LN |
| 60 | Woodruff Avenue | Hove | BN3 6PJ |
| 52 | Hove Park Road | Hove | BN3 6LN |
| 68 | Woodruff Avenue | Hove | BN3 6PJ |
| 89 | Goldstone Crescent | Hove | BN3 6LS |
| 76 | Old Shoreham Road | Hove | BN3 6HL |
| 34 | Hove Park Way | Hove | BN3 6PW |

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| | | | |
|----|--------------------|------|---------|
| 29 | Hove Park Way | Hove | BN3 6PT |
| 43 | Goldstone Crescent | Hove | BN3 6LR |
| 41 | Hove Park Way | Hove | BN3 6PW |

BH2012/00114 Park House, Old Shoreham Road



| | | |
|-------------------------|-----------|--------------|
| Christopher Wright | Date: | 8 March 2012 |
| Development and Control | Our Ref: | 2012/040 |
| 1 st Floor | Your Ref: | |
| 100, The Quadrant | | |
| North Road | | |
| Hove | | |

Dear Mr. Wright
Re: Application Number: BHC2012/00114 - Park House, Old Shoreham Road, Hove

As Councillor for Hove Park Ward where this development is proposed we would like to register our strong objections to this planning application. This area is characterised by nearby Hove Park and Hove Recreation Ground. There is too little green space around the foot of the proposed buildings both on Galdstone Crescent and Old Shoreham Road.

The height of the building and the vault makes an overbearing and dominate on this sensitive corner.

We are extremely concerned about the vehicle entrance on Galdstone Crescent so close to the busy junction with Old Shoreham Road and this junction is already heavily congested at peak times. The design of this entrance is very badly thought out and will cause many problems.

We urge the Committee to refuse this application as this proposal is creating too many problems to the site and it is an over-development.

Yours sincerely


Councillor Jayne Bennett
Tel/Fax: 01273 391138
Email: jayne.bennett@brighton-hove.gov.uk
Residency: 01264 68366


Councillor Vanessa Brown
Tel/Fax: 01273 391143
Email: vanessa.brown@brighton-hove.gov.uk

| | | | |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------|
| <u>No:</u> | BH2011/03743 | <u>Ward:</u> | WOODINGDEAN |
| <u>App Type:</u> | Removal or Variation of Condition | | |
| <u>Address:</u> | Woodingdean Business Park, Sea View Way, Brighton | | |
| <u>Proposal:</u> | Application for variation of condition 25 of application BH2011/00362 to allow HGV's (with the exception of articulated vehicles) to enter the site and service the units. Original permission BH2008/00955 (continuation of master plan, with construction of 6 light industrial (B1) units in two buildings and the provision of 30 parking spaces and associated landscaping) (Amended description). | | |
| <u>Officer:</u> | Aidan Thatcher, tel: 292265 | <u>Valid Date:</u> | 08/12/2011 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 08 March 2012 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | N/A | | |
| <u>Applicant:</u> | St Modwen Developments, 180 Great Portland Street, London | | |

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.

Conditions

1. Prior to the commencement of development, details of measures to ensure that the development achieves a "Very Good" or "Excellent" BREEAM (or equivalent) rating 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 policy SU2 of the Brighton & Hove Local Plan.
2. The development hereby approved shall be completed in strict accordance with the materials approved under application BH2011/02639 on 06.03.12 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.
3. The development hereby approved shall be completed in accordance with the landscaping details approved under application BH2011/02988 approved on 01.12.11 and be retained as such thereafter.
Reason: To enhance the appearance of the development and provide a suitable relationship with the adjacent streetscape and neighbouring properties, and in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15, and NC8.

4. 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 and provide a suitable relationship with the adjacent streetscape and neighbouring properties, and in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15, and NC8.
5. The development hereby approved shall be carried out in strict accordance with the tree protection measures submitted under application BH2011/00736 and approved on 14.06.11. 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 protect the trees which are to be retained on the site and to comply with policy QD15 of the Brighton & Hove Local Plan.
6. 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.
7. The development hereby permitted shall be carried out in strict accordance with the cycle parking scheme submitted under application BH2011/00736 and approved on 14.06.11 and be retained as such thereafter.
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.
8. The development hereby permitted shall be carried out in strict accordance with the boundary treatment submitted under application BH2011/02639 and approved on 06.03.12 and be retained as such thereafter.
Reason: To ensure adequate containment and treatment of the site boundaries in the interests of security and safety, to ensure an appropriate appearance and in the interests of the visual and other amenities of the area and neighbouring residential properties, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD7, QD27 and SU10.
9. The car and motorcycle parking spaces and loading areas shall be

permanently marked out as shown on the approved plans prior to the first occupation of any of the units hereby approved, including the designation of wheelchair user spaces, and thereafter shall be retained and used for such purposes only.

Reason: To ensure adequate parking provision and the effective provision for the needs of those with mobility impairment, in accordance with Brighton & Hove Local Plan policies TR1, TR18 and TR19.

10. The development hereby approved shall be completed in strict accordance with the contamination information submitted under application BH2011/02734 and approved on 08.12.11.

Reason: Previous historical activities associated with this site may have potentially caused, or have the potential to cause, contamination of controlled waters, and to ensure that the site investigations and remediation undertaken is sufficient to prevent pollution of controlled waters and in accordance with policies SU3 and SU11 of the Brighton & Hove Local Plan.

11. No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble only.

Reason: To prevent pollution of the water environment and in accordance with policy SU3 of the Brighton & Hove Local Plan.

12. The development hereby approved shall be carried out in strict accordance with the scheme for the suitable treatment of all plant and machinery submitted under application BH2011/02734 approved on 08.12.11. The development shall be carried out in strict accordance with the approved details and retained as such thereafter.

Reason: In the interests of the living conditions of neighbouring properties in accordance with Brighton & Hove Local Plan policies SU9, SU10 and QD27.

13. The development hereby approved shall be carried out in strict accordance with the details as set out in the Travel Plan submitted under application BH2011/02639 and approved on 06.03.12. The travel plan shall be subject to annual review, and this review shall be submitted to, and approved in writing by, the Local Planning Authority at annual intervals. Should the travel plan reviews indicate a need for additional wheelchair user parking to be provided on the site, this shall be implemented through the conversion of existing spaces, in agreement with the Local Planning Authority.

Reason: In order to promote sustainable choices and to reduce reliance on the private car to comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

14. The development hereby approved shall be carried out in strict accordance with the Site Waste Management Plan submitted under application BH2011/00736 and approved on 14.06.11 and be retained as such thereafter.

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 and to comply with policy SU13 of the Brighton & Hove Local

Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

15. The development hereby approved shall be carried out in strict accordance with the external lighting and floodlighting details submitted under application BH2011/02734 and approved on 08.12.11 and be retained as such thereafter.
Reason: To ensure that the external lighting within the development does not result in detriment to neighbouring properties, in accordance with policies SU9, QD27, and NC8 of the Brighton & Hove Local Plan.
16. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.
Reason: To prevent pollution of the water environment and in accordance with policy SU3 of the Brighton & Hove Local Plan.
17. During the course of development and construction, no works involving the use of plant or machinery shall be operated on the site except between the hours of 0700 and 1900 Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays and Bank Holidays. Subsequently, loading and unloading operations within the site shall accord with the above hours.
Reason: To safeguard the amenities of neighbouring residential properties, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.
18. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Local Planning Authority.
Reason: To prevent pollution of the water environment and in accordance with policy SU3 of the Brighton & Hove Local Plan.
19. No open storage shall take place within the curtilage of the site without the prior permission of the Local Planning Authority.
Reason: To safeguard the visual amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.
20. No industrial activity of any kind, except loading and unloading, shall take place outside the proposed building but within the curtilage of the site without the prior permission of the Local Planning Authority.
Reason: To safeguard the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.
21. Piling or any other foundation designs using penetrative methods shall

not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters, pursuant to policy SU3 of the Brighton & Hove Local Plan.

22. The premises shall be used for B1 (b), B1 (c) and B8 uses and for no other purpose (including any other purposes in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To ensure that the development is not used for B1 (a) uses unless these are ancillary to the main B1 (b), B1 (c) or B8 use of the development in order to comply with the development objectives for the overall site and to safeguard the amenities of the occupiers of nearby residential properties in accordance with policies EM1 and QD27 of the Brighton & Hove Local Plan.

23. Unless otherwise agreed in writing with the Local Planning Authority, there shall be no expansion of the units hereby approved to increase their size by combining the units within one another.

Reason: To ensure any Class B8 units remain for genuine small starter business occupiers only and to comply with policy EM1 of the Brighton & Hove Local plan.

24. There shall be no use of any of the units, either partially or wholly, as a trade counter.

Reason: To ensure any Class B8 units remain for genuine small starter business occupiers only and to comply with policy EM1 of the Brighton & Hove Local plan.

25. Articulated vehicles will not enter the phase 4 site except to complete a reversing manoeuvre.

Reason: To ensure that the servicing of the development complies with the requirements of policy EM7 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 would not cause adverse harm to nearby residential properties or cause harm to the local highway network. As such, the proposal is considered to be in accordance with Local Plan policies.

2 THE SITE

The 0.37 hectare site is set within the south western corner of a larger 3.9 hectare commercial development site, located at the south east junction of the heavily trafficked Falmer Road and quieter Bexhill Road. The wider site is allocated under policy EM1 of the Brighton & Hove Local Plan for industrial/business uses and managed starter units and high technology uses.

This partly developed Business Park is located in a sensitive location on the periphery of the Woodingdean residential area, and neighbours the South Downs National Park (SDNP).

The overall site drops significantly down southwards, in a series of terraces created to accommodate an extensive bakery development, now fully demolished. The part of the estate to the immediate north remains vacant and has consent for B2/B8 buildings as part of phase 5, while to the east on the opposite side of the estate road is the second phase of development, which comprises a row of industrial buildings. An office building was developed in the north east corner of the site as the first phase and a double row of office buildings are situated further east along Bexhill Road (phase 3).

To the south, the site adjoins two storey residential development set at a lower level.

3 RELEVANT HISTORY

Previous development

An extensive bakery complex was developed on former farmland on this 3.9 hectare property following planning permission in the early 1960's, with numerous applications having been made to extend and intensify, through to 1988.

Original Outline Proposals (Whole Site)

BH2002/00022/OA: Renewal of the 1998 outline permission on the site was approved 25/07/02. This allowed vehicular access only via Bexhill Road and required the provision of an 8m wide landscaped buffer around the perimeter.

BH1998/01731/OA: Outline permission was granted in 29/10/98 for the demolition of existing buildings on the site and the redevelopment of the site for B1 (b), B1 (c), B2 and ancillary B8 uses. All matters were reserved for later determination.

Phase 1

BH2004/02860/FP: Variation of condition of 2002/03151, to allow for occupation of greater than 220sqm floorspace by one entity. This condition had been attached to ensure that the units would be available as starter units. This variation of the condition was approved 16/11/04.

BH2002/03151/FP: Variation of condition of the previously approved application (1999/02960/RM) to allow B1 (a) use of the building was approved 19/03/03.

BH1999/02960/RM: Approval of Reserved Matters for the erection of an 'L'

shaped two storey building with 1780 sqm of floorspace and 73 car parking spaces in the north west corner of the site. These details represented Phase 1 of the development and was approved 15/10/01.

Phase 2

BH2002/02611/RM: Approval of Reserved Matters for the erection of 8 industrial units with a total of 2544sqm floorspace and 73 car parking spaces in the south eastern corner of the site. Approved 20/04/04.

Church Proposals

BH2003/02979/RM: Reserved matters pursuant to 1999/02996 for the erection of a church centre was approved 22/12/2003. The approval for a church on the site was not implemented and has expired.

BH1999/02996/OA: Outline application for the erection of a 1500sqm church. This application was allowed at appeal in 05/00.

Phase 3

BH2010/01454: Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping. Approved 23/08/2010.

BH2007/01018: Similar application for 16 units in total comprising 4134 sq m floorspace, approved 25/06/07, following consideration at Committee on 06/06/07, the applicants having addressed the earlier reasons for refusal.

BH2006/03649: Full application for the erection of 8 x 2 storey office buildings was refused 08/02/07, for reasons of unrelieved layout, lack of pedestrian route within the site, inadequate separation to the neighbouring property, provision for sustainable travel alternatives, wheelchair user car parking, cycle parking provision, sustainability measures, detail of contamination, refuse storage access, and security measures.

Phase 4

BH2011/03751: Application for Approval of Details Reserved by Condition 39 of application BH2011/02290. Approved 03/02/2012.

BH2011/02988: Application for Approval of Details Reserved by Condition 3 of application BH2010/01923. Approved 01/12/2011.

BH2011/02734: Application for Approval of Details Reserved by Conditions 1, 10, 12 and 15 of application BH2010/01923. Split decision 08/12/2011.

BH2011/02639: Application for Approval of Details Reserved by Conditions 2, 8, 12, 13 and 21 of application BH2010/01923. Approved 06.03.2012.

BH2011/00736: Application for Approval of Details Reserved by Conditions 1, 3, 5, 7, 10, 14 and 15 of application BH2010/01923. Split decision 14/06/2011.

BH2011/00362: Application for removal of condition 25 of application BH2010/01923 (Application for variation of condition 23 of BH2008/00955 to allow class B8 use (storage & distribution) in addition to class B1(b) and (c) uses (light industrial processes)) which states that no more than 50% of the total floor space of the development shall be occupied by Class B8 users. Approved 10/05/2011.

BH2010/01923: Application for variation of condition 23 of BH2008/00955 to

allow class B8 use (storage & distribution) in addition to class B1(b) and (c) uses (light industrial processes). Approved 08/09/2010.

BH2008/00955: Continuation of masterplan, with construction of 6 light industrial (B1) units in two buildings and the provision of 30 parking spaces and associated landscaping. Approved 13/08/2008 following consideration at Committee on 30/07/08.

Phase 5

BH2011/03529: Non Material Amendment to BH2011/02290 to obtain approval to the appearance of the bergey 15m 10KW wind turbine on a galvanised ram mast as indicated on drawing BGY-15M-10KW - P001. Approved 15/12/2011.

BH2011/03190: Application for Approval of Details Reserved by Condition 14 of application BH2011/00255. Approved 12/01/2012.

BH2011/02990: Application for Approval of Details Reserved by Condition 26 of application BH2011/02290. Approved 01/12/2011.

BH2011/02900: Non Material Amendment to BH2011/00255 for the re-location of bin stores to West side of development site. Approved 24/10/2011.

BH2011/02745: Application for Approval of Details Reserved by Conditions 3, 4, 7, 9, 10 and 35 of application BH2011/02290. Split decision 02/12/2011.

BH2011/02290: Application for variation of condition 19 of BH2011/00255 (Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping) to amend the permitted wind speeds specified for the wind turbine. Approved 08/11/2011.

BH2011/01260: Display of externally illuminated monolith sign, externally illuminated fascia signs, non illuminated fascia signs and non illuminated information panel sign. Approved 15/07/2011.

BH2011/00974: Application for Approval Of Details Reserved by Condition 3, 5, 8, 10, 11, 14, 22, 27, 31, 33, 36, 37, 39 and 40 of Application BH2011/00255. Split decision 07/07/2011.

BH2011/00255: Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping. Approved 18/03/2011.

BH2010/01454: Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping. Approved 23/08/2010.

4 THE APPLICATION

Planning permission is sought for the variation of condition 25 of application BH2011/00362. That condition states:

“The units hereby approved shall not be serviced by HGV’s at any time.

REASON: As the site is not of a suitable size for manoeuvrability of HGV vehicles and thus would cause a risk to highway safety and to comply with TR7 of the Brighton & Hove Local Plan”

The proposal is to allow HGV’s to service the buildings but to exclude

articulated HGV's from that definition. The wording is as follows:

“Articulated vehicles will not enter the phase 4 site except to complete a reversing manoeuvre.

Reason: To ensure that the servicing of the development complies with the requirements of policy EM7 of the Brighton & Hove Local Plan. “

5 CONSULTATIONS

External

Neighbours: 8 Letters of representation have been received from **nos. 30 & 124 Crescent Drive South, 569, 574 & 576 (x2) Falmer Road, 198A Warren Road and NPS South East Ltd Castle House Sea View Way** objecting to the application for the following reasons:

- HGV's will cause problems and increase accident risk as key junctions;
- Larger vehicles struggle to get up Sea View Way in colder weather;
- HGV's will block the access to Castle House car park;
- Concerns regarding increase safety risk;
- Increased risk to pedestrians of serious injury or death; and
- Increased noise and disturbance.

Comments on amended application

2 letters of representation have been received from **nos. 574 Falmer Road and 198A Warren Road** objecting to the application for the following reasons:

- HGV's will cause problems, increase congestion and increase accident risk as key junctions; and
- Increased noise and disturbance.

Internal:

Sustainable Transport: In a letter supporting application BH2011/00362 dated 18 June 2010 the applicants advised that the proposed use would not be detrimental to the amenities of local residents, partly because the turning area and swept path available would be sufficient for a refuse vehicle but not a large articulated lorry. Condition 25 was adopted to ensure this in compliance with policy EM7. It is accepted that HGV use, away from the highway, would not give rise to road safety concerns.

The need for this condition has not reduced and the policies have not changed. It would be acceptable for HGVs parking elsewhere in the industrial estate to be used for deliveries to the application site as in this case no additional impact on residential amenity would arise. However if the proposal has now changed so as to allow HGV access to the site, this remains unacceptable and the application should be refused.

Comments on amended application

No objection subject to a replacement condition confirming that articulated vehicles can not enter the site, save for to perform turning.

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 |
| TR7 | Safe development |
| TR14 | Cycle access and parking |
| TR18 | Parking for people with a mobility related disability |
| TR19 | Parking standards |
| SU9 | Pollution and nuisance control |
| SU10 | Noise nuisance |
| QD27 | Protection of Amenity |
| EM1 | Identified employment sites (industry and business) |

Supplementary Planning Guidance Documents:

SPGBH 4 Parking Standards

8 CONSIDERATIONS

The main considerations in the determination of this application relate to highway and amenity issues.

Highway issues

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 TR7 confirms that planning permission will be granted for developments that do not increase the danger to users of adjacent pavements, cycle routes and roads. Where there are no acceptable solutions to problems that arise from development proposals, planning permission will be refused.

The condition was imposed at the request of the Sustainable Transport Team,

The wording of the condition lacks clarity, as the condition relates to a small part of the business park (i.e. Phase 4). This excludes Sea View Way. HGV's can and do access Sea View Way and can be unloaded on that road

to service these units.

The applicant considers the current wording of the condition to be unreasonable as it was not attached to (BH2008/00955) consent and came about on a later permission.

The Local Planning Authority has explained that with the changing nature of the development there is a duty to consider impact. In this instance as the use moved towards a greater percentage of B8 (Warehousing) so the need to assess the types of vehicle servicing the units arose.

Whilst there is a restriction on the amalgamation of these small units (which could ensure that HGV servicing is not necessary) there were valid concerns at the time that application was considered, combined with the material change in circumstances which led to the imposition of the condition. As such the condition was and is considered to be reasonable.

The applicant has provided information detailing that servicing from HGV's is possible, without causing any undue risk to highway safety. This is because manoeuvrability can be obtained utilising the service road within the business park (Sea View Way) thus enabling entry and egress to the public highway (Bexhill Road) in a forward gear. A set of plans have been submitted that detail how the manoeuvrability would take place.

It is also worth noting that should HGV's undertake servicing from the access road of the business park, they would still need to turn, most likely by backing into the phase 4 development to exit from the site (or another phase of the site). As such it is likely that if HGV's are required, then reversing to turn to enable exit from the site would be required. This is a similar situation to that which occurs for the Phase 2 development.

The applicant has stated that the condition is restricting the marketing potential of the units, as future occupiers wish to have the flexibility to have deliveries by HGV's if and when they are required.

The original comments from the Sustainable Transport Team are noted, objecting to the removal of the condition on amenity grounds.

This has led to a change in the application, from removing the condition to varying it. The proposed variation would read as detailed above. This would ensure that the largest articulated vehicles would not be able to enter the site, where as smaller HGV's (such as refuse lorries) would be able to enter and exit the site, and service the units.

The Sustainable Transport Team has no objections to the variation as has been negotiated with the applicant.

A number of objections have been received from members of the public

regarding the use of HGV's to service the units, however these relate to the principle of HGV's within the Woodingdean area, which is not restricted by the condition (only the use of HGV's within the red line area of the Phase 4 site itself) and as such cannot be given any material planning weight in the determination of this application.

Amenity issues

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.

A number of objections have been received from the owners of nearby and adjoining residential properties in relation to increased noise and disturbance from the potential loading and unloading of HGV's.

It is noted that this was not included within the reason for imposing the condition.

The site has consent for industrial use, which involves the use of machinery and the loading/unloading of vehicles. As such, an element of noise and disturbance is to be expected when living in close proximity to an industrial site. Measures have been taken to ensure noise and disturbance is minimised on these occupiers as part of the original consent, through acoustic screening along the shared boundary with residential properties.

It is not considered that the use of HGV (with the exception of articulated vehicles) would cause any material additional impact on noise and disturbance to these occupiers than there would be from other goods vehicles.

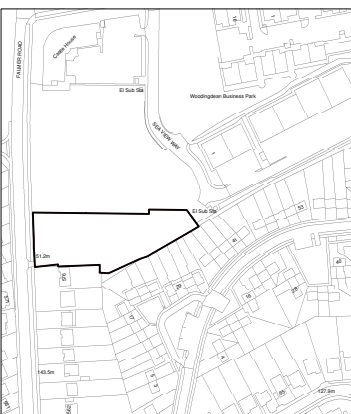
9 CONCLUSION

The application seeks consent for the variation of a condition restricting servicing to the site by HGV's. The proposed variation would restrict articulated vehicles entering the site, save for to enable turning. As such the proposed condition would not cause any undue impact on highway safety, and there would be no additional impact on residential amenity.

10 EQUALITIES IMPLICATIONS

None.

BH2011/03743 Woodingdean Business Park, Sea View Way, Brighton.



LIST OF MINOR APPLICATIONS

| | | | |
|--------------------------------------|-----------------------------------------------------------------|----------------------------|------------------|
| <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 | | |

This application was deferred at the last meeting on 14/03/12 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) 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 drawing no. ADC355/ 27F and 29F received on the 7th March 2012
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 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 this 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 amended elevation has been received to depict this change.

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

provide 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.

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

Date: 11 January 2012
Our Ref: JBV/BAB
Your Ref:

Dear Ms. Simpson
Re: Planning Application BR2011033589 – 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 the new proposal are considerably larger and cause significant overshadowing 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: 01323 391135
Email: jayne.bennett@brighton-hove.gov.uk
Web: www.brighton-hove.gov.uk



Councillor Vanessa Brown

Tel/Fax: 01323 391133
Email: vanessa.brown@brighton-hove.gov.uk

| | | | |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|---------------------|
| <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 | | |

This application was deferred at the last meeting on 14/03/12 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) 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.

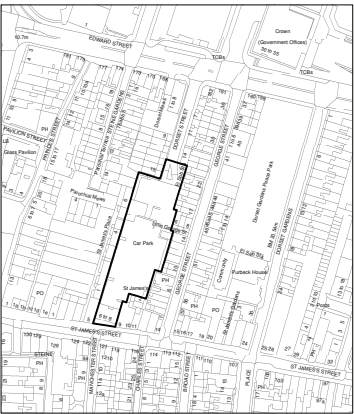
9 CONCLUSION

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.



From: Geoffrey Bowden
Sent: 14 January 2012 11:14
To: Chris Owen
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
Cabot Member Culture, Recreation & Tourism
Email: geoffrey.bowden@brighton-hove.gov.uk
Mobile: 07557 97507

From: Geoffrey Bowden
Sent: 05 January 2012 18:03
To: Chris Owen
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.

Best wishes
Geoffrey

Cllr Geoffrey Bowden
Green Party Councillor Queen's Park Ward
Cabot Member Culture, Recreation & Tourism
Email: geoffrey.bowden@brighton-hove.gov.uk
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PLANS LIST – 04 APRIL 2012

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

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 | | |

This application was deferred at the last meeting on 14/03/12 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. 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.

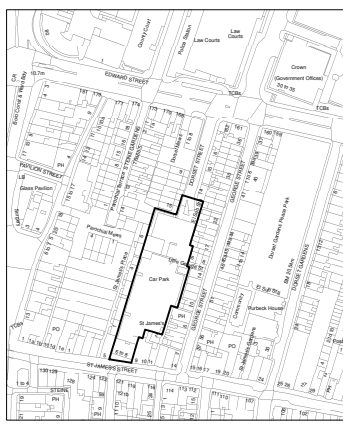
9 CONCLUSION

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.



From: Geoffrey Bowden
Sent: 14 January 2012 11:14
To: Chris Owen
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
Cabot Member Culture, Recreation & Tourism
Email: geoffrey.bowden@brighton-hove.gov.uk
Mobile: 07557 97507

From: Geoffrey Bowden
Sent: 05 January 2012 18:03
To: Chris Owen
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.

Best wishes
Geoffrey

Cllr Geoffrey Bowden
Green Party Councillor Queen's Park Ward
Cabot Member Culture, Recreation & Tourism
Email: geoffrey.bowden@brighton-hove.gov.uk
Mobile: 07557 97507



PLANS LIST – 04 APRIL 2012

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

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

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|--------------------------------------|-----------------------------------------------------------|----------------------------|---------------------|
| <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 | | |

This application was deferred at the last meeting on 14/03/12 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 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.

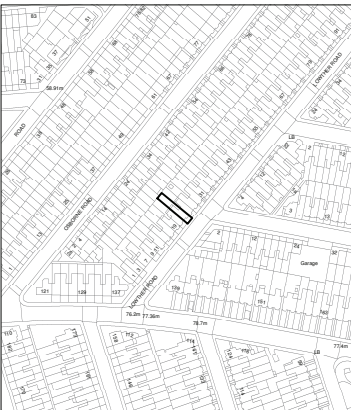
9 CONCLUSION

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.



From: Mike Jones
Sent: 27 January 2012 12:24
To: Liz Arnold
Subject: BH01103705

Dear Liz

Re Planning Application for 23 Loewher Rd, Brighton. BH01103705

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

Cover City Councillor
Preston Park Ward
Brighton & Hove

01273 29149

| | | | |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------|
| <u>No:</u> | BH2011/03785 | <u>Ward:</u> | REGENCY |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 11 Dyke Road, Brighton | | |
| <u>Proposal:</u> | Change of Use from nightclub Sui Generis to indoor recreation maze (D2) for a 5 year temporary permission and incorporating revised side entrance, external lanterns, and associated works. | | |
| <u>Officer:</u> | Clare Simpson | <u>Valid Date:</u> | 09/12/2011 |
| <u>Con Area:</u> | N /A | <u>Expiry Date:</u> | 03 February 2012 |
| <u>Listed Building Grade:</u> | Grade II | | |
| <u>Agent:</u> | Wayne Gander, Architectural Technician, 98 Durrington Lane, Worthing | | |
| <u>Applicant:</u> | Liquid Lounge UK Limited, 31 Chatsworth Road, Worthing | | |

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 revised elevation of the proposed courtyard roof to be formed below the eaves of the existing roof detail and subject to the following Conditions and Informatives:

Regulatory Conditions:

- 1) The use hereby permitted shall be discontinued and the land reverted to its former use and the following features shall be permanently removed from the site within five years of the date of this permission.
 - I. The ground floor timber stairs, stair partition wall and balustrade,
 - II. Entrance counter
 - III. Maze partitioning at ground and first floor
 - IV. Removal of soundproofing works undertaken in accordance with condition 5 below

Reason: The applicant has applied for a temporary change of use and several elements of the proposed internal alterations are not suitable as permanent structures within the listed building, and in order to comply with policy HE1 of the Brighton & Hove Local Plan.

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings no.BT/DR/02B and 'staircase alterations' received on the 20th March 2012 and revised courtyard roof (details awaited)

Reason: For the avoidance of doubt and in the interests of proper planning, to secure adequate protection of the listed building in compliance with policy HE1 of the Brighton & Hove Local Plan.

- 3) The use hereby granted a five year temporary consent shall be for a indoor recreation maze only and for no other purpose including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking and/or re-enacting that order, with or without modification).

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

- 4) 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. Existing redundant cabling shall be removed from elevations fronting the highway before the use of the building is commenced.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and HE1 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 5) No works shall commence until full details of the proposed soundproofing and noise mitigation measures for the property are submitted to and approved by the Local Planning Authority in writing. The submitted details shall show compliance with section 5 in the Acoustic Associates report dated 18th January 2012 and approved details shall be carried out in their entirety and retained as such for the duration of the use.

Reason: In order to prevent noise breakout and to protect the amenity of neighbouring occupiers in accordance with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

- 6) No works shall take place until 1:10 scale sample elevations and 1:1 scale joinery profiles of the proposed external double doors with door surround to match the existing 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.

- 7) No works shall take place until 1:5 scale elevations and profiles of the proposed lanterns, including details of fixtures, have been submitted to and approved by the local planning Authority in writing. 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.

- 8) No works shall take place until 1:10 scale sample elevations and 1:1 scale joinery profiles of the proposed internal doors 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.

- 9) No works shall take place until details of the proposed new stair balustrade have been submitted to and approved in writing by the Local

Planning Authority. The works shall be carried out in 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.

- 10) No works shall take place until the method statement for the removal of paint on the existing painted areas and brick restoration and details of new paintwork for the existing rendered areas have been submitted to and approved by the Local Planning Authority in writing. 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.

Pre-occupation Conditions:

- 11) Prior to the premises coming in to use as a indoor recreation maze, a revised management plan shall be submitted to and approved by the Local Planning Authority in writing. The plan shall outline how outdoor queuing will be addressed in order to minimise noise and disturbance to neighbouring occupiers. The management plan shall be brought in to operation on commencement of the use and reviewed annually in consultation with the Local Planning Authority.

Reason: To protect the amenity of neighbouring occupiers in accordance with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

Informatives:

1. NOTICE is given that Section 35 of the East Sussex Act 1981 may apply to this development. This gives Local Authorities the power to reject applications deposited under the Building Regulations, unless after consultation with the fire authority they are satisfied that the plans show adequate means of access for the fire service. NOTE: This decision does not give approval of plans for the purposes of the Building Regulations 1991. If an application for such approval has been made a decision has or will be given separately.
2. The applicant is advised that no consent is issued for the signage to the front elevation of the property which may require consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
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 proposal is for a new recreation facility which would be unique to the

city and which should contribute positively to the city's leisure and tourism industry. The proposed change of use is compliant with Local Plan Policy. Much of the internal works are limited to temporary partitioning which is acceptable and would cause no demonstrable harm to the historic character of the listed building. Subject to compliance with conditions, the works would have no demonstrable harm on neighbouring occupiers by way of noise and disturbance.

2 THE SITE

The building is listed Grade II, it is a Victorian neo-gothic style former school building. It was designed by George Summers Clarke for the Swan Downer School for poor girls and built in 1867. The brickwork of the lower walls has been painted and the windows over-boarded. It is not clear when this was done or whether it had listed building consent or planning permission.

There is a modern flat roofed extension to the rear over what would have been the schoolyard. It appears that the first floor had one large hall, which would have been open to the rafters with large roof trusses in the manner of a medieval great hall. There is presently a false ceiling concealing this. The ground floor appears to have had two and possibly three rooms. The interior has much modern partitioning. The principal surviving feature is the solid concrete staircase.

The property is set within a relatively busy commercial area close to Churchill Square Shopping Centre. Adjoining the property to the southeast is Norwood House (9 Dyke Road) which has a ground floor beauty studio and offices above. The closest residential premises on the opposite side of Dyke Road in Wykeham Terrace which is Grade II listed.

3 RELEVANT HISTORY

BH2011/03785: Listed building consent under consideration.

BH2002/01995/LB: Replacement of flat roof to rear with shallow monopitch roof – approved 09/09/2002

BH2000/01261/LB: Internal alterations to form balcony over first floor and new wall at ground floor level - approved 13/07/2000

BH2000/01264/LB: Internal alterations to provide disabled toilet, relocation of bar and removal of timber posts and addition of steel beams to ground floor – approved 30/06/2000

4 THE APPLICATION

Planning permission is sought for the change of Use from nightclub Sui Generis to indoor recreation maze (D2) for a 5 year temporary permission and incorporating revised side entrance, external lanterns, and associated works.

5 CONSULTATIONS

External

Neighbours: Thirteen (13) letters of representation have been received from **first floor office 9 Dyke Road, 9 Dyke Road, Norwood House 9 Dyke Road (x2), Century House 15-19 Dyke Road (x2), 1(x2) 2a, 7, 9(x2) 10,**

Wykeham Terrace, objecting to the application for the following reasons:

- a lack of consultation with neighbouring occupiers,
- this property cannot be used for nightclub and recreation maze,
- as a grade 2 listed building, the widening of the door, installation of a canopy imitation corpse,
- Wykeham Terrace is grade II listed and subject to restrictions,
- People will congregate under the canopy causing smoking and causing noise and disturbance,
- Noise and disturbance from people screaming
- Possibility this is an application which would give the nightclub a smoking shelter,
- Historically there have been issues with noise from the nightclub use, and restrictions were in place to ensure all entrance doors were kept shut,
- Teenage clients causing obstructions to pavement
- Litter and vandalism,
- Increased levels of traffic and problems with adjacent bus parking area,
- Congested roads from car drop-offs,
- The area is unsuitable for a tourist attraction and should be on West Street or the seafront,
- The workforce of adjoining offices would be disturbed,
- Loss of business as tenants will not want to locate adjacent to a tourist attraction,
- Loss of jobs as staff from the offices would be made redundant,
- Problems with construction period and traffic and car parking,
- What is the purpose of a temporary change of use?
- Young people would pass the building and find the images disturbing,
- Children living opposite and those walking past the site on the way to neighbouring schools would be disturbed
- The site would be a magnet for anti-social behaviour,
- The noise report submitted outlined the breakout of noise from site. The council should undertake their own assessment
- It would adversely affect the Clifton Hill Conservation Area,

Six (6) letters of representation have been received from **82 High Street Shoreham, 28 Ashcroft Close, 101 Conway Street, Brighton Domestic Appliances Regent Row, Panasonic 11 Imperial Arcade, 73b St James Street** supporting the application for the following reasons:

- the applicants are highly regarded in the industry,
- it would be an excellent addition to the area,
- the development would promote leisure and tourism in the city,
- it would be unique to the city,
- the building is an eyesore,
- it can only improve the looks and cleanliness of the area,

Sussex Police No objection.

Internal:

VisitBrighton: Support.

We welcome the above application which we believe has merit and will positively enhance the City's leisure facilities, both for residents and tourists. The Horror Maze is a unique offering and will attract and support tourism outside of the main season.

In the face of current economic uncertainty it is critical that we continually innovate the City's leisure facilities in order for our tourism offer to remain competitive.

Environmental Health: Comment

I have looked at the application, noting that the plans involve a few internal and external changes in order for it to be used as a 'horror maze' during the day. Additionally, I note that this venue has been functioning as a nightclub and wants to continue to retain this function and the associated hours that go with it.

However, I have checked our noise complaint records for this venue and note that in addition to historical complaints about its night time use as a club, in May 2010 there were complaints about loud music being played during the day at the club. Additionally, there was a complaint in September 2010 that the club was not using the noise limiter that had been installed to control noise. Therefore I have concerns that the change of use to a horror maze may involve loud noise from 'horror type' sound effects, such as loud screaming and possibly music. I also have concerns that there will be significant noise from customers shouting and screaming as they progress through the maze. Consequently, I feel that an acoustic report showing that this venue is suitable for this type of activity should have been included with the application.

Therefore, I am currently unable to fully comment on this application but if new information about noise was provided, I will happily re-assess this application.

Second Comments Following my memo of 4th January 2012, Acoustic Associates Sussex Ltd. have undertaken an assessment of the building in accordance with the proposed use of a horror maze.

The assessment is satisfactory and the proposed noise mitigation measures appear to be reasonable. Therefore I recommend that the mitigation measures outlined in this report are followed.

Heritage: Comment

The building is currently empty and bringing it back into use would be welcome. It is preferable that the first floor hall remains unsubdivided. However the change of use of the building and its associated subdivision to form a maze would be acceptable under Local Plan policy HE1 provided that:-
i) the necessary partitioning for the maze is of a lightweight ephemeral nature and easily reversible,

- ii) it does not require other associated internal or external alterations that are harmful to the character of the building,
- iii) there are associated compensatory and mitigation works including the removal of the paint from the brickwork, removal of the overboarding of the windows and repair and reinstatement of the leaded lights, repairs to the building's external stonework and removal of the false ceilings internally.

Unfortunately, the current proposals do not satisfy these conditions. Whilst the removal of the paintwork is shown on the drawings, the other mitigations are not and there are other associated internal alterations that are not acceptable i.e. the full height partition at the rear of the first floor, and the alterations to the main staircase at ground floor level and partitioning across the front main entrance hall and the diagonal partition across the side entrance lobby. The other internal alterations are minor and acceptable subject to details.

The widening of the side entrance would be acceptable if it is necessary for means of escape and to secure a viable use of this building, and its door surround moulding details were recreated and the doors were timber ones to match the original gothic style front doors. As there are no details of the doors, it is not possible to say that the latter of these conditions have been met. A 1:10 scale elevation and section of the new door are required. 1:1 scale joinery and moulding sections are also required, but could be dealt with under a condition.

The construction of a large pentice roof canopy on the side elevation is not acceptable. This feature is poorly related to the building and is out of character with it.

It is not possible to say whether the proposed lamps would be acceptable as there are no details.

Second comments

I note that the canopy to the side has now been deleted.

There is still not enough detail of the widened side door – its surround should be indicated on the elevational drawing and a larger scale elevation at 1:10 scale would also be needed.

The direction of the diagonal boarding of the front door would need to be checked to see if the boarding of the proposed doors is right. It may be that the left-hand door's boarding should be angled to the right.

The section through the main staircase and entrance lobby does not appear to correspond with the plan. It appears that an additional escape stair serving the escape door leading into the front entrance lobby is shown on the section, but this does not appear on the plan. However, in any case, I consider that these alterations to the staircase and entrance hall are not acceptable in principle.

With regards to the alterations to the interior spaces, I note that they are now

proposing to retain the existing false ceiling on the first floor. There is no information about whether they are to expose and restore the windows and how. In view of this I consider that there are insufficient benefits to the building to outweigh the harmful impacts.

Sustainable Transport: Comment

There is no cycle parking proposed on site. There should be secure, convenient, well lit, and wherever practical, sheltered cycle parking should be located close to the main entrance of the premises to comply with Local Plan Policies TR14, TR19 and SPG4. As it stands this Planning Application does not meet these Policies.

The adopted parking standards set within SPG4 state that this development should provide suitable secure cycle parking for the storage of at least 2 bicycles. We have considered that due to the constrained nature of the site and the building being listed it would be extremely difficult to provide acceptable cycle parking facilities on-site.

Local Plan Policy TR14 states "where the need generated by the development cannot be met on site, the planning authority will negotiate with the applicant for the provision of cycle parking facilities nearby on the public highway or for a contribution to improvements to the cycling infrastructure: - in either case to be reasonably related to the demand generated by the development."

We would prefer that the Local Planning Authority negotiate with the applicant to provide a contribution toward the provision of suitable cycle parking. This would bring the scheme inline with Local Plan Policies TR14, TR19 and SPG4. On street cycle parking could be provided on the highway opposite the site within the footway adjacent to Wykeham Terrace.

We do however understand that due to the temporary nature of this permission and the site constraints, the Local Planning Authority may not feel it appropriate to negotiate with the applicant to contribute towards off-site cycle parking.

The applicant has provided information in the form of a business plan which provides an estimate on the likely number of people that would be attracted to the proposed 'Horror Maze'. This gives us an indication on the number of people that they expect to visit.

Given the specialist nature of the use there is not any comparable sites within the available traffic survey databases that will give us a robust understanding of the likely travel patterns of the proposal, or allow us to compare against the provided estimate. It has been brought to my attention that the existing use will cease while the proposed use is in operation.

Given that the facility proposed is of a leisure nature and located centrally within the City I would anticipate that a significant proportion of the visitors will be linked with other trips within the City. I would also anticipate that the

visitors using the proposed site would likely make up existing leisure trips within the highway network already. Given this and that the site has existing consent to operate a nightclub I do not believe there will be a net increase in primary trips to the development. A financial contribution towards transport improvements would therefore not be required.

The proposal does not include car parking on-site and is located within Zone Z of the CPZ. Staff and visitors seeking to access the development by car will therefore be required to park within a local public car park. I do not anticipate that the development will create demand for car parking that will have a material impact on local public parking provision.

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 4: Planning for Sustainable Economic Growth
- PPS 5: Planning for the Historic Environment

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
- QD4 Design – strategic impact
- QD27 Protection of Amenity
- SR17 Smaller scale sporting and recreational facilities
- HE1 Listed Buildings
- SU9 Pollution and noise nuisance
- SU10 Noise nuisance

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:
SPD08 Sustainable Building Design

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of the change of use of the premises from planning policy perspective, the impact of the proposed use on neighbouring occupiers including noise and disturbance, traffic and transport implications, design issues relating to the impact on character for the area and historic character of the listed building.

Planning Policy and principle of the development:

The existing use of the property is as night-club. It is a Sui-generis use class and is being currently being marketed for let. The building is understood to have been vacant for about a year and last operated as the New Hero nightclub. As a nightclub use, the building has attracted some noise complaints in the past and nightclub uses are not afforded any protection within the Local Plan.

The application was originally submitted for a change of use to a recreation maze for daytime hours only. It was clear however that the alterations proposed to facilitate the recreation maze would not be removed in the evening to facilitate the nightclub use. The applicant subsequently revised the planning application and now seeks consent for a temporary five temporary period. The applicant has chosen to submit the application in this way as they would like to run the proposed facility with the security of a retained nightclub use should the indoor recreation business not succeed.

Policy SR17 of the Brighton & Hove Local Plan relates to smaller scale sporting and recreational facilities and applies to this application. This policy states that planning permission will be granted for smaller scale new sporting and

recreation facilities provided that:

- a. it involved either the expansion of existing facilities or the provision of new facilities located close to the communities that they are intended to serve;
- b. they have good pedestrian and cycle links and are well served by public transport; and
- c. intensification of facilities would not have a harmful impact on the local environment either visually (including artificial lighting), through additional noise and disturbance or impact on the natural environment.

In regard to criteria (a) of the policy, this application proposes a new recreation facility in a central location. The policy specifies that new facilities should be close to the communities it serves. It is generally considered that the recreation maze would be attractive to visitors to the city. A central location in the city in the facility is therefore most practical. The applicant has also stated that they believe the application would be attractive for school children. Again, it is considered that a central location for this would be appropriate. Visit Brighton, the tourism arm of the council, has written in

support of the application. Overall it is considered that Local plan policy is supportive to the principle of a recreation facility in this location.

In regard to criteria (b) of policy SR17 which relates to access, and criteria (c) of policy SR17 which relates to amenity, these will be addressed in the corresponding sections of the report 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 proposal has attracted objections from neighbouring occupiers concerned about the principle of a horror maze close to commercial and residential accommodation and issues relating to noise and disturbance.

In regard to noise and disturbance, these premises would have had noise generating activity associated with the nightclub activities. It is acknowledged that this activity would usually arise through night time hours. The proposed activity would also be noise-generating and the main concern is that this would take place in the day time rather night-time hours potentially resulting in additional noise issues. With the neighbouring buildings along Dyke Road in commercial day-time uses, the occupiers have raised concerns over the noise and disturbance. Specifically the concern appears to relate to screaming from the customers, and issues of customers queuing to get in to facility and loitering outside the building.

At the request of the Environmental Health Team, an acoustic report was submitted during the course of the application. Having reviewed the content of the study, the Environmental Health Officer is generally satisfied that the proposed change of use would not result in noise and disturbance to neighbouring occupiers. The upstairs of the building has better sound insulation. Potential noise breakout has been identified for the ground floor rear room. The acoustic report identifies that soundproofing of the building is required for specific areas of the property and should this be undertaken, no noise complaints are likely to arise. Section 5 of the report outlines the suggested soundproofing method and full details will be secured by condition.

In response to some of concerns from neighbouring properties, the applicant has also submitted a management statement. It is predicted that groups 6-10 people would take 8-12 minutes to complete the maze. Normal operating conditions would see a group entering the maze every 8 minutes.

It is anticipated by the applicants that queues of around 20 people would be normal and up to 80 people in high season. There is a proposed queuing area on the first floor of the building. It would appear that this space may be able to accommodate around 40 people at any time and therefore there is potential that at busy periods, customers would be queuing up the stairs or on the

street. Therefore it is considered a more detailed management plan is required to minimise potential for noise and disturbance caused by on-street visitors queuing on the street, this can be secured by condition. The canopy which was originally proposed as part of the application has now been removed from the application for design reasons and this would probably have an impact of limiting numbers loitering outside the building. When exiting the maze on to Dyke Road, the pavement is narrow and will not facilitate customers congregating outside the site. There would be no demonstrable harm caused by litter or vandalism from the proposed use.

In regard to the external appearance of the property, initially a gibbet was proposed for the front elevation, and this caused some concern from neighbouring residents. The detail of this feature was not submitted as part of the application, and has subsequently been removed from this application.

Some residents have expressed concerns that this application seeks to achieve a smoking shelter for the nightclub. This application must be considered on the terms of the submission. The application does not grant any additional floor space or capacity which would result in extended nightclub facilities in the future.

Concerns of neighbouring occupiers are recognised, it is considered that soundproofing would eliminate the potential for noise and disturbance from inside the building. It is acknowledged that good management will be crucial to limit the numbers of customers waiting outside the premises. With planning conditions in place requiring further detail, it is not considered that there will be any demonstrable harm on neighbouring properties.

Sustainable Transport:

The property is located centrally in the city with excellent bus services very close on Western Road. The property would also be easily accessible from Brighton Train Station.

The applicant has provided information in the form of a business plan which provides an estimate on the likely number of people that would be attracted to the proposed 'Horror Maze'. This gives us an indication on the number of people that they expect to visit. Given that the facility proposed is of a leisure nature and located centrally within the City the transport team anticipate that a significant proportion of the visitors will be linked with other trips within the City and visitors using the proposed site would likely make up existing leisure trips within the highway network already. Given this and that the site has existing consent to operate a nightclub it is not envisaged that there would be a net increase in primary trips to the development. A financial contribution towards transport improvements would therefore not be required.

The Sustainable Transport Team have raised a concern over the lack of cycle parking on-site and recommended refusal of the application on this grounds. It is not possible to locate any cycle parking provision on site as there is no outdoor space associated with the building.

The proposal would involve the change of use of 220m³ of commercial floor space. This is below the size threshold for seeking developer contributions outlined in the current development contribution recession relief measures. Given that there would be no significant increase in trip generation from this development, and that the proposal is for a temporary change of use, it is not considered justifiable that planning permission be refused for a lack of cycle parking facilities.

The proposal does not include car parking on-site and is located within Zone Z of the CPZ. Staff and visitors seeking to access the development by car would therefore be required to park within a local public car park. On site observations indicate that vehicles approaching from the north down Dyke Road often use the highway area in front of Mayo Wynn Baxter solicitors as a drop-off zone before the no-entry restriction prevents motor vehicle accessing the centre of town. Neighbouring occupiers have raised concerns over the impact of additional traffic movements. As noted above, the demand to the facility is likely to be associated with combined trips in the city. The sustainable transport team do not anticipate that the development would create demand for car parking that would have a material impact on local public parking provision.

There would be no significant increase in trip generation or significant pressure for the highway network and therefore the scheme is considered acceptable in terms of TR1 and TR7.

Sustainability

There has been little information submitted with this application in regard to sustainability. The conversion of the existing building to accommodate the change of use relies on a number of alterations which are generally easily reversible.

The management plan also identifies incentives offered to customers utilising public transport. As noted above, the premise does not have any cycle parking and this is a concern. There is no outdoor space and no opportunity to provide cycle parking facilities within the footprint of the building. However the location of this new recreation facility means that sustainable transport routes would be easily accessible.

Design and appearance and listed Building issues

The proposed alterations to the front and side of the elevations of the property are now limited to proposed new lanterns and new double entrance door on the side elevation. The hanging gibbet and canopy initially proposed have been removed from the application.

There is a separate listed building consent application under consideration as listed in the history section.

Towards the rear of the building there is an enclosed courtyard which is proposed to be re-roofed. This is effectively a passage way 1mx 4m in length. An amended drawing is awaited with revised details of this new roof which

would be required to a flat roof running below the eaves of the existing structure and finished in lead.

Whilst internal alterations do not require planning permission, in the case of this proposed change of use application, the internal alterations are fundamental to the proposed use in so far as they would affect the Listed Building and therefore should be considered in this application.

Discussions have been taking place with the Heritage Team at pre-application stage and during the course of the application. There are means of escape issues with this building, and this appears to be dictating the current layout as proposed. The interior of the building has little merit although the Conservation Officer has identified the merit in the original staircase and suggested that this element of interior should be left unaltered. Amended plans which have been received during the application process do not propose to remove any part of the staircase, but propose some boarding over of the existing steps and sub-division of the existing entrance lobby. Unfortunately, the current proposals do not fully satisfy the Conservation Officer's view that the existing entrance lobby should remain unaltered.

The principal benefit of this application would be the removal of existing exterior paintwork which would be controlled by condition. The paintwork on the side elevation appears also to attract graffiti and the removal is welcome. With regards to the other alterations to the interior spaces, there is no objection to the principle of these structures which are temporary and do not affect historic features

Although this is a finely balanced, it is acknowledged that consent is sought for a temporary period only and that the aspects of the works which are causing some concern are easily reversible. For this reason it is considered that subject to conditions, the proposed works will have no demonstrable harm to the listed building.

Other Considerations:

A fire risk assessment was submitted on the 5th March 2012 which outlines some the existing features of the property. The applicants have been in discussions with City Council's Building Control Department and Fire Safety Officers in regard to the proposed internal works. These discussions are at pre-application stage and concerns have been raised directly with the applicant over some issues of means of escape. Whilst discussions are on-going on this matter and have yet to be satisfactorily concluded, safety concerns are not a justifiable reason for withholding planning permission. The applicant should however be reminded of fire safety requirements by way of an informative.

9 CONCLUSION

The proposal is for a new recreation facility which would be unique to the city and which should contribute positively to the city's leisure and tourism industry. It is considered that the level of information submitted with this application is limited and it should be acknowledged that the application is

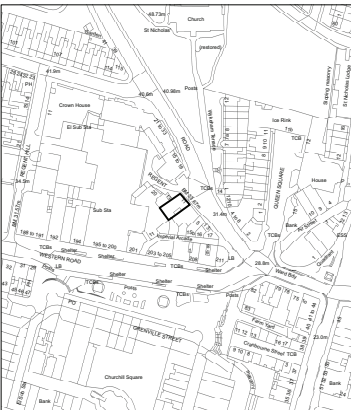
somewhat speculative. The applicants want to retain the lawful nightclub use which is an industry with which they are familiar.

Much of the internal works are limited to temporary partitioning which is acceptable. The boarding over of the principal staircase and alterations to the entrance lobby are regrettable but should be balanced against merits of getting the building in to use. Subject to compliance with conditions, the works would have no demonstrable harm on neighbouring occupiers by way of noise and disturbance.

10 EQUALITIES IMPLICATIONS

The existing building has narrow corridor widths and access doors which are not proposed to be altered as part of the application. The entrance at the front of the building is stepped.

BH2011/03785 11 Dyke Road, Brighton.



| | | | |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------|
| <u>No:</u> | BH2011/03786 | <u>Ward:</u> | REGENCY |
| <u>App Type:</u> | Listed Building Consent | | |
| <u>Address:</u> | 11 Dyke Road, Brighton | | |
| <u>Proposal:</u> | Internal and external alterations to enable use as indoor recreational maze incorporating revised side entrance, external lanterns, fascia sign and associated works. | | |
| <u>Officer:</u> | Clare Simpson | <u>Valid Date:</u> | 13/01/2012 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 09 March 2012 |
| <u>Listed Building Grade:</u> | Grade II | | |
| <u>Agent:</u> | Wayne Gander , Architectural Technician, 98 Durrington Lane, Worthing | | |
| <u>Applicant:</u> | Liquid Lounge UK Limited, 31 Chatsworth Road, Worthing | | |

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** listed building consent subject to a revised elevation of the proposed courtyard roof to be formed below the eaves of the existing roof detail and subject to the following Conditions and Informatives:

Regulatory Conditions:

- 1) The use hereby permitted shall be discontinued and the land reverted to its former use and the following features shall be permanently removed from the site within five years of the date of this permission.
 - I. The ground floor timber stairs, stair partition wall and balustrade,
 - II. Entrance counter
 - III. Maze partitioning at ground and first floor
 - IV. Removal of soundproofing works undertaken in accordance with condition 3 below

Reason: The applicant has applied for a temporary change of use and several elements of the proposed internal alterations are not suitable as permanent structures within the listed building, and in order to comply with policy HE1 of the Brighton & Hove Local Plan.

- 2) 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. Existing redundant cabling shall be removed from elevations fronting the highway before the use of the building is commenced.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE1 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 3) No works shall commence until full details of the proposed soundproofing and noise mitigation measures for the property are submitted to and approved by the Local Planning Authority in writing. The approved details

shall carried out in their entirety.

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) No works shall take place until 1:10 scale sample elevations and 1:1 scale joinery profiles of the proposed external double doors with door surround to match the existing 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.

- 5) No works shall take place until 1:5 scale elevations and profiles of the proposed lanterns, including details of fixtures, have been submitted to and approved by the local planning Authority in writing. 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.

- 6) No works shall take place until 1:10 scale sample elevations and 1:1 scale joinery profiles of the proposed internal doors 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.

- 7) No works shall take place until details of the proposed new stair balustrade have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in 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.

- 8) No works shall take place until the method statement for the removal of paint on the existing painted areas and brick restoration and details of new paintwork for the existing rendered areas have been submitted to and approved by the Local Planning Authority in writing. The works shall be carried out in 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.

- 9) No works shall take place until details of the proposed front signage, including colour, materials, and method of fixing, have been submitted to and approved by the Local Planning Authority in writing. The works shall be carried out in accordance with the approved details and retained 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.

Informatives:

1. This decision is based on drawing nos. BT/DR/02b and 'staircase alterations' received on the 20th March 2012 and revised courtyard roof (details awaited)
2. This decision to grant Listed Building Consent 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:-

Much of the internal works are limited to temporary partitioning which is acceptable and would cause no demonstrable harm to the historic character of the listed building. The alterations to the external elevations of the building are acceptable in principle and further detail would be sought by condition. The proposal is considered broadly compliant with policy HE1 of the Brighton & Hove Local Plan.

2 THE SITE

The building is listed Grade II and is located in the Montpelier & Clifton Hill Conservation Area. It is a Victorian neo-gothic style former school building. It was designed by George Summers Clarke for the Swan Downer School for poor girls and built in 1867. The brickwork of the lower walls has been painted and the windows over-boarded. It is not clear when this was done or whether it had listed building consent or planning permission.

There is a modern flat roofed extension to the rear over what would have been the schoolyard. It appears that the first floor had one large hall, which would have been open to the rafters with large roof trusses in the manner of a medieval great hall. There is presently a false ceiling concealing this. The ground floor appears to have had two and possibly three rooms. The interior has much modern partitioning. The principle surviving feature is the solid concrete staircase.

The property is set within a relatively busy commercial area close to Churchill Square Shopping Centre. Adjoining the property to the southeast is Norwood House (9 Dyke Road) which has a ground floor beauty studio and offices above. The closest residential premises are on the opposite side of Dyke Road in Wykeham Terrace which is Grade II listed.

3 RELEVANT HISTORY

BH2011/03785: There is an accompanying full planning under consideration on this agenda.

BH2002/01995/LB: Replacement of flat roof to rear with shallow monopitch roof - approved 09/09/2002.

BH2000/01261/LB: Internal alterations to form balcony over first floor and new wall at ground floor level - approved 13/07/2000.

BH2000/01264/LB: Internal alterations to provide disabled toilet, relocation of bar and removal of timber posts and addition of steel beams to ground floor – approved - 30/06/2000.

4 THE APPLICATION

Listed building consent is sought for the internal and external alterations to enable use as indoor recreational maze incorporating revised side entrance, new canopy to main entrance, external lanterns, fascia sign and associated works

5 CONSULTATIONS

External:

No comments received.

Internal:

Heritage: Comment The building is currently empty and bringing it back into use would be welcome. It is preferable that the first floor hall remains unsubdivided. However the change of use of the building and its associated subdivision to form a maze would be acceptable under Local Plan policy HE1 provided that:-

- i) the necessary partitioning for the maze is of a lightweight ephemeral nature and easily reversible,
- ii) it does not require other associated internal or external alterations that are harmful to the character of the building,
- iii) there are associated compensatory and mitigation works including the removal of the paint from the brickwork, removal of the overboarding of the windows and repair and reinstatement of the leaded lights, repairs to the building's external stonework and removal of the false ceilings internally.

Unfortunately, the current proposals do not satisfy these conditions. Whilst the removal of the paintwork is shown on the drawings, the other mitigations are not and there are other associated internal alterations that are not acceptable i.e. the full height partition at the rear of the first floor, and the alterations to the main staircase at ground floor level and partitioning across the front main entrance hall and the diagonal partition across the side entrance lobby. The other internal alterations are minor and acceptable subject to details.

The widening of the side entrance would be acceptable if it is necessary for means of escape and to secure a viable use of this building, and its door surround moulding details were recreated and the doors were timber ones to match the original gothic style front doors. As there are no details of the doors, it is not possible to say that the latter of these conditions have been met. A 1:10 scale elevation and section of the new door are required. 1:1 scale joinery and moulding sections are also required, but could be dealt with under a condition.

The construction of a large pentice roof canopy on the side elevation is not

acceptable. This feature is poorly related to the building and is out of character with it.

It is not possible to say whether the proposed lamps would be acceptable as there are no details.

Second comments

I note that the canopy to the side has now been deleted.

There is still not enough detail of the widened side door – its surround should be indicated on the elevational drawing and a larger scale elevation at 1:10 scale would also be needed.

The direction of the diagonal boarding of the front door would need to be checked to see if the boarding of the proposed doors is right. It may be that the left-hand door's boarding should be angled to the right.

The section through the main staircase and entrance lobby does not appear to correspond with the plan. It appears that an additional escape stair serving the escape door leading into the front entrance lobby is shown on the section, but this does not appear on the plan. However, in any case, I consider that these alterations to the staircase and entrance hall are not acceptable in principle.

With regards to the alterations to the interior spaces, I note that they are now proposing to retain the existing false ceiling on the first floor. There is no information about whether they are to expose and restore the windows and how. In view of this I consider that there are insufficient benefits to the building to outweigh the harmful impacts.

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:

HE1 Listed Buildings

HE3 Reinstatement of original features on listed building

8 CONSIDERATIONS

Matters relating to the principle of the indoor recreation maze are considered under the accompanying planning application. The sole consideration in the determination of this application relates to the impact of works on the historic character of the listed building.

The proposed alterations to the front and side of the elevations of the property are now limited to new lanterns and new double entrance door on the side elevation. The hanging gibbet and canopy initially proposed have been removed from the application.

Despite requests made during the application process, there is still not enough detail of the widened side door or the lanterns. However given the principle of these external works are acceptable, additional detail can be sought by way of condition.

Towards the rear of the building there is an enclosed courtyard which is proposed to be re-roofed. This is effectively a passage way 1mx 4m in length. An amended drawing is awaited with revised details of this new roof which would be required to be a flat roof running below the eaves of the existing structure and finished in lead.

In regard to proposed internal alterations, discussions have been taking place with the Heritage Team at pre-application stage and during the course of the application. There are means of escape issues with this building, and this appears to be dictating the current layout as proposed. The interior of the building has little merit although the Conservation Officer has identified the merit in the original staircase and entrance lobby and suggested that this element of interior should be left unaltered. Amended plans which have been received during the application process do not propose to remove any part of the staircase, but propose some boarding over of the existing steps and subdivision of the existing entrance lobby. Unfortunately, the current proposals do not fully satisfy the Conservation Officer's view that the existing entrance lobby should remain unaltered.

The principal benefit of this application would be the removal of existing exterior paintwork which would be controlled by condition. The paintwork on the side elevation appears also to attract graffiti and the removal is welcome.

With regards to the other alterations to the interior spaces, there is no objection to the principle of these structures which are temporary and do not affect historic features

Although this is a finely balanced, it is acknowledged that consent is sought for a temporary period only and that the aspects of the works which are causing some concern are easily reversible. For this reason it is considered that subject to conditions, the proposed works will have no demonstrable harm to the listed building and that the proposal would comply with policy HE1 of the Brighton & Hove Local Plan.

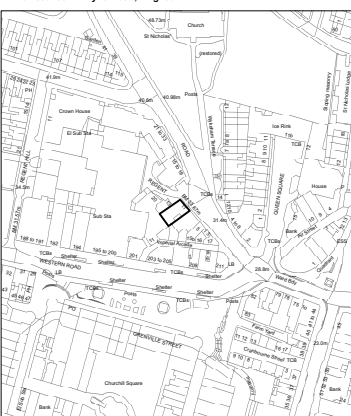
9 CONCLUSION

Much of the internal works are limited to temporary partitioning which is acceptable and would cause no demonstrable harm to the historic character of the listed building. The alterations to the external elevations of the building are acceptable in principle and further detail would be sought by condition. The proposal is considered broadly compliant with policy HE1 of the Brighton & Hove Local Plan.

10 EQUALITIES IMPLICATIONS

N/A.

BH2011/03786 11 Dyke Road, Brighton.



PLANS LIST 04 APRIL 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

BH2011/02889

145 Vale Avenue Brighton

Outline application for 9no residential units and approval of reserved matter for access only (amended description).

Applicant: Sussex Vale Gospel Hall Trust

Officer: Sue Dubberley 293817

Approved on 24/02/12 PLANNING COMMITTEE

1) 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.

2) UNI

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3) UNI

a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (i) layout;
- (ii) scale;
- (iii) appearance; and
- (iv) landscaping.

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.1124/1 and 1124/2 (indicative layout only) received on 26 September 2012.

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

5) 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.

6) 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.

7) 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.

8) UNI

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.

9) UNI

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

10) UNI

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. 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.

11) UNI

No development shall take place until detailed drawings showing the levels of the site and proposed development related to the levels of adjoining land and highways to OS Datum have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details.

Reason: In order to ensure the accuracy of the development and to comply with policy QD1, QD27 and HE6 of the Brighton & Hove Local Plan.

12) 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.

13) UNI

The development hereby approved shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in full as approved:

- a) Samples of all external materials to be used for the construction of all buildings on the site;
- b) Elevations and floor plans at a scale of not less than 1:50 of all buildings on the site;
- c) Details of hard and soft landscaping and planting to public or shared areas of the site;
- d) Details of the treatment of the boundaries of the frontage of the site, the frontage of the new dwellings and with properties to Vale Avenue, Court Close and Church Hill.
- e) Drawings showing sections through the site at the boundary with Court Close to illustrate the relationship with the new buildings on the site and those in Court Close;
- f) External lighting to public areas of the site.

Reason: In order to ensure the accuracy of the development and to comply with policy QD1, QD27 and HE6 of the Brighton & Hove Local Plan.

BH2011/02955

8 Plainfields Avenue Brighton

Erection of single storey rear extension and relocation of existing garage (retrospective).

Applicant: Mr Alfonso Hernandez

Officer: Louise Kent 292198

Approved on 24/02/12 PLANNING COMMITTEE

1) UNI

The development hereby permitted shall be completed in accordance with the approved drawing no. 01 Rev. D received on 24 October 2011.

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

2) UNI

The window in the west side elevation of the development hereby permitted shall be obscured glazed, fixed shut and permanently 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.

3) UNI

The external finishes of the development hereby permitted shall match in materials, colour, style, bonding and texture those of the existing building.

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

4) UNI

Access to the flat roof over the extension hereby approved shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from over looking and noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.

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

BH2011/03804

Land South of Sussex Police Building Crowhurst Road Brighton

Construction of new two storey building for offices (B1) and storage & distribution (B8) and provision of associated parking and turning area.

Applicant: Capital (Hair & Beauty) Ltd

Officer: Aidan Thatcher 292265

Approved after Section 106 signed on 13/03/12 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

Before development commences, details for the provision of wheel cleaning facilities shall be submitted to and agreed in writing with the Local Planning Authority. Such facilities shall be made available, employed and maintained at all times during the development to prevent the deposit of any detritus on the public highway. Any detritus deposited on the highway shall be removed immediately and in any event at the end of each working day.

Reason: To ensure the road is kept free from dirt and debris associated with the development and to comply with policy TR7 of the Brighton & Hove Local Plan.

3) UNI

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) 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.

5) UNI

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

- a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM industrial 2008 and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 60% in energy and water sections 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 60% in energy and water sections 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.

6) 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 industrial 2008 Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a BREEAM rating of 60% in energy and water sections 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.

7) UNI

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.

8) UNI

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.

9) UNI

No open storage shall take place within the curtilage of the site without the prior written approval of 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.

10) UNI

No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby after retained as such.

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.

11) UNI

- (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.

12) 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 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, there should be no significant low frequency tones present.

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.

13) UNI

No development shall commence on the site until full details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

14) UNI

No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.

15) UNI

No development shall take place until a full Method Statement detailing the measures taken to ensure the chalk cliff is fully stabilised, including the provision of a green wall and nest boxes has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the approved details and thereafter maintained as such.

Reason: To ensure that the development causes no harm to the adjacent Site of Nature Conservation Importance and to comply with policy NC4 of the Brighton & Hove Local Plan.

16) 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.

17) 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.

18) UNI

The trade counter use forming part of this consent must remain ancillary to the overall Class B8/B1a development.

Reason: To safeguard the provision of employment generating floorspace across the city and to comply with policies EM1 and EM7 of the Brighton & Hove Local Plan.

19) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 49, 52, 53 and 54 received on 13.12.11 and drawing nos. 50B and 51A received on 08.02.12.

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

BH2011/03827

Land between Mill House & 61A Overhill Drive Brighton

Erection of 1no two storey 4 bed house and associated works.

Applicant: Mrs Janet Hall

Officer: Anthony Foster 294495

Approved on 05/03/12 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 vehicle passing area as shown on the approved plans shall not be used otherwise than as a passing area for private motor vehicles belonging to the occupants of and visitors to the development hereby approved, the passing area shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be maintained and retained for use at all times.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large to comply with policy TR7 of the Brighton & Hove Local Plan.

3) UNI

The new dwelling 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.

4) UNI

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

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

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 1012 2.01, 2.02, Design Access and Planning Statement, Biodiversity Checklist, Waste Minimisation Statement, Arboricultural, Landscape and Ecology Report, Transport Statement, Sustainability Checklist received 15 December 2011 and drawing nos. 1012 1.01, 2.03, 2.04 received 9 January 2012.

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

7) UNI

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 recycling and to comply with policy QD27 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

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 Report / 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.

10) UNI

No development shall take place until a written Waste Minimisation Statement, 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 and to comply with the Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

11) UNI

Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and crossover to be provided, shall be submitted to and

approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details prior to occupation of the dwelling hereby approved.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and for protection of trees and to comply with policies TR7 and QD16 of the Brighton & Hove Local Plan.

12) UNI

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme to BS5837 (2005) which has been submitted to and approved in writing by the Local Planning Authority. 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.

13) UNI

No development shall commence until an Arboricultural Method Statement is submitted to and approved in writing by the Local Planning Authority. The Statement shall include details relating to the levels of the site within the Root Protection Areas and details regarding service runs. The development shall be carried out in strict accordance with the approved Statement.

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.

14) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall be occupied until a Final / Post Construction Certificate 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.

15) UNI

The development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development to comply with policies TR1 and TR14 of the Brighton & Hove Local Plan.

16) 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 Local 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 to comply with policies TR7 and TR19 of the Brighton & Hove Local Plan.

17) UNI

Unless otherwise agreed in writing by the Local Planning Authority, a scheme detailing the measures to improve ecological biodiversity on the site shall be

submitted to and approved in writing by the Local Planning Authority. These details shall include the number and type of bat boxes, and bird boxes. The development shall be carried out in strict accordance with the approved details and thereafter maintained.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.

18) 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.

BH2011/03841

39 Solway Avenue Brighton

Erection of single storey side extension and roof extensions to both sides of property to create additional accommodation to ground and first floor levels incorporating 2no barn hips, front and rear dormers and installation rooflights. Erection of single storey extension to front elevation, raised decking area to rear and installation of stainless steel flue to West elevation.

Applicant: Mr Matt Woodhar

Officer: Liz Arnold 291709

Approved on 05/03/12 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 received on the 16th December 2011, drawing no. 04 received in the 3rd January 2012 and drawing no. 02C received on the 1st March 2012.

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

BH2011/03953

25 Winfield Avenue Brighton

Erection of a single storey rear extension with associated external alterations.

Applicant: Ms Julie Challen

Officer: Chris Swain 292178

Approved on 24/02/12 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 drawing nos. 1020/OS/1, 1020/S/1A, 1020/S/2A, 1020/S/3, 1020/P/1, 1020/P/2, 1020/P/3 and 1020/P/4, a design and access statement and a waste minimisation statement received on 30 December 2011.

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

BH2012/00071

3 Highview Way Brighton

Certificate of Lawfulness for a proposed loft conversion incorporating rear gable end and side dormers and erection of single storey rear extension.

Applicant: Mrs Patricia Burns

Officer: Jonathan Puplett 292525

Approved on 05/03/12 DELEGATED

BH2012/00202

55 Carden Avenue Brighton

Alterations to existing rear extension including remodelling of existing roof and alterations to windows and doors.

Applicant: Mr L Taylor

Officer: Pete Campbell 292359

Approved on 12/03/12 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) BH01.06

The development hereby permitted shall be carried out in accordance with the approved drawing No.2285/01 received on 24/01/2012.

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

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.

PRESTON PARK

BH2011/02762

Ground Floor Flat 11 Stanford Road Brighton

Erection of a single storey outbuilding in rear garden.

Applicant: Mr Matthew Williams

Officer: Louise Kent 292198

Approved on 06/03/12 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 reasonable facilities have been arranged within the County 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 County Planning Authority, and their nominated representatives, of the date when work on site is likely to start.

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.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 886/02-04 received on 23 September 2011, and two additional unnumbered drawings received on 26 January 2012.

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

BH2012/00028

10 York Villas Brighton

Single storey garage extension incorporating erection of pillar to front of property to match existing, installation of new timber garage door and 2no garage rooflights.

Applicant: Mr Chris Bates

Officer: Pete Campbell 292359

Refused on 29/02/12 DELEGATED

1) UNI

The proposed extension by reason of its projection forward of the main elevation of the dwellinghouse and close proximity to the road would adversely affect the appearance and character of the property and surrounding street scene. The development would be contrary to policies QD14, and QD27 of the Brighton & Hove Local Plan.

BH2012/00093

3 Semley Road Brighton

Loft conversion incorporating rooflights to front elevation.

Applicant: Mr Andrew Maunder

Officer: Pete Campbell 292359

Approved on 28/02/12 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 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.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing 477/02 received on 16/02/2012.

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

BH2012/00162

Flat 6 40 Stanford Avenue Brighton

Replacement of existing timber windows and patio doors with UPVC units.

Applicant: Mrs Julie Mullard

Officer: Chris Swain 292178

Approved on 14/03/12 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 approved drawing nos. S440PW/HP2/01-05 (inclusive), a schedule of photographs, a set of manufacturer window profile drawings, a Design and Access Statement, a Manufacturer's Quotation Sheet and a Manufacturer's door profile drawing received on 19 January 2012.

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

REGENCY

BH2011/03397

Flat 4 4 Montpelier Terrace Brighton

Creation of additional storey to first floor flat to rear.

Applicant: R & R Developments

Officer: Adrian Smith 290478

Approved on 24/02/12 PLANNING COMMITTEE

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 works shall take place until full 1:1 scale details of the proposed timber and cornice sectional moulding profiles 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.

3) UNI

No works shall take place until full details of the proposed eaves to the pitched roof and the flat roof parapet treatment, including 1:5 scale sample elevations,

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.

4) UNI

The external finishes of the works hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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 rainwater goods and waste pipes hereby approved shall be completed in cast iron and thereafter retained as such.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2011/03398

Flat 4 4 Montpelier Terrace Brighton

Creation of additional storey to first floor flat to rear.

Applicant: R & R Developments

Officer: Adrian Smith 290478

Refused on 24/02/12 DELEGATED

1) UNI

Policy QD27 of the Brighton & Hove Local Plan seeks to protect the residential amenity of neighbouring properties. Notwithstanding the improved standard of residential accommodation that would result from this proposal, the proposed additional storey would result in significant harm to the amenities of the residential properties to the rear of Nos 3 & 4 Montpelier Terrace by virtue of enclosing their outlook and further reducing their existing poor levels of natural daylight. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2011/03728

Basement Flat 42A Norfolk Road Brighton

Replacement of existing timber framed windows with new timber framed windows at rear elevation.

Applicant: Miss Lisa Kanani

Officer: Jason Hawkes 292153

Refused on 29/02/12 DELEGATED

1) UNI

The submission lacks sufficient enough information about the appearance of the proposed windows. Notwithstanding the lack of information submitted, the proposed windows perpetuate an inappropriate window style on the building and the proposed use of top hung opening lights would not be appropriate for the listed building. Therefore, having regard to the design of the proposed windows and lack of information submitted, the scheme is deemed to detract from the character and appearance of the listed building and surrounding conservation area and is deemed contrary to policies QD14, HE1, HE4 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 9: Architectural Features.

BH2011/03729

Basement Flat 42A Norfolk Road Brighton

Replacement of existing timber framed windows with new timber framed windows at rear elevation.

Applicant: Miss Lisa Kanani

Officer: Jason Hawkes 292153

Refused on 02/03/12 DELEGATED

1) UNI

The submission lacks sufficient enough information about the appearance of the proposed windows. Notwithstanding the lack of information submitted, the proposed windows perpetuate an inappropriate window style on the building and the proposed use of top hung opening lights would not be appropriate for the listed building. Therefore, having regard to the design of the proposed windows and lack of information submitted, the scheme is deemed to detract from the character and appearance of the listed building and surrounding conservation area and is deemed contrary to policies HE1 & HE4 of the Brighton & Hove Local Plan and Supplementary Planning Document 9: Architectural Features.

BH2011/03752

121-122 Western Road Brighton

Extension to rear at basement, ground and first floor level including creation of external terrace to first floor and repositioning of kitchen ventilation flue.

Applicant: Indigo Pub Company

Officer: Mark Thomas 292336

Refused on 29/02/12 DELEGATED

1) UNI

Policy SR12 of the Brighton & Hove Local Plan relates to 'large' Use Class A3 and A4 premises. The policy aims to safeguard nearby residents and the wider public from potential noise, disturbance and public disorder which could result from such premises in isolation, or from concentrations of such 'large' establishments in a particular area. In particular the policy states that applications for new Use Class A3/A4 establishments or extensions to such with a resultant public floor space in excess of 150 sq m will be permitted providing that they would not be within 400m of another such 'large' A3/A4 premises and the premises does/would not abut premises containing residential accommodation. The application property would abut no. 1 Temple Street, a residential property, and falls within 400m of at least to other 'large' A3/A4 premises. As such the proposed development could have a harmful impact as outlined above and would be contrary to the aforementioned policy.

2) UNI2

Policies SU10, QD14 and QD27 of the Brighton & Hove Local Plan seek to ensure that new development does not result in the loss of amenity to surrounding residents and occupiers. The proposed roof terrace, by reason of its proximity to residential properties, in particular the adjacent flats at no. 1 Temple Street, would result in a potential noise nuisance and the loss of amenity for the occupiers of these properties. The screening to the proposed terrace would represent an unacceptable impact on neighbouring windows at no. 1 Temple Street in terms of loss of outlook and increased sense of enclosure. Further, the increased customer capacity of the premises would have potential to result in increased footfall to and from the Public House, resulting in increased levels of noise disturbance and antisocial behaviour. The development is therefore considered to be contrary to the aforementioned policies.

3) UNI3

Policies SU9, SU10, QD14 and QD27 of the Brighton & Hove Local Plan seek to ensure that new development does not result in the loss of amenity to

surrounding residents and occupiers. Insufficient information has been submitted to demonstrate that the proposed kitchen extraction/ventilation would not result in harmful levels of noise and odour nuisance to occupiers of nearby properties. As such the proposed development is contrary to the aforementioned policy.

BH2011/03809

66 Preston Street Brighton

Internal and external alterations including erection of a flat roof rear extension to accommodate relocation of internal staircase.

Applicant: Indigo Pub Company Ltd

Officer: Steven Lewis 290480

Refused on 28/02/12 DELEGATED

1) UNI

The proposed extension by reason of its bulk and detailing would be an incongruous feature which would fail to preserve or enhance the special historical or architectural interest of the listed building and would detract from the character and appearance of the Regency Square conservation area. This is contrary to policies HE1, HE6, QD1 and QD14 of the Brighton & Hove Local Plan. Supplementary Planning Guidance Notes SPGBH11 (Interiors), SPGBH13 (General Advice) and Supplementary Planning Document 9 (Architectural features).

2) UNI2

2. The proposal would result in the loss of fabric, features, remaining original internal plan form and compartmentalisation and would detract from and cause harm to the special historical and architectural character and historic interest of the building. This is contrary to policies HE1 and HE4 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Notes SPGBH11 (Interiors), SPGBH13 (General Advice) and Supplementary Planning Document 9 (Architectural features).

BH2011/03810

66 Preston Street Brighton

Internal and external alterations including erection of a flat roof rear extension to accommodate relocation of internal staircase.

Applicant: Indigo Pub Company Ltd

Officer: Steven Lewis 290480

Refused on 28/02/12 DELEGATED

1) UNI

The proposal would result in the loss of fabric, features, remaining original internal plan form and compartmentalisation and would detract from and cause harm to the special historical and architectural character and historic interest of the building. This is contrary to policies HE1 and HE4 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Notes SPGBH11 (Interiors), SPGBH13 (General Advice) and Supplementary Planning Document 9 (Architectural features).

2) UNI2

The proposed extension by reason of its bulk and detailing would be an incongruous feature which would fail to preserve or enhance the special historical or architectural interest of the listed building and would detract from the character and appearance of the Regency Square conservation area. This is contrary to policy HE1 of the Brighton & Hove Local Plan. Supplementary Planning Guidance Notes SPGBH11 (Interiors), SPGBH13 (General Advice) and Supplementary Planning Document 9 (Architectural features).

BH2011/03835

24 Borough Street Brighton

Installation of rooflight to rear of property. New kitchen ceiling.

Applicant: Mr & Mrs Cummings

Officer: Jason Hawkes 292153

Approved on 14/03/12 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 rooflight 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 the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

Any original lathe and plaster ceiling surviving in the kitchen shall be retained and repaired and made good using lime plaster.

Reason: To ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2011/03871

Hotel Du Vin 2-6 Ship Street Brighton

Replacement of existing crittall double glazed windows with new aluminium framed double glazed windows.

Applicant: Hotel Du Vin/Mal Maison

Officer: Christopher Wright 292097

Approved on 07/03/12 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 email received on 6 March 2012, unless otherwise agreed in writing, the black rectangular leaded light detailing of the replacement windows hereby permitted shall be on the external surface and internal surface of the outer panes of window glass and retained as such thereafter.

Reason: In order to safeguard the character and appearance of the building and ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

3) UNI

The existing upper windows with stained glass motifs shall be retained.

Reason: In order to safeguard the character and appearance of the building and 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 location plan, Heritage Window Company Benenden Slimline Window Series 1 Schedule, Heritage Window Company Benenden Slimline Window - Series 1 profile drawing, and the accompanying photographs identifying windows to be replaced (x 4) and elevation drawings (x 2) received on 19 December 2011; the Heritage Window Company Benenden Range Brochure received on 11 January 2012; and the email received on 6 March 2012.

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

BH2011/03928

Royal Alexandrs Hospital 57 Dyke Road Brighton

Application for Approval of Details Reserved by Conditions 3 and 4 of application BH2011/02043.

Applicant: Taylor Wimpey South West Thames

Officer: Guy Everest 293334

Approved on 28/02/12 DELEGATED

BH2012/00059

91 Western Road Brighton

Installation of externally illuminated fascia sign and non illuminated projecting sign.

Applicant: Acme (Brighton) Limited

Officer: Christopher Wright 292097

Approved on 07/03/12 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.

BH2012/00197

15A Bedford Towers Kings Road Brighton

Partial enclosure of existing balcony with UPVC double glazed windows.

Applicant: Mrs Joanne Newell

Officer: Steven Lewis 290480

Approved on 07/03/12 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 site plan, photographs, product specification & Rowena Horton Architects drawings nos. RHA.008.101 & RHA.008.201 Rev A received on 24/01/2012.

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

BH2012/00210

6 Hampton Place and 1 Hampton Street Brighton

Alterations to existing roof including installation of new parapet wall to form roof terrace.

Applicant: Edward & Karen Rowe

Officer: Adrian Smith 290478

Approved on 07/03/12 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

Access to the flat roof over No.1 Hampton Street 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) UNI

No furniture, plants, garden structures, trellises, fences, ornaments, canopies, umbrellas or any other objects shall be erected, positioned or stored on the roof terrace that are taller than the parapet wall and would be visible above it.

Reason: As such items or structures would be incongruous and out of character at roof level and in order to preserve the character of the conservation area in accordance with policy HE6 of the Brighton & Hove Local Plan.

4) UNI

The walls shall be smooth rendered in a cement/lime/sand render mix to match the original building and shall not have bell mouth drips the window and openings and the render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint to match the original building.

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

5) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos.A.01 rev A & D.01 rev C received on the 26th January 2012.

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

6) UNI

The development hereby approved shall be carried out and completed in its entirety simultaneously on both properties in accordance with the approved drawings and the roof terrace shall not be occupied or used until the development has been fully completed.

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

BH2012/00277

Steine House 55 Old Steine Brighton

Replacement of existing Travertine cladding to front entrance step with new stone cladding.

Applicant: Brighton YMCA

Officer: Steven Lewis 290480

Approved on 12/03/12 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 replacement cladding shall be only in York Stone as indicated upon the approved drawings and in accordance with the sample submitted and documented on 16/02/2012 and shall thereafter be retained as such.

Reason: To enhance the special architectural and historical character and appearance of the Listed Building and to accord with policy HE1 and HE4 of the Brighton & Hove Local Plan and Supplementary Planning Document 9 (Architectural features).

3) UNI

The development hereby permitted shall be carried out in accordance with the approved Stuart Radley Associates drawings no. O36PC/PLB2/02, O36PC/PLB2/03, O36PC/PLB2/04 Rev A & York Stone Sample received on 02/02/2012 & 16/02/2012.

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

BH2012/00278

Steine House 55 Old Steine Brighton

Replacement of existing Travertine cladding to front entrance step with new stone cladding.

Applicant: Brighton YMCA

Officer: Steven Lewis 290480

Approved on 12/03/12 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 replacement cladding shall be only in York Stone as indicated upon the approved drawings and in accordance with the sample submitted and documented on 16/02/2012 and shall thereafter be retained as such.

Reason: To enhance the special architectural and historical character and appearance of the Listed Building and to accord with policy HE1 and HE4 of the Brighton & Hove Local Plan and Supplementary Planning Document 9 (Architectural features).

ST. PETER'S & NORTH LAINE

BH2011/00040

87 Lewes Road Brighton

Installation of ventilation ductwork.

Applicant: Daves Diner

Officer: Anthony Foster 294495

Approved on 27/02/12 DELEGATED

1) UNI

Within a month of this decision a scheme for painting the external ducting hereby approved a matt colour shall be submitted to and agreed in writing by the Local Planning Authority (LPA). The ducting shall be painted in accordance with the agreed details within 2 months of the date of the notification of the approval by the LPA, and thereafter retained.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14 of the Brighton & Hove Local Plan.

BH2011/03067

13-16 Vine Street Brighton

Application for Approval of Details Reserved by Condition 10,11 and 12 of Application BH2011/01724

Applicant: Mrs Phoebe Oliver

Officer: Anthony Foster 294495

Approved on 24/02/12 DELEGATED

BH2011/03323

24 Wakefield Road Brighton

Erection of detached two storey out building.

Applicant: Dr Sadeq Moghadas

Officer: Liz Arnold 291709

Refused on 24/02/12 PLANNING COMMITTEE

1) UNI

The submitted plans fail to show exactly how the building would be accessed from the garden, the inclusion of solar panels as referred to in the submitted Design and Access Statement, the grading of the adjacent slope, the relationship of the proposal with the existing southern boundary wall and how materials and waste will be brought into/removed from the site. In addition there are discrepancies between the facilities stated to be provided on the proposed floor plans and those stated within the Design and Access Statement submitted. Such issues need to be clarified for the Local Planning Authority to fully assess the scheme. The submitted documentation fails to demonstrate a thorough

understanding and assessment of the proposed scheme.

2) UNI2

Notwithstanding reason for refusal 1, the proposed development, by virtue of its excessive footprint and scale, will erode the green and open character of the related green space, will have a harmful impact on the overall layout and design of the area, which includes the Round Hill Conservation Area and would have a harmful impact upon the distinctive layout and predominance of green space seen in longer views of the area. The proposal is therefore contrary to development plan policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.

3) UNI3

The applicant has failed to demonstrate that the proposed development would not have significant adverse impacts upon the amenities of the occupiers of no. 14 Wakefield Road with regards to loss of light/sunlight, outlook or loss of privacy and overlooking. The proposal is therefore contrary to policy QD14 and QD27 of the Brighton & Hove Local Plan.

BH2011/03336

8 - 11 Pavilion Buildings Brighton

Replacement of full fire alarm system with removal of any redundant equipment and installation of new detectors, sounders, beacons and manual call points. Replacement of emergency lighting to staircase bulkhead and final exit routes and erection of stud partition to basement server room.

Applicant: Royal Bank of Scotland Group

Officer: Chris Swain 292178

Approved on 28/02/12 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.

BH2011/03574

20 London Road Brighton

Installation of a new shopfront.

Applicant: British Heart Foundation

Officer: Chris Swain 292178

Refused on 05/03/12 DELEGATED

1) UNI

The proposal, by reason of design, detailing and proportions would result in an unsympathetic alteration that fails to represent an improvement in the design of the existing shopfront and would be detrimental to the character and appearance of the existing building, the London Road street scene and the surrounding area. The removal of a front entrance to the unit would result in the loss of its existing identity as a separate unit. As such the proposal is contrary to policy QD10 of the Brighton & Hove Local Plan and Supplementary Planning Document on Shop

Front Design (SPD02).

BH2011/03575

20 London Road Brighton

Display of 1no non-illuminated fascia sign.

Applicant: British Heart Foundation

Officer: Chris Swain 292178

Refused on 05/03/12 DELEGATED

1) UNI

The proposed signage to the front elevation, by reason of the design, positioning, scale and depth would result in an excessively bulky and dominant feature that would detract from the appearance and character of the building and the harm the visual amenity of the London Road street scene and the wider surrounding area and as such is contrary to Local Plan Policy QD12 and the Supplementary Planning Document on Advertisements (SPD07).

BH2011/03632

St Peters House 20 - 26 York Place Brighton

Certificate of Lawfulness for the existing use of units 1, 2, 3, 6, 7, 8, 9, 32, 34, 35, 43, & 44 within St Peters House as self contained residential flats.

Applicant: Orbit Homes

Officer: Aidan Thatcher 292265

Approved on 07/03/12 DELEGATED

BH2011/03643

Land to rear of 64-65 Upper Gloucester Road Brighton

Erection of 5no three storey, 3no bedroom houses.

Applicant: Cedarmill Developments Ltd

Officer: Aidan Thatcher 292265

Approved on 28/02/12 PLANNING COMMITTEE

1) 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.

2) 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.

3) UNI

No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority, a scheme for landscaping for the front and rear gardens which shall include details of the hard and soft landscaping, level changes, paths and hard paving areas, fences, walls and gates, seats and planters. The scheme shall then be implemented in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the conservation area and to comply with policy HE6 of the Brighton & Hove Local Plan.

4) UNI

Notwithstanding the submitted plans, details and samples of the screen to the balconies of units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The screen completely obscure glazed and erected to a height of 1.75 metres. The screen will be erected in accordance with the approved details and retained as such thereafter.

Reason: To safeguard the amenities of nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

5) UNI

The walls shall be smooth rendered in a cement: lime: sand render mix down to ground level and shall not have bell mouth drips above the damp proof course or above the window and door and the render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint.

Reason: To safeguard the character and appearance of the conservation area and to comply with policy HE6 of the Brighton & Hove Local Plan.

6) 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 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 character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.

7) 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 character and appearance of the conservation area and to comply with policy HE6 of the Brighton & Hove Local Plan.

8) 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.

9) 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.

10) 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.

11) UNI

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.

12) UNI

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.

13) UNI

No development shall commence until a Technical Report detailing the impact on the proposed works on the existing retaining wall structure that supports St Nicholas Road has been submitted to and approved in writing by the Local Planning Authority. The report must confirm that the existing structure can withstand highway loading. The works shall be implemented in strict accordance with the approved report.

Reason: To ensure that the development does not adversely impact on the stability of the existing retaining wall and thus highway safety and to comply with Policy TR7 of the Brighton & Hove Local Plan.

14) UNI

No works shall commence unless and until details of and samples of all doors shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be erected in accordance with the submitted details and retained as such thereafter.

Reason: To safeguard the character and appearance of the conservation area and to comply with policy HE6 of the Brighton & Hove Local Plan.

15) UNI

The new dwellings shall not be occupied until the proposed pavement widening works along St Nicholas Road have been carried out in full to a specification approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details and thereafter retained as such.

Reason: In order to ensure that the works are carried out satisfactory and to comply with policy TR7 of the Brighton & Hove Local Plan.

16) UNI

No works shall take place unless and until full details of the proposed works including 1:20 sample elevations and sections of the eaves, windows and doors, their thresholds, steps, cills and reveals have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details and retained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of the character and appearance of the conservation area and to comply with policy HE6 of the Brighton & Hove Local Plan.

17) UNI

- (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 occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan

18) UNI

Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s] treatments, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and to comply with Local Plan policies TR1, TR7, and TR8.

19) UNI

No development shall take place until samples of the materials (including colour of render, paintwork or colourwash and samples of the glazing system) 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.

20) 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.

21) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 11806/PA/001, /002, /005, /006 and /008 received on 29.11.11, VIEO metal roofing brochure received on 05.01.12 and drawing nos. 11806/PA/003A, 004B, /007B received on 16.02.12.

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

BH2011/03644

Land to rear of 64-65 Upper Gloucester Road Brighton

Demolition of boundary wall.

Applicant: Cedarmill Developments Ltd

Officer: Aidan Thatcher 292265

Approved on 24/02/12 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.

BH2011/03685

Theatre Royal 35 Bond Street Brighton

Partial demolition and rebuilding of parapet wall on roof (Retrospective).

Applicant: ATG

Officer: Louise Kent 292198

Approved on 02/03/12 DELEGATED

BH2011/03686

Theatre Royal 35 Bond Street Brighton

Partial demolition and rebuilding of parapet wall on roof (Retrospective).

Applicant: ATG

Officer: Louise Kent 292198

Approved on 28/02/12 DELEGATED

BH2011/03762

Unit 8-9 Centenary Industrial Estate Hughes Road Brighton

Change of use from storage and distribution (B8) to light industrial (B1).

Applicant: Shaws Installations Ltd

Officer: Sue Dubberley 293817

Approved on 24/02/12 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

The development hereby permitted shall be carried out in accordance with the approved drawings no.910/01 and 02 received on 9 December 2011.

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

3) UNI

The development hereby permitted shall not be commenced until details of disabled 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 people with a mobility related disability are provided and to comply with policy TR18 of the Brighton & Hove Local Plan.

4) UNI

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 and 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

The premises shall not be open or in use except between the hours of 07:30 and 19:00 Monday to Saturday. The premises shall not be open or in use at anytime on Sundays or Bank Holidays.

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

BH2011/03812

94 North Road Brighton

Change of use from retail (A1) & offices (A2) to tattoo studio (Sui Generis).

Applicant: Blue Dragon

Officer: Liz Arnold 291709

Approved on 05/03/12 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 09:00 to 18:00 on Mondays to Saturdays and 9:00 to 17:00 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.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.1 received on the 10th January 2012.

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

BH2011/03838

105 Trafalgar Street Brighton

Replacement of existing windows with timber double glazed windows to front elevation. Replacement of existing painted external brick wall with timber rendered stud wall to front elevation.

Applicant: Peter Grant

Officer: Jonathan Puplett 292525

Approved on 09/03/12 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 existing windows shall be retained or replaced like for like unless details of any other window design have been submitted to and approved in writing by the local planning authority. Replacement windows shall either be a like for like replica of the existing windows or shall accord with the approved details, and shall be retained as such thereafter.

Reason: To ensure an acceptable appearance to the scheme in compliance with policies QD14 and HE6 of the Brighton & Hove Local Plan.

3) UNI

The new walls shall be smooth rendered in a cement/lime/sand render mix to match the original building and shall not have bell mouth drips above the damp proof course or above the window, door and archway openings and the render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint to match the original building, unless alternative details are submitted to and approved by the local planning authority.

Reason: To ensure an acceptable appearance to the scheme in compliance with policies QD14 and HE6 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the site plan, block plan and drawing no. 7637/1 received on the 15th of December 2012 and drawing no. 7637/3B received on the 2nd of March 2012.

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

BH2011/03865

71 Ditchling Road Brighton

Application to extend the time limit for implementation of previous approval BH2008/01120 for the conversion of first and second floor ancillary shop storage to residential maisonette and alterations to ground floor shop including replacement of rear pitched roof with flat roof.

Applicant: Mr Mustajab Zaidi

Officer: Anthony Foster 294495

Approved on 13/03/12 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) 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.

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) BH05.09A

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.

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) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 8577/1, /2, /3, design and access statement, waste minimisation statement, received on 6 October 2008.

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

BH2011/03885

10 Guildford Road Brighton

Installation of external wall insulation to rear elevation.

Applicant: Dr Elizabeth Archer

Officer: Chris Swain 292178

Approved on 07/03/12 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.03, a site plan and a Design and Access Statement received on 20 December 2011 and drawing no. 04A received on 7 March 2012.

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

BH2011/03911

Flat 3 34 Dyke Road Brighton

Replacement of existing timber framed window with UPVC window to match existing design at rear of property (Retrospective).

Applicant: Miss Vicki Watson

Officer: Chris Swain 292178

Approved on 12/03/12 DELEGATED

BH2012/00030

6 Queens Road Brighton

Installation of new shopfront.

Applicant: City College Brighton & Hove

Officer: Pete Campbell 292359

Approved on 14/03/12 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. 225/100-104 (inclusive), 225/105 P2, and 225/107 received on 06/01/2012.

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

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

BH2012/00116

25 Kensington Gardens Brighton

Installation of shopfront awning (Retrospective).

Applicant: Mr Karageorgis

Officer: Pete Campbell 292359

Refused on 29/02/12 DELEGATED

1) UNI

1. The form and size of the "dutch" awning is detrimental to the visual amenity of the North Laine Conservation Area and contrary to policies QD10 and QD11 and of the Brighton & Hove Local Plan (2005).

BH2012/00184

2A Lewes Road Brighton

Replacement of existing timber framed windows with new UPVC double glazed units.

Applicant: Miss Michele Lefton

Officer: Liz Arnold 291709

Approved on 07/03/12 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 SHAWS Installations Ltd Product Sheet and unnumbered photographs received on the 30th January 2012.

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

BH2012/00488

7 Kensington Place Brighton

Non Material Amendment to BH2010/01760 to alter rear glazing- replacement of existing window to french doors to 2no 1200mm double doors to rear.

Applicant: Mr David Grace

Officer: Jonathan Puplett 292525

Approved on 13/03/12 DELEGATED

WITHDEAN

BH2011/01780

Site Adjacent 1 Woodside Avenue Brighton

Erection of new detached 3 bedroom three storey dwelling house (revised plans).

Applicant: Mr Derek Levy

Officer: Clare Simpson 292454

Approved on 06/03/12 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) BH02.04

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) 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.

5) 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.

6) 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.

7) 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.

8) 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 & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

9) 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.

10) 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.

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) BH16.01

No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.

13) UNI

The development shall not be occupied until the car turntable has been provided in accordance with the approved plans or details which have been submitted to and approved by the Local Planning Authority and the areas shall thereafter be retained for that use at all times.

Reason: to ensure the safety of persons entering and leaving the site and proceeding along the highway and to comply with policies TR1, TR7, TR8 and TR19 of the Brighton & Hove Local Plan.

14) UNI

Prior to the commencement of development on site, detailed drawings including levels, sections and construction details of the proposed vehicle access, and off site highway works to be provided shall be submitted to and approved by the Local Planning Authority in writing. The development shall not be occupied until these works have been fully implemented in accordance with the approved details.

Reason: As insufficient information has been submitted and to ensure that works constitute safe development and to comply with policies TR1, TR7, TR8 and TR19 of the Brighton & Hove Local Plan.

15) 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. The landscaping scheme shall pay particular regard to proposed levels and vegetation on the southern boundary of the site.

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.

16) UNI

No scrub clearance or site set-up shall take place during the months of March to September inclusive. Scrub clearance shall take place under the supervision of a qualified ecologist at all times.

Reason: To protect nesting bird habitat and ensure the impact of the development on existing nature conservation features is minimised in accordance with policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document 11 on Nature Conservation.

17) 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.

18) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 1WA. 01A, 08A, 09A, 10A, 12A, 13A, 14A, 15A, 16A, 30, 31, 32, 35 received on 12th January 2012.

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

BH2011/03163

52 & 52B Harrington Road Brighton

Erection of single storey rear extension with balcony above and enclosed patio area. Alterations to fenestration.

Applicant: Ms Julie Bates

Officer: Adrian Smith 290478

Approved on 27/02/12 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 QD14 and HE6 of the Brighton & Hove Local Plan.

3) UNI

Other than the balcony area detailed on drawing no.188-03/6 received on the 17 February 2012, 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.

4) UNI

The development hereby permitted shall be carried out in accordance with the site plan received on the 20th October 2011 and approved drawing no. 188-03/6 received on 17th February 2012.

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

BH2011/03355

Clubhouse Waterhall Golf Club Waterhall Road Brighton

Installation of replacement UPVC double glazed windows to shop, office and men's changing room. (Development is in the South Downs National Park).

Applicant: Brighton & Hove City Council

Officer: Steven Lewis 290480

Approved on 02/03/12 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 Brighton & Hove City Council drawings nos. 001 Rev A, H006/004 & H006/005 received on 26/01/2012.

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

BH2011/03609

16 Mill Rise Brighton

Erection of two storey side extension.

Applicant: Mr & Mrs Jordan

Officer: Adrian Smith 290478

Approved on 28/02/12 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 west 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 site plan and block plan received on the 24th November 2011; and the amended Drawing 1 received on the 22nd February 2012.

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

BH2012/00015

49 Mandalay Court London Road Patcham Brighton

Replacement of existing aluminium single glazed windows with UPVC double glazed windows.

Applicant: Mr Neil Underhill

Officer: Robert McNicol 292322

Approved on 07/03/12 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 specification and site photos received on 04-Jan-2012.

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

BH2012/00088

62 Fernwood Rise Brighton

Ground floor level extension at rear with hip to gable roof extension to facilitate loft conversion incorporating rooflights to front and side elevations and formation of garden room at lower ground floor level with associated external alterations.

Applicant: Mr Ben Lane

Officer: Mark Thomas 292336

Refused on 02/03/12 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 fenestration to the rear elevation is considered poorly proportioned and detailed. The ground floor 'picture' window, in particular, is considered incongruous and unduly large. The ground floor window would dominate the rear elevation and significantly detract from the character and appearance of the recipient property. The proposal is therefore contrary to the above policy.

BH2012/00147

227-233 Preston Road Brighton

Application for Approval of Details Reserved by Condition 3 of application BH2011/00336 (app ref app/q1443/a/2157320).

Applicant: Sainsburys Supermarkets Ltd

Officer: Adrian Smith 290478

Approved on 27/02/12 DELEGATED

BH2012/00158

Upperdene Court 4 Westdene Drive Brighton

Application for Approval of Details Reserved by conditions 5 and 8 of application BH2011/00992.

Applicant: Krusto Developments Ltd

Officer: Jason Hawkes 292153

Refused on 08/03/12 DELEGATED

1) UNI

The proposed refuse store would form an incongruous addition and would look out of character in the street scene. The refuse storage facilities are therefore deemed inappropriate.

2) UNI2

The proposed fencing details are deemed inadequate in order to protect the existing trees.

BH2012/00159

Upperdene Court 2 & 4 Westdene Drive Brighton

Formation of 2no refuse and recycling enclosures.

Applicant: Anstone Properties Ltd

Officer: Jason Hawkes 292153

Refused on 07/03/12 DELEGATED

1) UNI

The proposed refuse and recycling enclosures, due to their size and positioning in a prominent location to the front of the block of flats, would stand out in the street scene as incongruous additions and would be out of character with the area. The scheme is therefore deemed contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2012/00222

33 Loder Road Brighton

Erection of single storey rear/side extension.

Applicant: Mr & Mrs Poole

Officer: Robert McNicol 292322

Approved on 09/03/12 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. PO2, PO3 and PO4 received on 27.01.2012.

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

BH2012/00263

29 Surrenden Road Brighton

Application for removal of condition 6 and 7 of application BH2009/00821, (Extension and re-modelling of existing bungalow including demolition of rear conservatory, to form a two storey, 4no bedroom house with hipped roof, solar panel and 1no rooflight). Condition 6 states the works shall not commence until the development is registered with the Building Research Establishment under Ecohomes and a Design Stage Assessment Report, showing that the development will achieve an Ecohomes rating, has been submitted to the Local Planning Authority. Condition 7 states that, prior to occupation, a Building Research Establishment issued Post Construction Review Certificate confirming that the development as built has achieved an Ecohomes rating has been submitted to and approved in writing by the Local Planning Authority.

Applicant: Mr Chie Nwawudu

Officer: Christopher Wright 292097

Approved on 14/03/12 DELEGATED

1) UNI

The development hereby permitted shall be commenced on or before 4 August 2012. 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 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 character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.

3) UNI

Prior to the occupation of the development hereby permitted the first floor window on the northern flank elevation of the development hereby permitted shall be obscure glazed and fixed shut in a manner first to be submitted to and agreed in writing by the Local Planning Authority and shall be 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

No development shall take place until a written Waste Minimisation Statement, 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 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.

5) 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.

6) UNI

The development hereby permitted shall be carried out in accordance with the details of the balcony screens and balustrades approved under application BH2011/03062 to which the decision dated 1 December 2011 relates.

Reason: To ensure a satisfactory appearance to the development, in the interests of residential amenity and safeguarding privacy and to comply with policies QD27 and HE6 of the Brighton & Hove Local Plan.

7) UNI

The development hereby permitted shall be carried out in accordance with the samples of materials (including colour of render, paintwork and colourwash) approved under application BH2011/03062 to which the decision dated 1 December 2011 relates.

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

8) UNI

The development hereby permitted shall be carried out in accordance with the details of the oriel bay window to the rear elevation approved under application BH2011/03062 to which the decision dated 1 December 2011 relates.

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

BH2012/00264

35 Withdean Crescent Brighton

Erection of single storey side and rear extensions.

Applicant: Mr James Andlaw

Officer: Steven Lewis 290480

Approved on 09/03/12 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 Armstrong Simmonds Architecture drawings no. 6235WC/X/000 Rev A, 6235WC/X/001, 6235WC/X/002, 6235WC/X/003, 6235WC/X/004, 6235WC/X/005, 6235WC/P2/301, 6235WC/P2/203 & 6235WC/P2/303 received on 01/02/2012.

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

BH2012/00354

227-233 Preston Road Brighton

Application for approval of details reserved by conditions 12 & 13 of application BH2011/00336 on appeal APP/Q1445/A/2157320

Applicant: Sainsburys Supermarkets Ltd

Officer: Adrian Smith 290478

Approved on 09/03/12 DELEGATED

BH2012/00505

227 - 233 Preston Road Brighton

Application for Approval of Details Reserved by Condition 6 of application BH2011/00336 (Appeal ref APP/Q1445/A/2157320)

Applicant: Sainsburys Supermarkets Ltd

Officer: Adrian Smith 290478

Approved on 27/02/12 DELEGATED

EAST BRIGHTON

BH2011/01736

3 The Broadway Brighton

Change of use from retail (A1) to hot food take-away (A5)

Applicant: Mr Zulfukar Akyol

Officer: Hamish Walke 292101

Approved on 07/03/12 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 use hereby permitted shall not be open to customers except between the hours of 12.00 to 24.00 on any day.

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 outside seating area indicated on the approved plan reference no. 01A received on 20th December 2011 shall only be in use between the hours of 12.00 and 18.00 on any day. Tables and chairs shall be removed from the outside seating area outside of these permitted hours.

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

4) UNI

No development shall commence unless the scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration, contained in the 'Kitchen Extract Fan Noise Impact Assessment Final Report' by Anderson Acoustics received on 9 September 2011, is fully implemented. 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) UNI

No development shall commence unless the 'Extraction Equipment Information' scheme of odour control equipment to the building by Purified Air received on 12 July 2011 is implemented. 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.

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

The development hereby permitted shall be carried out in accordance with drawing no. 01A received on 20 December 2011 and the site location plan, block plan and the 'Extraction Equipment Information' document by Purified Air received on 12 July 2011 and the 'Kitchen Extract Fan Noise Impact Assessment Final Report' by Anderson Acoustics received on 9 September 2011.

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

8) UNI

No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 07.00 and 19.00 on Monday to Friday and 08.00 and 18.00 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.

BH2011/03127

Swallow Court Albourne Close Brighton

Replacement double glazed aluminium windows and patio doors to all flats and replacement of roof covering.

Applicant: Mears Group Plc

Officer: Pete Campbell 292359

Approved on 29/02/12 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

No development shall take place until samples of the replacement windows and doors hereby permitted to be used 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 the approved drawings no. 100, 101, 102, received on 18.10.2011 and two manufacturer's specification brochures, received on 05.01.2012.

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

BH2011/03130

Kestrel Court Swanborough Place Brighton

Replacement of double glazed aluminium windows and patio doors to all flats and replacement of roof covering.

Applicant: Mears Group Plc

Officer: Pete Campbell 292359

Approved on 01/03/12 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

No development shall take place until samples of the replacement windows and doors hereby permitted to be used 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 the approved drawings no. 100, 101, 102, received on 18.10.2011 and two manufacturer's specification brochures, received on 05.01.2012.

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

BH2011/03131

Heron Court Swanborough Place Brighton

Replacement double glazed aluminium windows and patio doors to all flats and replacement of roof coverings.

Applicant: Mears Group Plc

Officer: Pete Campbell 292359

Approved on 01/03/12 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

No development shall take place until samples of the replacement windows and doors hereby permitted to be used 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 the approved drawings no. 100, 101, 102, received on 18.10.2011 and two manufacturer's specification brochures, received on 05.01.2012.

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

BH2011/03132

Falcon Court Swanborough Place Brighton

Replacement double glazed aluminium windows and patio doors to all flats and replacement of roof coverings.

Applicant: Mears Group Plc

Officer: Pete Campbell 292359

Approved on 01/03/12 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

No development shall take place until samples of the replacement windows and doors hereby permitted to be used 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 the approved drawings no. 100, 101, 102, received on 18.10.2011 and two manufacturer's specification brochures, received on 05.01.2012.

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, renderwork, 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.

BH2012/00100

Flat 15 Henley Court Henley Road Brighton

Replacement white UPVC double glazed windows and doors.

Applicant: Miss Margaret Ellis

Officer: Pete Campbell 292359

Approved on 13/03/12 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 an approved unreferenced drawing, a Waste Minimisation Statement and window and door specification information received on 16/01/2012 and further window and door specification information received on 24/01/2012.

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

BH2012/00105

10 Rugby Place Brighton

Loft conversion including 2no rooflights to front and 2no rooflights to rear.

Applicant: Mrs Mey Alderton

Officer: Chris Swain 292178

Approved on 14/03/12 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 a site plan received on 18 January 2012 and drawing no 201-03/1/B received on 8 March 2011.

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

HANOVER & ELM GROVE

BH2011/03830

12 Bonchurch Road Brighton

Replacement of existing timber windows and door with UPVC windows and door to front elevation.

Applicant: Chris Stone

Officer: Chris Swain 292178

Refused on 12/03/12 DELEGATED

1) UNI

The proposed windows, by reason of their design, glazing bars, proportions and method of opening, would form a visually inappropriate alteration to the building and adversely affect the character and appearance of the street scene and as such are contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan.

BH2011/03886

Former Nurses Accommodation Brighton General Hospital Brighton

Application for Approval of Details Reserved by Conditions 5, 6, 7, 11, 21b, 21c, 29ii, 29iii and 29iv of application BH2010/01054.

Applicant: Denne Construction

Officer: Aidan Thatcher 292265

Split Decision on 02/03/12 DELEGATED

1) UNI

Approve the details pursuant to conditions 5, 7, 11, 21b, 21c, 29ii, 29iii and 29iv subject to full compliance with the submitted details.

1) UNI

Does Not Approve the details pursuant to condition 6 for the following reasons:

1. Insufficient information has been provided to enable the discharge of condition 6, specifically information relating to reptile mitigation, manufacturer details for bird and bat boxes and further information to demonstrate compliance with annex 6 of SPD 11.

BH2012/00258

Covers Yard Melbourne Street Brighton

Non material amendments to BH2009/00655 to reverse roof pitch of 3 storey maisonette block along Eastern boundary to enable photovoltaic panels to face south and omit bottom glazed panels to ground floor flat windows on North elevation. (Appeal ref APP/Q1445/A/09/2119295)

Applicant: Hyde New Build Homes Ltd

Officer: Anthony Foster 294495

Approved on 27/02/12 DELEGATED

HOLLINGDEAN & STANMER

BH2011/03612

110 Brentwood Road Brighton

Installation of new hand rail and balustrading to rear steps and addition of raised decking platform (Retrospective)

Applicant: Ms Lisa Pick

Officer: Louise Kent 292198

Refused on 01/03/12 DELEGATED

1) UNI

The size, siting and height of the decking area would adversely impact on the residential amenity of the neighbouring properties at Brentwood Road due to its overbearing impact, and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposed decking area would result in significant overlooking and loss of privacy towards neighbouring properties, and is contrary to policy QD27 of the Brighton & Hove Local Plan.

3) UNI3

The design and scale of the decking area would result in an unsympathetic and incongruent addition that would be detrimental to the appearance and character of the building and the rear street scene, and is contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2011/03704

40 Stanmer Park Road Brighton

Conversion of existing house to form 2no two bed maisonettes and associated works.

Applicant: Mr Tim Gregory

Officer: Jonathan Puplett 292525

Approved on 01/03/12 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) BH05.09A

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.

3) 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.

4) UNI

No development shall take place until details of the new front doors have been submitted to and approved in writing by the local planning authority.

Reason: To ensure an acceptable appearance to the development and to comply with Policy QD14 of the Brighton & Hove Local Plan.

5) UNI

The development hereby permitted shall be carried out in accordance with drawing nos. 1129-01B and 02B received on the 2nd of February 2012.

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

6) UNI

The external finishes of the extended canopy and support bracket to the front of the property shall match in material, colour, style, bonding and texture those of the existing canopy.

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.

BH2011/03761

Nettleton Court & Dudeney Lodge Upper Hollingdean Road Brighton

Replacement of existing windows and cladding, enlargement of existing boiler house and erection of single storey structure to hold water tank.

Applicant: Brighton & Hove City Council

Officer: Chris Swain 292178

Approved on 28/02/12 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 proposed extension to the boiler house shall be finished in white calcium silicate bricks to match existing.

Reason: To preserve the appearance or the building and to comply with Policy QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

All infill cladding panels replacing the existing asbestos infill cladding panels shall be in white Kingspan insulated panels (finish xl forte) as referenced on drawing no. 11/1738 and the accompanying submitted sample and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the appearance or the building and to comply with Policy QD1 and QD14 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with a Design and Access Statement received on 9 December 2011, drawing nos. 11/7138/01B, 11/7138/03A, 11/7138/04B, 11/7138/05B, 11/7138/07 and 11/7138/08 and two Product Specification Documents received on 22 December 2011, drawing no. 11/7138/06A and a set of sample materials received on 22 December 2012 and drawing no. 11/7138/02B, two photographic images and an email from the applicant received on 27 February 2012.

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

5) UNI

All exposed concrete shall be finished with white Deckguard S (BS00E55) as referenced on drawing no. 11/1738 and portrayed on the submitted sample swatch and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the appearance or the building and to comply with Policy QD1 and QD14 of the Brighton & Hove Local Plan.

BH2012/00002

Varley Halls Coldean Lane Brighton

Erection of flue and supporting structure for a temporary period of 3 years.

Applicant: The University of Brighton

Officer: Anthony Foster 294495

Approved on 28/02/12 DELEGATED

1) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. P150, P155, P160, Planning and Design Report, and Biodiversity Checklist received on 3 January 2012

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

2) UNI

The structure hereby permitted shall be permanently removed from the site before 3 years from the date of this permission and the land reinstated to its former condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: The structure hereby approved is not considered suitable as a permanent form of development, permission is granted for a temporary period only to comply with policies QD1, QD2 and NC7 of the Brighton & Hove Local Plan.

BH2012/00027

Former Esso Petrol Filling Station Hollingdean Road Brighton

Application for Approval of Details Reserved by Condition 16 of application BH2010/00498.

Applicant: Southern Primary Housing Ltd

Officer: Aidan Thatcher 292265

Refused on 28/02/12 DELEGATED

1) UNI

1. Condition 16 cannot be discharged as no details of the proposed methods of piling or other penetrative foundation designs have been submitted.

BH2012/00037

Cockcroft Building University of Brighton Lewes Road Brighton

Certificate of Lawfulness for the proposed replacement of all existing single glazed metal framed windows unit new double glazed aluminium framed windows on 1st to 8th floors.

Applicant: University of Brighton

Officer: Aidan Thatcher 292265

Approved on 05/03/12 DELEGATED

BH2012/00039

Cockcroft Building University of Brighton Lewes Road Brighton

Alterations to exterior of building to include: roof alterations, upgrading of lightening protection system, installation of new brise soleils and access walkway at 8th floor level, installation of balustrading to roof and 8th floor roof terrace, installation of new windows, installation of new extract duct, installation of cradle rail and removal of existing glazing to plant room and installation of new louvres.

Applicant: University of Brighton

Officer: Aidan Thatcher 292265

Approved on 01/03/12 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

No lighting protection system works shall be carried out until full details of these have been submitted to and been approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to accord 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 nos. 607(P)-001A, -002A, -040A, -120A, -201C, -210C, -250A, -400 and -401 received on 09.01.12.

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

BH2012/00252

Northfield University of Sussex Falmer Brighton

Application for approval of details reserved by condition 11 of application BH2011/00358. (Development is in the South Downs National Park)

Applicant: University of Sussex

Officer: Anthony Foster 294495

Approved on 13/03/12 DELEGATED

QUEEN'S PARK

BH2010/03656

Land Rear of 115 St Georges Road & 19 Burlington Street Brighton

Application for Approval of Details Reserved by Conditions 1-16 of application BH2007/00388.

Applicant: Marine Investments (Brighton) Ltd

Officer: Kate Brocklebank 292175

Finally Disposed of on 06/03/12 DELEGATED

BH2011/02687

13-15 Old Steine Brighton

Conversion of first and second floors from vacant office space to form 6no flats and formation of additional level to form penthouse flat incorporating roof terraces, revised access and associated works.

Applicant: Henry Streeter (Automotive) Ltd

Officer: Sue Dubberley 293817

Approved on 24/02/12 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

The development hereby permitted shall be carried out in accordance with the approved drawings no.0157-00, 01, 02, 03, 04, 05, 06, 07, 08,10, 11 13, 16, 17, 18, 19, 20 and 21 received on 9 September 2011 and drawings no. 0157-09A, 12A, 14A and 15A received on 8 November 2011.

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

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

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes, expansion joints, bell mouldings, metal leads, stops 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, QD27 and HE6 of the Brighton & Hove Local Plan.

5) 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 policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

6) UNI

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) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the penthouse flat hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the penthouse flat 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.

8) UNI

No development shall commence until details of how the passive internal ventilation system will work, ensuring all habitable rooms are provided with the required ventilation of 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 occupiers of the proposed flats and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

9) 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 the six flats proposed on the first and second floors 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 the six flats proposed on the first and second floors 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.

10) UNI

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

- (a) evidence that the penthouse flat 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 has 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 the penthouse flat 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.

11) 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.

12) 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

13) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the six flats proposed on the first and second floors located within the existing building 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 of these six flats 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.

14) UNI

No development shall commence until a scheme for the soundproofing of the building, which ensures internal noise levels during day and night periods in habitable rooms on each façade is compliant with the guidance of BS8233, 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 occupiers of the proposed flats and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

BH2011/02878

Upper Esplanade Daltons Bastion Madeira Drive Brighton

Application for variation of conditions 7 & 8 of application number BH2011/00764.

Applicant: Paramount Attractions

Officer: Maria Seale 292322

Approved on 08/03/12 DELEGATED

1) UNI

The development hereby permitted shall be carried out in accordance with drawings no.s 002-01/11/001 Rev A, 002-01/11/002, 002-01/11/002 Rev A, 002-01/11/003, 002-01/11/003 Rev A, 002-01/11/004 Rev A, TA 573/P01, TA 573/P02, TA 573/P03, TA 573/P10, TA 573/P11, TA 573/P12, TA 573/P13 and TA 573/P22 received on 16 March 2011, TA 573/P04 received on 17 March 2011, SPA drawings 01 & 02 of swept path analysis received on 21 April 2011 and drawings no.s TA 573/P14B, TA 573/P15B, TA 573/P16A, TA 573/P18A, TA 573/P19A, and TA 573/P21A received on 26 April 2011 approved under BH2011/00764, and drawings no.s TA 573/P100C, TA 573/101C, TA 573/102B and TA 573/103B received on 30 September 2011 and Stiles Harold Williams letter dated 25 September 2011 received on 26 September 2011 .

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

2) UNI

The maintenance of the development shall be carried out in strict accordance with the Vehicular Servicing and Maintenance Management Plan approved under BH2011/02923.

Reason: To ensure the safety of pedestrians and cyclists, to comply with policy TR7 of the Brighton & Hove Local Plan.

3) UNI

The wheel hereby permitted shall only be in use between 10am and 11pm each day unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent undue disturbance to the occupiers of nearby properties and users of the seafront, to comply with policies QD27, SR18, SU9 and SU10 of the Brighton & Hove Local Plan.

4) UNI

Noise associated with plant, machinery and people incorporated and associated 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.

Reason: To prevent undue disturbance to the occupiers of nearby properties and users of the seafront, to comply with policies QD27, SR18, SU9 and SU10 of the Brighton & Hove Local Plan.

5) UNI

The operation and removal of the development and site restoration shall be carried out in accordance with the details of the Construction Environmental Management Plan approved under BH2011/01756.

Reason: In the interests of amenity and highway safety, to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan.

6) UNI

The existing seafront railings shall be safely stored for future reinstatement beneath the development in accordance with the details set out in Stiles Harold Williams letter dated 25 September 2011 hereby approved.

Reason: In the interests of preserving the visual amenity and the character and appearance of the East Cliff Conservation Area, to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

7) UNI

The new means of enclosure for the development shall be implemented in accordance with the details hereby approved.

Reason: In the interests of preserving the visual amenity and the character and appearance of the East Cliff Conservation Area, to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

8) UNI

The stairs, lift, ramp and the means of access and egress for disabled and wheelchair users accessing the whole development shall be implemented in accordance with the details approved under BH2011/02907.

Reason: To ensure the development is accessible to all, to comply with policy SR18 of the Brighton & Hove Local Plan.

9) UNI

The external surfaces of the development and enhancement works to the existing arcade shall be implemented in accordance with the details approved under BH2011/02894.

Reason: In the interests of visual amenity, to comply with policies QD1, QD2, QD4, HE3 and HE6 of the Brighton & Hove Local Plan.

10) UNI

The external lighting of the development shall be implemented, maintained and operated in accordance with the details approved under BH2011/02915 unless the Local Planning Authority gives its written consent to a variation.

Reason: In the interest of protecting the amenity of occupants of nearby properties and in the interest of visual amenity, to comply with policies QD1, QD25, HE3, HE6, SR18 and QD27 of the Brighton & Hove Local Plan.

11) UNI

The operation of the development shall be carried out in accordance with the Operational and Queuing Management Plan ("the Queuing Plan") approved under BH2011/02906. The Queuing Plan shall be submitted for periodic review at the request of the Local Planning Authority and shall include data and information of visitor numbers.

Reason: In the interests of highway safety and protecting the amenity of occupiers of nearby properties and users of the promenade and beach and to monitor the impact of the development, to comply with policies TR1, TR7, TR8, TR13, TR15, SR18 and QD27 of the Brighton & Hove Local Plan.

12) UNI

The development shall be carried out in accordance with the Litter, Waste and Recycling Management Plan approved under BH2011/02906.

Reason: To ensure satisfactory waste provision to serve the development and to promote sustainability, to comply with policies SU2, SU14, SR18 and QD27 of the Brighton & Hove Local Plan.

13) UNI

The Travel Plan approved under BH2011/02892 shall be adhered to.

Reason: To ensure the demand for travel is adequately managed and to reduce reliance on private motor vehicles through the promotion of sustainable modes, to comply with policies TR1, TR2, TR4, TR7 and TR14 of the Brighton & Hove Local Plan.

14) UNI

The scheme for the provision of parking for 20 bicycles in the immediate vicinity of the site shall be implemented in accordance with the details approved under BH2011/02912.

Reason: To ensure the demand created for cycle parking is met and to promote sustainable modes, to comply with policies TR1 and TR14 of the Brighton & Hove Local Plan.

15) UNI

The crime prevention measures shall be implemented in accordance with the details approved under BH2011/02923.

Reason: To ensure the scheme incorporates crime prevention measures, to comply with policy QD7 of the Brighton & Hove Local Plan.

16) UNI

On or before the 19th May 2016 a) the use of the observation wheel shall cease and b) the observation wheel including the extension to the promenade, railings and all plinths, ancillary plant and structures, kiosks and ticket booths hereby permitted (excluding the lower beach decked area) shall be removed and the land restored to its condition in accordance with a Scheme of Work to be submitted to and approved in writing by the Local Planning Authority. The Scheme of Work shall be submitted a minimum of 3 months before the removal of the structure.

Reason: The development is not considered suitable as a permanent form of development, to safeguard the visual amenity of the area, to ensure the future strategic planning of the seafront is not undermined and to allow the impact of the proposal to be monitored, and to comply with policies SR18, QD1, QD2, QD4, HE6, HE3 and QD27 of the Brighton & Hove Local Plan.

BH2011/03709

Leach Court Park Street Brighton

Erection of secure mobility storage facility within the undercroft to the south elevation.

Applicant: Brighton & Hove City Council

Officer: Liz Arnold 291709

Approved on 07/03/12 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 titled Existing Layouts, Proposed Layouts, Existing South Elevation, Proposed South Elevation, Existing North and West Elevation, Proposed East and West Elevation and drawing no. 737K10-Overview received

on the 6th December 201,1:50 Block Plan received on the 17th January 201 and a Photograph received on the 29th February 2012.

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

BH2011/03945

50 Grand Parade Brighton

Erection of second floor rear extension.

Applicant: Mr Nigel Enever

Officer: Jonathan Puplett 292525

Refused on 08/03/12 DELEGATED

1) UNI

The proposed additional storey would make the already unattractive rear extension structure larger and more apparent and would further obscure the original attractive rear elevation of the host building. Furthermore the enlarged extension would have a disjointed appearance; the detailing of the proposed additional storey is considered unsympathetic. The proposed extension would worsen the appearance of the rear of the building, harming its character and the character of the Valley Gardens Conservation Area. The proposed development is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

BH2011/03954

47 Grand Parade Brighton

Installation of satellite radio antenna to roof.

Applicant: National Offender Management Service

Officer: Jonathan Puplett 292525

Approved on 13/03/12 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 antenna specification received on the 28th of December 2011, the location plan and drawing nos. A-001A, A-002A, B-001A and B-002A received on the 17th of January 2012, and an email from the agent for the application received on the 8th of March 2012.

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

BH2011/03955

47 Grand Parade Brighton

Installation of satellite radio antenna to roof.

Applicant: National Offender Management Service

Officer: Jonathan Puplett 292525

Approved on 13/03/12 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.

BH2012/00031

13 Bristol Road Brighton

Certificate of lawfulness for existing use as a residential dwelling.

Applicant: The Trustees of the Institute of Our Lady of Mercy

Officer: Liz Arnold 291709

Approved on 14/03/12 DELEGATED

BH2012/00374

35 Mighell Street Brighton

Application for approval of details reserved by condition 3 of application BH2011/02174.

Applicant: Sir Robert McAlpine

Officer: Mick Anson 292354

Approved on 01/03/12 DELEGATED

ROTTINGDEAN COASTAL

BH2011/03296

45 Ainsworth Avenue Brighton

Extension to existing detached garage to form ancillary accommodation.

Applicant: Mr Gordon Carter & Mrs Wendy Carter

Officer: Louise Kent 292198

Refused on 13/03/12 DELEGATED

1) UNI

The proposed development would potentially create a separate self-contained unit of accommodation without dedicated garden or parking space, in an area characterised by detached properties, set in generally spacious plots. It is therefore contrary to policy QD2 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development would be overdevelopment of the dwelling plot and fails to relate to the prevailing character of the surrounding area. It provides a cramped form of development in an area which is characterised predominantly by detached properties in generally spacious plots. As such, the applicant has failed to demonstrate that account has been taken of the local characteristics and development pattern contrary to policy QD2 of the Brighton & Hove Local Plan.

BH2011/03421

Ovingdean Hall College Greenways Brighton

Demolition of existing art block, mower store and part of pool building and construction of new student accommodation buildings providing 78 ensuite bedrooms, incorporating the conversion of existing gymnasium. Associated minor internal and external alterations, associated landscaping proposals and minor alterations to listed garden wall.

Applicant: Ovingdean Property Ltd

Officer: Sue Dubberley 293817

Approved on 24/02/12 PLANNING COMMITTEE

1) BH05.05A

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 60% in energy and water sections 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 60% in energy and water sections 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.

2) BH05.06A

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 60% in energy and water sections 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.

3) 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 HE3 and HE6 of the Brighton & Hove Local Plan.

4) UNI

No development shall take place until a sample panel of the brickwork and pointing has been constructed on the site and approved by the local planning authority in writing. The development shall be carried out and completed to match the approved sample panel.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE3 and HE6 of the Brighton & Hove Local Plan.

5) UNI

No development shall take place until the following details have been submitted to and approved by the local planning authority in writing:

- i) Sample elevations and sections at 1:20 scale of the building showing the arrangement and pattern of the external features including coloured rainscreen panels, bays, balconies, windows, doors, parapets, balustrades, copings, eaves, brises soleil,
- ii) details and sections at 1:5 scale of the eaves, copings, cills and door thresholds,
- iii) sectional profiles at 1:1 scale of window and door frames showing their relationship to their reveals and cills,
- iv) details of the rainwater goods
- v) details of all external lighting.
- vi) a 1:10 scale elevation showing the arrangement of the brick quoining around the new opening in the flint wall and the design of the gate.

The development shall be carried out and completed in strict accordance with the approved details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE3 and HE6 of the Brighton & Hove Local Plan.

6) 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, QD15 and HE3 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, QD15 and HE3 of the Brighton & Hove Local Plan.

8) UNI

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. 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.

9) UNI

The land within the application site shall be managed and maintained in accordance with a management plan which shall be submitted to and approved by the Local Planning Authority in writing before development has commenced.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

10) UNI

No development shall commence until further details have been submitted to and approved in writing by the Local Planning Authority on the extent and construction of the proposed Sedum roofs. Development shall be carried out in accordance with the approved details.

Reason: To address the quantified nature conservation enhancement and to comply with policy QD17 of the Brighton & Hove Local Plan.

11) UNI

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 and 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.

12) UNI

The development hereby permitted shall not be commenced until details of disabled 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 people with a mobility related disability are provided and to comply with policy TR18 of the Brighton & Hove Local Plan.

13) UNI

The fencing around the hard games court area shall be painted in a dark green colour and the timber building adjacent to the north service entrance shall be stained with a black wood stain within one month of completion of the development hereby approved and before the buildings are occupied, details of which shall be submitted to and approved in writing by the Local Planning Authority in writing before development commences.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

14) UNI

Prior to the commencement of the use of the buildings 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 late night noise and anti-social behaviour. 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.

15) UNI

The unauthorised lamp posts and post and rail fencing alongside the southern entrance drive shall be removed within one month of completion of the development hereby approved and before the buildings are occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

16) UNI

The parking spaces alongside the southern entrance drive and all their hard surfacing materials shall be removed in accordance with the approved layout plan and the ground shall be reinstated to grass.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

17) UNI

During the construction works, no plant, machinery or materials shall be stored or operated within the Site of Nature Conservation Importance at any time.

Reason: To protect the SNCI from damage and to comply with accordance with policy NC4 of the Brighton & Hove Local Plan.

18) 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.

19) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 0146.EXG.001, 002, 003, 004, 005, 006, 007, 101, 150, 151, 250, 300, 301, 350, 0146.PL.001, 010, 100, 101, 102, 103, 150, 151, 152, 153, 300, 301, 310, 350, 351, 352, 800, 801 and 802 received on 8 November 2011, drawing no. 0146.PL.302 received on 25 November 2011, drawing no. 0146.PL.001B received on 31 January 2012 and drawings no. 0146.EXG.100A and 200A received on 21 February 2012.

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

BH2011/03422

Ovingdean Hall College Greenways Brighton

Demolition of part of pool building, associated minor internal and external alterations and minor alterations to listed garden wall.

Applicant: Ovingdean Property Ltd

Officer: Sue Dubberley 293817

Approved on 24/02/12 PLANNING COMMITTEE

1) UNI

The works 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 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 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 HE3 and HE6 of the Brighton & Hove Local Plan.

3) UNI

No development shall take place until a sample panel of the brickwork and pointing shall be constructed on the site and shall be approved by the local planning authority in writing and the works shall be carried out and completed to match the approved sample panel.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE3 and HE6 of the Brighton & Hove Local Plan.

4) UNI

No development shall take place until the following details have been submitted to and approved by the local planning authority in writing:

- i) Sample elevations and sections at 1:20 scale of the building showing the arrangement and pattern of the coloured rainscreen panels, bays, balconies, windows, doors, parapets, balustrades, copings, eaves, brises soleil, and all other features,
- ii) details and sections at 1:5 scale of the eaves, copings, cills and door thresholds,
- iii) sectional profiles at 1:1 scale of window and door frames showing their relationship to their reveals and cills,
- iv) details of the rainwater goods
- v) details of all external lighting.
- vi) a 1:10 scale elevation showing the arrangement of the brick quoining around the new opening in the flint wall and the design of the gate and the works shall be carried out and completed in strict accordance with the approved details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE3 and HE6 of the Brighton & Hove Local Plan.

5) UNI

The parking spaces alongside the southern entrance drive and all their hard surfacing materials shall be removed in accordance with the approved layout plan and the ground shall be reinstated to grass.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

6) 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.

7) UNI

The fencing around the hard games court area shall be painted in a dark green colour and the timber building adjacent to the north service entrance shall be stained with a black wood stain within one month of completion of the development hereby approved and before the buildings are occupied, details of which shall be submitted to and approved by the local planning authority in writing before development commences.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

8) UNI

The unauthorised lamp posts and post and rail fencing alongside the southern entrance drive shall be removed within one month of completion of the development hereby approved and before the buildings are occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

9) 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.

BH2011/03645

41 Chailey Avenue Rottingdean Brighton

Erection of pitched roof garage to replace flat roof garage (Retrospective).

Applicant: Mr G Edmunds

Officer: Jonathan Puplett 292525

Approved on 05/03/12 DELEGATED

BH2011/03766

St Dunstans (Ian Fraser House) Greenways Brighton

Display of 2no non-illuminated sign boards at entrance to premises and 1no externally illuminated fascia sign to face of building. (Development is in the South Downs National Park) (Retrospective)

Applicant: St Dunstan

Officer: Liz Arnold 291709

Approved on 28/02/12 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.

BH2011/03774

St Dunstans (Ian Fraser House) Greenways Brighton

Display of 2no non-illuminated sign boards at entrance to premises and 1no externally illuminated fascia sign to face of building. (Development is in the South Downs National Park) (Retrospective)

Applicant: St Dunstan

Officer: Liz Arnold 291709

Approved on 28/02/12 DELEGATED

BH2011/03784

Ketts Ridge Ovingdean Road Brighton

Alterations to existing dwelling house incorporating a redesigned first floor level and rebuilding of the roof.

Applicant: Mr Ken Christie

Officer: Jonathan Puplett 292525

Approved on 24/02/12 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

The development hereby permitted shall be carried out in accordance with the location plan and drawing nos. A-1A, 10, 11, 13, 14, 15, 16, 19B, 20D, 21I, 22E, 23H, 24H25D and 26B received on the 8th of December 2011, the 'vision 32' screen specification received on the 25th of January 2012, and drawing nos. A-70A, 71A, 75C and 76D received on the 31st of January 2012.

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

3) UNI

No development shall take place until further details of the windows to be installed, including confirmation of the frame colour, 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 and retained as such thereafter.

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

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) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the front balcony hereby approved shall not be bought into use until the 'Vision 32' perforated metal screen shown on drawing no. A-24H received on the 8th of December 2011 and detailed in a specification received on the 25th of January 2012 is in situ. This screen shall be retained as such thereafter.

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.

6) 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.

BH2011/03853

18 Roedean Way Brighton

Replacement of existing white UPVC double glazed windows and sliding sash doors with Aluminium double glazed windows and doors. New parapet wall extension, replacement roof with raised ridge height, rooflights & dormer windows. Part conversion of existing garage structure.

Applicant: Mr James Pybus

Officer: Liz Arnold 291709

Approved on 05/03/12 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

Access to the new flat roofs over the existing single storey and first floor side extensions 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) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. A(20)A0-100, A(20)A0-110, A(20)A0-120, A(20)A0-200, A(20)A0-210, A(20)A0-220, A(20)A0-300 and A(20)A0-401 received on the 5th January 2012, no. A(20)A0-400RevA received on the 20th January 2012, nos. A(21)A0-200 and A(21)A0-210 received on the 24th February 2012 and nos. A(20)A0-410RevB and A(20)A0-411RevA received on the 1st March 2012.

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

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

BH2012/00070

39 Stanmer Avenue Saltdean Brighton

Erection of single storey rear extension.

Applicant: Antony Fox

Officer: Chris Swain 292178

Refused on 06/03/12 DELEGATED

1) UNI

The development, by virtue of the siting, design, size and massing would appear visually dominant when viewed from the street scene. It would be detrimental to the character and appearance of the existing property and the wider surrounding area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2012/00076

Flat 5 26 Sussex Square Brighton

Internal alterations to layout of flat.

Applicant: Miss Jenna Threadgold

Officer: Pete Campbell 292359

Approved on 13/03/12 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) BH01.06

The development hereby permitted shall be carried out in accordance with the approved drawings nos. FLAT05/001 and FLAT05/002 received on 24/01/2012 and drawing no. FLAT05/003 received on 06/03/2012.

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

3) 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.

4) UNI

All new works, including; doors, windows, architraves, skirting boards, picture rails, cornices, renderwork and mouldings shall match exactly the originals in materials, sizes, proportions and design.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2012/00082

11 Longhill Road Brighton

Erection of first floor extension over existing flat roof to front elevation incorporating alterations to main roof. Raising of roof above existing side extension and erection of raised terrace to first floor at the rear of the property including extension of south side wall and associated works.

Applicant: Ms Helen Sywak

Officer: Anthony Foster 294495

Refused on 09/03/12 DELEGATED

1) UNI

The proposal would result in overlooking and loss of privacy to the neighbouring properties at no. 8 and 13 Longhill Road and 55 Ainsworth Avenue by virtue of

the proposed roof terrace and as such would be contrary to policy QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposed side roof extension by virtue of its design, siting and height, would appear as an incongruous addition, to the detriment of the character and appearance of the existing building and the surrounding area. As such the proposal is contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan.

BH2012/00132

Flat A 279 Eastern Road Brighton

Excavation at front of property to create light well to increase habitable space at basement level with external alterations including the installation of windows and metal railings.

Applicant: Mrs Stella Gnaga

Officer: Pete Campbell 292359

Approved on 12/03/12 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.199-03/1 and 199-03/2 received on 18/01/2012.

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

BH2012/00152

Unit 5 Boardwalk Level Waterfront Brighton Marina Village Brighton

Display of internally illuminated fascia signs, hanging sign and free standing menu column.

Applicant: Nando's Chickenland Ltd

Officer: Jonathan Puplett 292525

Approved on 07/03/12 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.

BH2012/00153

Unit 5 Boardwalk Level Waterfront Brighton Marina Village Brighton

Alterations to shopfront including erection of entrance lobby and additional glazing to existing high level canopy.

Applicant: Nando's Chickenland Ltd

Officer: Jonathan Puplett 292525

Approved on 07/03/12 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. 2331/03/A, 25/A, 34 and 35 received on the 19th of January 2012, nos. 2331/04/C and 36/A received on the 24th of January 2012, and drawing nos. 2331/06/D, 24/C, 28/B and 37 received on the 30th of January 2012.

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

BH2012/00154

Unit 5 Boardwalk Level Waterfront Brighton Marina Village Brighton

Installation of external fixed furniture condiments units, planters and butterfly awnings.

Applicant: Nando's Chickenland Ltd

Officer: Jonathan Puplett 292525

Approved on 07/03/12 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. 2331/03/A, 25/A, 34, 35 and 36 received on the 19th of January 2012, nos. 2331/04/C 31, 32 and 36/A received on the 24th of January 2012, and drawing nos.2331/27/D received on the 30th of January 2012.

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

BH2012/00266

First Floor 35-37 High Street Rottingdean Brighton

Certificate of Lawfulness for existing use of first floor as a solicitors (A2).

Applicant: Mrs Sally Ardagh

Officer: Jonathan Puplett 292525

Approved on 09/03/12 DELEGATED

WOODINGDEAN

BH2011/02639

Woodingdean Business Park Bexhill Road Brighton

Application for Approval of Details Reserved by Conditions 2, 8, 13 and 21 of application BH2010/01923.

Applicant: St Modwen Developments

Officer: Aidan Thatcher 292265

Approved on 06/03/12 DELEGATED

BH2011/03905

Elmhurst Warren Road Brighton

Application for Approval of Details Reserved by Conditions 2, 3, 6, 9, 10, 11, 14, 16 and 17 of application BH2008/02303.

Applicant: BUPA Care Homes (OFC Homes) Ltd

Officer: Anthony Foster 294495

Approved on 06/03/12 DELEGATED

BH2011/03921

3 Selhurst Road Brighton

Erection of a single storey rear extension with terraced area to rear to replace existing conservatory. The insertion of two rooflights to south facing roofslope.

Applicant: Mrs A Gregory

Officer: Chris Swain 292178

Refused on 09/03/12 DELEGATED

1) UNI

The proposed terrace would result in significant overlooking and loss of privacy towards the rear garden of the neighbouring property, No.1 Selhurst Road to the detriment of their residential amenity. As such the proposal is contrary to policies

QD14 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development by reason of its height, design, materials, scale and close proximity to the shared boundary, would result in an overly dominant addition with a detrimental overbearing impact towards No. 1 Selhurst Road, detracting from the residential amenity currently enjoyed by this property, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2012/00078

26 Crescent Drive South Brighton

Erection of single storey side/rear extension with storage below.

Applicant: Mr Alan Fisher

Officer: Jonathan Puplett 292525

Approved on 07/03/12 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 the western 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.

4) UNI

The development hereby permitted shall be carried out in accordance with drawing nos. RHA.004-101B and 102A received on the 12th of January 2012, drawing no. RHA.004-001A received on the 19th of January 2012 and drawing nos. RHA.004-201C and 202D received on the 5th of March 2012.

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

BH2012/00118

Bridleway Falmer Road Brighton

Certificate of Lawfulness for proposed surfacing with limestone dust of bridleway situated beside Falmer Road between Bexhill Road and the boundary of Brighton & Hove City Council. (Development is in the South Downs National Park)

Applicant: Brighton & Hove City Council

Officer: Liz Arnold 291709

Refused on 09/03/12 DELEGATED

1) UNI

As the bridleway is permissive, the proposal constitutes development within the meaning of Section 55(2) (b) of the Town and Country Planning Act 1990 (as amended) and cannot be permitted under Schedule 2, Part 9 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, as it is not considered that the 2.5m wide bridleway is currently recognizable.

BRUNSWICK AND ADELAIDE

BH2011/03693

4A Salisbury Road Hove

Erection of shed in rear garden to replace existing shed.

Applicant: Mr Andrew Cato

Officer: Mark Thomas 292336

Approved on 29/02/12 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. 4a, 5a, 6a, 9a, 10a and '3D view' drawings received on 2nd December 2011.

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

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.

BH2011/03899

10 Wilbury Road Hove

Demolition of 8no garage units at rear and construction of 1no new single storey residential unit.

Applicant: Mr Paul Hazeldine

Officer: Adrian Smith 290478

Approved on 29/02/12 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 extension, enlargement or other alteration of the dwellinghouse 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 character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.

3) UNI

The existing boundary walls shall be retained in their entirety at all times.

Reason: To ensure the full retention and protection of the historic boundary wall and to comply with policy HE6 of the Brighton & Hove Local Plan.

4) UNI

Access to the flat roof over the dwelling 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 policy QD27 of the Brighton & Hove Local Plan.

5) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to its 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) UNI

The 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 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.

7) 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.

8) UNI

The tree on site which is to be retained and which is identified as T1 in the accompanying Arboricultural Report, shall be protected to BS 5837 (2005), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the trees which are to be retained on site and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

9) UNI

The driveway adjacent to 10 Wilbury Road shall not be used for the parking, loading or unloading of vehicles and used solely for access purposes only.

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, TR7, TR19 and SPG4.

10) 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.

11) UNI

No development shall take place until the following details have been submitted to and approved by the local planning authority in writing:

- i) Sample elevations and sections at 1:20 scale showing the windows, doors, eaves, overhanging timber roof structure, bin stores, meter cupboards, cycle stores, and all other features,
- ii) details and sections at 1:5 scale of the eaves, copings, cills and door thresholds,
- iii) sectional profiles at 1:1 scale of window and door frames showing their relationship to their reveals and cills,
- iv) details of the method of construction and planting of the sedum roof,
- v) samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development, including rainwater goods and paving, and the works shall be carried out and completed in strict accordance with the approved details and maintained as such thereafter.

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

12) UNI

No development shall take place until a survey report and 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 has been submitted to and approved by the local planning authority in writing. The demolition and construction works shall be carried out and completed full in

accordance with the approved method statement.

Reason: To ensure the stability and full protection of the historic boundary wall and to comply with policy HE6 of the Brighton & Hove Local Plan

13) UNI

No development shall take place until a method statement and details of the foundations required for the development have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the trial pits required to discover if any tree roots are present, in accordance with paragraph 7.4 of the Arboricultural Report dated December 2011.

Reason: To protect the trees which are to be retained on site and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

14) 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. 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.

15) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that it 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.

16) 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.

17) 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.

18) UNI

The development shall not be occupied until the parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles in association with the approved dwelling.

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

19) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos.A.01, D.10B & D.15B received on the 21st December 2011.

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

BH2011/03900

10 Wilbury Road Hove

Demolition of 8 No garage units at rear.

Applicant: Mr Paul Hazeldine

Officer: Adrian Smith 290478

Approved on 29/02/12 DELEGATED

1) BH01.04

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 works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

BH2012/00008

26 Brunswick Place Hove

External alterations to front elevation including render repairs & replacement of UPVC pipework with cast-iron (Part Retrospective).

Applicant: Miss Kathy Edwards & Mrs Beryl Edwards

Officer: Mark Thomas 292336

Approved on 06/03/12 DELEGATED

BH2012/00119

37-38 Adelaide Crescent Hove

Application for Approval of Details Reserved by Condition 4 of application BH2011/02743.

Applicant: 37 & 38 Adelaide Crescent Hove Ltd

Officer: Jason Hawkes 292153

Approved on 29/02/12 DELEGATED

CENTRAL HOVE

BH2011/02957

128 Church Road Hove

Change of use of basement and ground floors from Financial (A2) to Restaurant (A3) and Bar (A4). Installation of new shop fronts to front and side elevations. Part excavation to facilitate extension of basement level. Erection of single storey rear extension with external steps and associated roof terrace. (Part Retrospective).

Applicant: Mr Foad Abdolkhani

Officer: Jason Hawkes 292153

Refused on 08/03/12 DELEGATED

1) UNI

The scheme results in the creation of a substantially larger first floor terrace when compared to the previous (now demolished) terrace. The use of the new terrace results in overlooking of the adjacent rear windows and garden of 22 Medina Villas and the rear upper windows of 126 Church Road with a consequential loss of privacy to residents. Furthermore, the use of this large terrace as an amenity area is also likely to result in an unacceptable noise impact and loss of amenity for occupiers of adjacent properties. The scheme is therefore contrary to policy QD27 and SU2 of the Brighton & Hove Local Plan.

2) UNI2

Having regard to the proximity of the site to adjacent residential properties, insufficient information has been submitted in respect of how the use will operate, the proposed opening hours or the size of the restaurant / bar to demonstrate that the proposed use would not have a detrimental impact on the amenity of occupiers of adjacent properties. The scheme is therefore deemed contrary to policy QD27 and SU2 of the Brighton & Hove Local Plan.

3) UNI3

The scheme would comprise a shopfront treatment including wider windows than the current (previous) arrangement, and double doors positioned in the side elevation which would be out of character with this part of the building and the domestic character of the side street. The proposal also results in an inappropriate design of the main Church Road shopfront, and the inclusion of a new four panelled door at first floor level which would look incongruous on the building. The scheme therefore results in a detrimental impact on the appearance and character of the host building and surrounding conservation area and is contrary to policies QD1, QD2, QD10, QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 2 on Shop Front Design.

BH2011/03408

124 Church Road Hove

Display of 3no internally illuminated fascia signs and 1no internally illuminated projecting sign. (Retrospective).

Applicant: TUI UK Retail Ltd

Officer: Christopher Wright 292097

Refused on 05/03/12 DELEGATED

1) UNI

The three internally illuminated fascia signs and the internally illuminated projecting sign would, by reason of their colour, method of illumination, level of illuminance and position, be detrimental to amenity and public safety and would have a discordant and intrusive appearance that would detract from the character of the Cliftonville Conservation Area. As such the proposal is contrary to policies QD12, QD27, HE9 and TR7 of the Brighton & Hove Local Plan and

BH2011/03583

47 Norton Road Hove

Loft conversion to form 1no 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.

BH2011/03789

51 Osborne Villas Hove

Replacement of existing basement level window to front elevation with wooden sash window (Retrospective).

Applicant: Mr Richard James

Officer: Robert McNicol 292322

Approved on 07/03/12 DELEGATED

BH2011/03839

Flat 4 66 St Aubyns Hove

Application for Approval of Details Reserved by Condition 3 of application BH2011/02344.

Applicant: Mrs Diane Beals

Officer: Mark Thomas 292336

Approved on 05/03/12 DELEGATED

BH2011/03924

17 Albany Villas Hove

Conversion of existing flat to form 2no one bedroom flats. Erection of single storey rear extension with roof terrace above and associated external alterations.

Applicant: Swanage Ltd

Officer: Adrian Smith 290478

Refused on 09/03/12 DELEGATED

1) UNI

Policy HO9 of the Brighton & Hove Local Plan states that planning permission for the conversion of dwellings into smaller units of self-contained accommodation will be permitted in instances where (amongst others) the original floor area is greater than 115sqm and at least one unit of accommodation is provided which is suitable for family accommodation and has a minimum of two bedrooms. The existing flat has less than three bedrooms and a floor area of less than 115sqm, whilst the proposed conversion to two one-bedroom flats fails to include at least one unit of residential accommodation suitable for family occupation with a minimum two bedrooms. The proposed development is therefore contrary to

policy HO9 of the Brighton & Hove Local Plan which seeks to retain residential units suitable for family occupation.

2) UNI2

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 the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. Insufficient information has been submitted with the application to demonstrate that the proposed roof terrace would not result in the overlooking and loss of privacy to adjacent dwellings, particularly those within No.15 Albany Villas adjacent. The proposed development is therefore fails to demonstrate accordance with policy QD27 of the Brighton & Hove Local Plan.

BH2012/00033

9 Hove Street Hove

Loft conversion incorporating side dormer and rooflights to front and rear slopes.

Applicant: Mr Cameron Berry

Officer: Adrian Smith 290478

Refused on 12/03/12 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 and adjoining properties. Supplementary Planning Guidance 01 'Roof Alterations and Extensions' provides further design guidance for roof extensions. The proposed side dormer window, by virtue of its scale, excessive tile hanging and position set on the side hip to the building, represents an excessively bulky and poorly designed roof addition that would unbalance the symmetry of the semi-detached pair and be generally harmful to the appearance of the building, street scene and Old Hove Conservation Area, contrary to the above policy guidance.

BH2012/00054

Medina Cottage Medina Place Hove

Replacement of existing window with timber door to front elevation at basement level.

Applicant: Shaun Cuffley

Officer: Robert McNicol 292322

Approved on 07/03/12 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 and photographs received on 23-Jan-2012 and 24-Jan-2012.

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

BH2012/00067

Day Centre Connaught Road Hove

Installation of access ramp and associated works.

Applicant: Brighton & Hove City Council

Officer: Steven Lewis 290480

Minded to Grant (referred to GOSE) on 08/03/12 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

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

BH2012/00107

Hove Central Library 182-186 Church Road Hove

Installation of new rooflights to replace existing.

Applicant: Brighton & Hove City Council

Officer: Clare Simpson 292454

Approved on 07/03/12 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

Unless otherwise agreed in writing, the new roof lights shall not be glazed other than with Pilkington Optifloat Green 6mm Toughened glass and retained as such thereafter.

Reason: To preserve the character of the listed building in accordance with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings H026/ 04 (as existing and as proposed), H036/05, site and block received on 17th January 2012, Heritage Patent Glazing System Glazing Bar details, Heritage no.7 Single Glazing Details Eaves Detail 1, LC5 Single Glazing Bar, received on the 25th January 2012, Single Glazing Ridge 1, and Verge Detail 3 received on the 27th January 2012.

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

BH2012/00143

103 Church Road Hove

Removal of existing external condenser units at first floor level and installation of air conditioning unit to rear yard at ground floor level.

Applicant: Royal Bank of Scotland Group

Officer: Christopher Wright 292097

Approved on 29/02/12 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

Noise associated with the external air conditioning installation hereby permitted 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 BS4142:1997. In addition, there should be no significant low frequency tones generated.

Reason: In order to safeguard the amenity of neighbouring residents from noise disturbance and in order 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 design and access statement; Acoustic Consultancy Report; colour picture; location plan; block plan; and drawing nos. RBS1278/02A, RBS1278/06, RBS1278/07 and RBS1278/08 received on 19 January 2012.

BH2012/00185

13 Malvern Street Hove

Application to extend time limit for implementation of previous approval BH2009/00392 for conversion of storeroom (B8) to a single dwelling and external alterations including new doors to rear elevation.

Applicant: Blatchingtons Ltd

Officer: Guy Everest 293334

Approved on 08/03/12 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) BH02.02

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 character of the area and for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall not be occupied until refuse and recycling storage facilities and secure cycle parking facilities 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.

4) UNI

Notwithstanding the approved plans no development shall take place until details of Lifetime Home standards to be incorporated in the internal layout have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

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) 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 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.

6) UNI

The development hereby permitted shall be carried out in accordance with an unnumbered 1:1250 site plan and drawings no. 1, 2 & 3 received on 17th February 2009.

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

BH2012/00318

Land to rear of 1-2 Victoria Terrace Kingsway & Spa Court Kings Esplanade Hove

Application for approval of details reserved by conditions 4 & 5 application BH2011/03375.

Applicant: Hoveco Ltd
Officer: Guy Everest 293334
Approved on 28/02/12 DELEGATED

BH2012/00380

Land to the rear of 1-2 Victoria Terrace Kingsway & Spa Court Kings Esplanade Hove

Application for approval of details reserved by conditions 2 & 3 of application BH2011/03376.

Applicant: Hoveco Ltd
Officer: Guy Everest 293334
Approved on 28/02/12 DELEGATED

BH2012/00535

31 Vallance Gardens Hove

Non Material Amendment to BH2011/03494 to block up 2no doors proposed along with some glazing. In addition a glass pitched roof will be replaced with a tiled roof and 3no Velux windows. In the kitchen 2no single glazed windows will become a single smaller double glazed window.

Applicant: Mr Scott Sale
Officer: Steven Lewis 290480
Approved on 09/03/12 DELEGATED

GOLDSMID

BH2011/03844

20 Granville Road Hove

Certificate of Lawfulness for a proposed conversion of ground floor flat and maisonette to form a single dwelling house.

Applicant: Mr Chris Weatherstone
Officer: Christopher Wright 292097
Approved on 08/03/12 DELEGATED

BH2011/03907

3A Eaton Villas Hove

External alterations including blocking up of existing door and creation of new door to rear.

Applicant: Mr T Cosgrove

Officer: Robert McNicol 292322

Approved on 13/03/12 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. 2592/2 received on 22 December 2011.

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

BH2011/03912

Lorna House 103 Lorna Road Hove

Alterations to front elevation including new steps, canopy and openings in boundary wall. Replacement of existing windows and doors to ground floor. Alterations to existing plant room to create sheltered smoking area. Installation of new 2m high metal gate to underpass and security gate and fence to side elevation (Part Retrospective).

Applicant: Deanway Properties Ltd

Officer: Adrian Smith 290478

Approved on 09/03/12 DELEGATED

1) 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 QD14 of the Brighton & Hove Local Plan

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos.3001, 3006 & 3007 received on the 22nd December 2011; 3003C, 3004C, 3008B & 3010 received on the 1st February 2012.

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

BH2012/00150

St Michaels Lodge Lansdowne Road Hove

Amendment to previously approved application BH2010/03915 to now include the installation of 22 photovoltaic solar panels to roof of garage and rotunda.

Applicant: Mr R Evans

Officer: Steven Lewis 290480

Approved on 12/03/12 DELEGATED

1) UNI

All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with 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.

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 fronting a highway.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

All rainwater goods shall be concealed as indicated on the approved drawings and retained as such, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to preserve the setting of the Listed Building in accordance with policies HE1 & HE3 of the Brighton & Hove Local Plan.

4) UNI

All planting, seeding or turfing comprised in the approved scheme of landscaping approved under reference BH2011/01741 on 28/07/2011 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 special architectural and historical appearance and setting of the listed building and to accord with policies HE1 and HE3 of the Brighton & Hove Local Plan.

5) UNI

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.

6) UNI

No expansion joints, external beads or stops shall be used in the render.

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 works shall be carried out in strict accordance with the approved details relating to proposed windows and doors approved under reference BH2011/01741 on 28/07/2011.

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 pond/swimming construction works shall be carried out in strict accordance with the approved Engineers details approved under reference BH2011/01934 and Ashdown Site Investigation Ltd Ground Investigation report and HOP drawing nos. 13474/02/01 Rev A, 13474/02/02 Rev A & 13474/02/03 Rev A received on 29/06/2011.

Reason: To ensure the excavation does not pose a structural risk to the Lodge, Boundary Wall or Highway, in the interest of preserving the listed building, and to comply with policy HE1 of the Brighton & Hove Local Plan.

9) UNI

The works shall be carried out in strict accordance with the approved details relating to existing and proposed ground levels within the site and on land

adjoining the site to OS Datum approved under reference BH2011/01741 on 28/07/2011.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

10) UNI

The works shall be carried out in strict accordance with the approved details relating to materials approved under reference BH2011/01741 on 28/07/2011.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2012/00193

14 Wilbury Villas & 69 Wilbury Avenue Hove

Alterations and extensions to existing building including alterations of boundary wall facing Wilbury Villas and removal of separate entrance to unit 1. Installation of new window at lower ground floor level and realignment of western patio wall with rear extension to 14 Wilbury Villas and extension to lower ground floor patios to create stores under ground floor level pathways (Part Retrospective).

Applicant: HML Properties Ltd

Officer: Steven Lewis 290480

Approved on 06/03/12 DELEGATED

1) 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.

2) 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.

3) UNI

The rooflights indicated on approved plan nos. TA463C/34 Rev F & TA463C/36 Rev J with vertical glazing bars hereby approved shall be carried out in strict accordance with the approved details and the glazing bars shall thereafter be retained.

Reason: To ensure a satisfactory appearance to the development, in the interests of the appearance and visual amenity of the area and to comply with policy QD1 of the Brighton & Hove Local Plan.

4) UNI

The alterations at lower ground floor level to the east and southern elevations of the building shall be faced with painted render and thereafter retained as such.

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.

5) UNI

All planting, seeding or turfing in the scheme of landscaping, as outlined in the RW Green Limited report dated August 2010, 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

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.

7) UNI

Access to the flat roof over the hereby approved lower ground floor extension to 14 Wilbury Villas 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.

8) UNI

The rooflights in the approved development shall not protrude more than 150mm beyond the plane of the roof slope of the original roof when measured from the perpendicular with the external surface of the original roof, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, in the interests of the appearance and visual amenity of the area and to comply with policy QD1 of the Brighton & Hove Local Plan.

9) UNI

The development hereby permitted shall be carried out in accordance with the approved Turner Associates drawings nos. TA463C/01 Rev C, TA463C/02, TA463C/03 Rev C, TA463C/04 Rev C, TA463C/05 Rev C, TA463C/06 Rev C, TA463C/07 Rev C, TA463C/08 Rev C, TA463C/09 Rev C, TA463C/10 Rev C, TA463C/11 Rev C, TA463C/12 Rev C, TA463C/13 Rev C, TA463C/14 Rev C, TA463C/20 Rev L, TA463C/30 Rev G, TA463C/31 Rev H, TA463C/34 Rev G, TA463C/35 Rev K, TA463C/36 Rev K, TA463C/37 Rev G, TA463C/38 Rev K, TA463C/39 Rev G, TA463C/40 Rev K, TA463C/50, TA463C/51, TA463C/52, TA463C/53, TA463C/54, TA463C/55, TA463C/56, TA463C/57, TA463C/58, TA463C/59, TA463C/60, TA463C/61 & TA463C/61 received on 24/01/2012.

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

10) UNI

The replacement boundary walls to Wilbury Avenue and Wilbury Villas shall be carried out in strict accordance with the details approved under application ref BH2011/01870 and based on drawing no. ADC 391/01 received on 24th June 2011, unless other wise agreed by the Local Planning Authority.

Reason: To ensure satisfactory appearance to the development, for the avoidance of doubt and to comply with policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2012/00205

94 Lyndhurst Road Hove

Certificate of Lawfulness for proposed loft conversion including side gable extension and rooflights to front and rear.

Applicant: Mr Robert Saynor

Officer: Clare Simpson 292454

Approved on 09/03/12 DELEGATED

BH2012/00207

67 Goldstone Lane Hove

Removal of garage area and alterations to convert to habitable room. Installation of gates to garden entrances and alterations to garden wall.

Applicant: Mr Roger Tucker

Officer: Clare Simpson 292454

Approved on 14/03/12 DELEGATED

1) 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.

2) 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.

3) UNI

The proposed natural stone bollard shown on approved drawing ADC440/07C shall be placed in situ before the new ground floor windows are installed and retained in place thereafter.

Reason: to prevent attempts to use this area as an off-street car parking facility and to prevent cars overhanging the highway and to comply with policy TR1 and TR7 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. ADC440/06B and 07C received on the 25th January 2012

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

BH2012/00283

111 Conway Street Hove

Certificate of Lawfulness for proposed erection of single storey side extension to rear, new ground floor rear window, dormer to rear elevation and rooflights to front elevation.

Applicant: Mr Thomas Kozdon

Officer: Steven Lewis 290480

Approved on 24/02/12 DELEGATED

HANGLETON & KNOLL

BH2011/02524

Bishop Hannington Church Hall 38 Holmes Avenue Hove

Alterations and extensions to existing church hall to form 2no halls, 1 studio flat and 3 one bedroom flats at first floor level incorporating extension to roof and 3no two storey houses to Wayfield Avenue elevation.

Applicant: Bishop Hannington Memorial Church

Officer: Steven Lewis 290480

Refused on 13/03/12 DELEGATED

1) UNI

The construction of 3 dwellings fronting Wayfield Avenue by reason of their form, scale, siting, mass, detailing are poorly designed and would fail to emphasise or enhance the positive qualities of the site, building and its present setting and that of the wider neighbourhood and visual amenities of the area. The density of development created by the additional dwellings is considered above an appropriate capacity for its location and would amount to an overdevelopment of the site. This is contrary to policies QD1, QD2, QD3, QD14 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposed dormer windows extensions by reason of their scale, size, height, detailing and bulk are considered poorly designed, would dominate the roof slope and would seriously harm the appearance of the building and the visual amenity of the area. This is contrary to policies QD1 and QD14, and Supplementary Planning Guidance note 1 (SPGBH1 - Roof Extensions and Alterations)

3) UNI3

The proposed residential accommodation by reason of outlook, daylight, aspect, levels of private amenity space and accessibility standards would not provide an adequate standard of living accommodation for occupiers. This is contrary to policies QD1, QD27, HO5 and HO13 of the Brighton & Hove Local Plan.

4) UNI4

Policy TR1 of the Brighton & Hove Local Plan requires that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling. The development makes inadequate provision for the increase in demand for travel and will result in additional demand for travel services.

5) UNI5

Policy SU2 of the Brighton & Hove Local Plan requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Insufficient information has been submitted to demonstrate how sustainability measures for efficiency in the use of energy, water and materials have been incorporated into the design of the development.

BH2011/03681

84 Dale View Hove

Erection of single storey rear extension with associated external alterations.

Applicant: Mrs V Myall

Officer: Adrian Smith 290478

Approved on 06/03/12 DELEGATED

1) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. 003 received on the 2nd December 2011 and approved drawing no.002B received on the 24th February 2012.

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

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 windows or doors shall be constructed in the north and south side elevations 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.

3) 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.

BH2012/00052

1 Hangleton Close Hove

Erection of part two storey, part single storey side and rear extension with associated external alterations.

Applicant: Mr M Penfold

Officer: Mark Thomas 292336

Approved on 08/03/12 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 unnumbered drawing received on 6th January 2012.

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

BH2012/00141

7 Hangleton Lane Hove

Erection of 2no storey side extension.

Applicant: Mr Savash Osman

Officer: Mark Thomas 292336

Approved on 08/03/12 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) BH14.02

No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further 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.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. jj/02/Hangleton lane 7 received on 19th January 2012.

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

BH2012/00242

102 Sunninghill Avenue Hove

Certificate of Lawfulness for proposed single storey rear extension and loft conversion incorporating hip to barn end roof extension, rear dormer front rooflights and windows to side elevation.

Applicant: Tony Mantell

Officer: Robert McNicol 292322

Approved on 08/03/12 DELEGATED

NORTH PORTSLADE

BH2011/03845

19 Juniper Close Portslade

Erection of a single storey side extension incorporating pitched roof. Erection of fence to side boundary.

Applicant: Mr A Smith

Officer: Adrian Smith 290478

Refused on 02/03/12 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 and adjoining properties. The proposed single storey side extension, by virtue of its excessive width in relation to the host property, represents a poorly scaled addition to the building that, in conjunction with the proposed boundary wall, fails to respect the open character of the area and the wider street scene, contrary to the above policy.

2) UNI2

Policies QD14 and QD27 of the Brighton & Hove Local Plan seek to ensure that extensions and alterations to buildings do not harm the residential amenities of neighbouring properties. The proposed boundary wall, by virtue of its position directly adjacent to the footpath fronting Nos 15-18 Juniper Close, represents an unneighbourly and oppressive form of development that would excessively enclose the outlook to these facing properties and fails to respect the open character of the area. The proposal would therefore be harmful to the amenity of the adjacent residents, contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.

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.

SOUTH PORTSLADE

BH2012/00029

69 Eastbrook Road Portslade

Erection of a single storey rear extension.

Applicant: Mr D Hayter

Officer: Christopher Wright 292097

Approved on 02/03/12 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 windows or other openings other than those expressly authorised by this permission shall be constructed on either of the eastern or western flank elevations 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 location plan and block plan received on 6 January 2012 and drawing no. 11/712/01 Revision A received on 29 February 2012.

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

BH2012/00085

69 Dean Gardens Portslade

Erection of single storey side and rear extension to replace existing conservatory. Extending decking in rear garden and demolition of existing garage with associated external alterations.

Applicant: Mrs Françoise Carter

Officer: Robert McNicol 292322

Approved on 05/03/12 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. 105, 106 and 107 received on 13-Jan-2012 and 108A received on 28-Feb-2012

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

HOVE PARK

BH2011/03321

Land Adjacent to 8 The Mews Cottage Woodland Drive Hove

Change of use from former reservoir land to residential curtilage with new hardstanding to front of property (Retrospective).

Applicant: Mr Ian McCaffrey

Officer: Guy Everest 293334

Approved on 02/03/12 DELEGATED

1) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) no building, container or enclosure, swimming or other pool shall be constructed on the site without planning permission obtained from the Local Planning Authority.

Reason: In order that the Local Planning Authority can control any further development within the extended curtilage of the property to safeguard the character and appearance of the Engineerium Conservation Area and comply with policy HE6 of the Brighton & Hove Local Plan.

2) UNI

The development hereby permitted shall be carried out in accordance with the unnumbered 1:500 scale plans labelled 'Sept 2011' & 'Oct 2011' received on 31st October 2011; and 1:1250 'site plan', 'pre-existing site plan' and 'proposed site plan' drawings received on 16th December 2011.

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

BH2012/00109

22 Orchard Gardens Hove

Erection of single storey rear and side extension.

Applicant: Mr & Mrs Davies

Officer: Mark Thomas 292336

Approved on 07/03/12 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. P04, P05, P06 received on 16th January 2012.

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

BH2012/00155

57A The Drove Way Hove

Replacement of existing conservatory with erection of new single storey conservatory incorporating sliding doors at rear elevation.

Applicant: Mr M Wood

Officer: Robert McNicol 292322

Approved on 07/03/12 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 in the walls or roof of the extension hereby permitted without first obtaining planning permission 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 drawings no. 7 and 8 received on 18-Jan-2012.

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

BH2012/00167

115 Woodland Avenue Hove

Non Material Amendment to BH2010/00440 to fit skylight to the flat roof of the single storey extension.

Applicant: Mr Mark Smith

Officer: Clare Simpson 292454

Approved on 29/02/12 DELEGATED

BH2012/00178

45 Woodruff Avenue Hove

Erection of single storey UPVC conservatory to side elevation.

Applicant: Mr & Mrs Richard Wing

Officer: Mark Thomas 292336

Approved on 08/03/12 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 unnumbered proposed floor plan and elevations drawing received on 23rd January 2012.

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

BH2012/00192

69 Hove Park Road Hove

Erection of a two storey rear extension, a single storey rear extension, a rear dormer and a front dormer with associated alterations including raising the ridge height. Construction of a vehicular cross over (Part Retrospective).

Applicant: Mr Ives

Officer: Mark Thomas 292336

Approved on 09/03/12 DELEGATED

1) 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.

2) UNI

The Wheatley Elm and its root plate on the verge at the front of the property shall be protected during construction in accordance with the approved Arboricultural Method Statement.

Reason: To protect the existing street tree in the interest of the visual amenities of the area and to comply with policy QD16 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 1392/1495D, 1392/1496D and 'Arboricultural Method Statement' received on 24th January 2012.

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

BH2012/00208

63 Hove Park Road Hove

Erection of a rear extension at first floor level.

Applicant: Mr & Mrs Southern

Officer: Jason Hawkes 292153

Approved on 13/03/12 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 first floor window shall be constructed on the side east facing elevation of the approved extension.

Reason: To protect the amenity 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 no.S1, S2, S3, S4, S5, S6, S7, S8, S9, S10, P1, P2, P3, P4, P5, P6, P7, P8, P9 & P10 received on 25th January 2012.

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

WESTBOURNE

BH2011/03882

11 Princes Square Hove

Erection of single storey rear extension, loft conversion incorporating rear dormer and side rooflights. New aluminium sliding doors to rear elevation, new aluminium windows to North side elevation and replacement of existing garage door with new timber garage doors.

Applicant: Mrs Polly Tudor-Williams

Officer: Mark Thomas 292336

Approved on 02/03/12 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

Unless otherwise agreed in writing, the rooflights hereby approved shall be 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. 02-01 A, 02-02 A, 09.02 received on 20th December 2011 and drawing no. 09-01 B received on 6th February 2012.

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

BH2011/03938

Flat 3 14 Sackville Gardens Hove

Loft conversion incorporating pitched roof dormers to rear, installation of rooflights and associated alterations.

Applicant: Mr Sam Fansa

Officer: Steven Lewis 290480

Approved on 08/03/12 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) BH12.05A

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.

4) UNI

The proposed roof lights shall not protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.

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

5) UNI

The development hereby permitted shall be carried out in accordance with the approved better nest drawings No1, No2, No3, No4, No5, No6, No7, No8, No9, No10, No11, No12, No13, No14, No15, No16, No17, No18, No19, No20, No21, No22 and No23 received on 27/02/2012.

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

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.

BH2012/00034

3 Westbourne Grove Hove

Application for Approval of Details Reserved by Conditions 1, 2, 3, 4, 5, 6, 7 and 8 of application BH2008/02255.

Applicant: Mr Kevin Tanner

Officer: Clare Simpson 292454

Split Decision on 02/03/12 DELEGATED

1) UNI

Approve the details pursuant to conditions 3, 4, 5, 7, 8 subject to full compliance with the submitted details.

1) UNI

Does Not Approve the details pursuant to conditions 1 and 2 and 6 for the following reasons:

Conditions 1 and 2 do not require the further approval of details and is a regulatory condition to ensure compliance with a documentation submitted at the time of determining the planning application under BH2011/00227.

Condition 6 requires the provision of cycle parking for the development.

BH2012/00038

37 Byron Street Hove

Certificate of Lawfulness for proposed loft conversion incorporating front rooflights and rear dormer.

Applicant: Julia Collins

Officer: Jason Hawkes 292153

Approved on 07/03/12 DELEGATED

BH2012/00074

First Floor Flat 84 Coleridge Street Hove

Loft conversion incorporating front and rear rooflights.

Applicant: Mr David O'Dell

Officer: Robert McNicol 292322

Approved on 09/03/12 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 received on 11-Jan-2012.

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

BH2012/00079

15 Braemore Road Hove

Erection of single storey rear extension.

Applicant: Mr Mick Gillett

Officer: Clare Simpson 292454

Approved on 14/03/12 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.109B15/03/A, 04/A received on 7th March 2012

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

BH2012/00097

189 Kingsway Hove

Erection of 5no houses facing Kingsway in five storey terrace with basement and roof terrace and separate five storey building with basement facing Sackville Gardens of 2no flats and 2no maisonettes, with all underground parking accessed from Sackville Gardens.

Applicant: Mr M Deol & Mr R Webb

Officer: Adrian Smith 290478

Refused on 09/03/12 DELEGATED

1) UNI

The site occupies a prominent position of the seafront and is within the Sackville Gardens Conservation Area. The proposed terrace, by virtue of:

- a) Its position set directly on the Sackville Gardens street frontage with no visual set back
- b) The poor architectural style, bulk and detailing of the upper floors, including the barrel vaulted roofline
- c) The excessive number of floors (6) in relation to the adjacent seafront buildings within the conservation area, fails to respect the scale, general development pattern and predominant character of the Sackville Gardens Conservation Area and its significance as a heritage asset. Further, the terrace building fails to take into consideration its cumulative visual impact with regard the potential development of the adjacent site at 191 Kingsway, an application for which is currently under consideration. For these reasons the proposal is considered to be contrary to policies QD1, QD2 and HE6 of the Brighton & Hove local Plan which aim to ensure that development preserves or enhance the character or appearance of conservation areas and local characteristics.

2) UNI2

Policy QD27 of the Brighton & Hove Local Plan seeks to protect residential amenity. The proposed west facing windows to the terrace building development would result in loss of amenity to the occupiers of the neighbouring property at 191 Kingsway by way of overlooking and loss of privacy. For this reason the proposal is considered unacceptable and contrary to policy QD27.

3) UNI3

Policies TR1 & TR7 of the Brighton & Hove Local Plan seek to ensure that proposals provide for the demand for travel they create without increasing danger to users of the development or the public highway. The proposed development fails to demonstrate that the basement access ramp has been designed to a suitable standard to enable safe and practical access to the underground parking spaces for all forms of vehicle that are likely to require access. This represents an unsafe parking arrangement for future occupiers of the development and as such the development fails to satisfactorily and safely provide for the travel demand it would create, contrary to the above policies.

BH2012/00102

29 Sackville Gardens Hove

Erection of single storey rear/side extension and demolition of existing conservatory.

Applicant: Ms Michelle Longworth

Officer: Mark Thomas 292336

Approved on 08/03/12 DELEGATED

1) BH1.01

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 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 powder coated metal bi-folding doors to the rear elevation hereby permitted shall be coloured white to match the colour of windows and doors 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 drawing no. 0092/201 received on 16th January 2012.

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

BH2012/00104

40 Wordsworth Street Hove

Conversion of ground floor retail/professional and financial services unit (A1/A2) to create 1no residential dwelling, with associated alterations to front and side elevations.

Applicant: Mr Graham Jasper

Officer: Adrian Smith 290478

Approved on 27/02/12 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 QD14 of the Brighton & Hove Local Plan.

3) UNI

The window in the south 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 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.

5) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to the Lifetime Homes standards (as detailed on drawing no.AL-103 received on the 17th January 2012) 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) 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

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.

8) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. AL-100, AL-101 & AL-103 received on the 17th January 2012.

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

9) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until the sustainability measures detailed within the submitted sustainability checklist received on the 17th January 2012 have been fully implemented within each new dwelling.

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.

BH2012/00212

25 Rutland Road Hove

Certificate of Lawfulness for a proposed loft conversion incorporating a hip to gable roof extension, rear dormer and front rooflights.

Applicant: Mr James Lever

Officer: Robert McNicol 292322

Approved on 09/03/12 DELEGATED

BH2012/00305

38 New Church Road Hove

Erection of new dormer to front roofslope.

Applicant: Mr Eva Sacchi Hunter

Officer: Steven Lewis 290480

Refused on 12/03/12 DELEGATED

1) UNI

The enlargement of the dormer by reason of its scale and bulk is considered poorly designed and would have a harmful impact upon the appearance of the building and the wider visual amenity of the area. This is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 1 (Roof Extension and Alterations).

WISH

BH2010/03739

9-16 Aldrington Basin/Land South of Kingsway Basin Road North Portslade

Demolition of business unit to east of Magnet showroom. Erection of new five and a half storey building at Kingsway level and a further one and half storeys of car parking beneath Kingsway ground floor accessed via Basin Road North. Development comprises mixed use commercial premises with associated new access and car parking at Kingsway level and 67 residential units in 6 blocks interlinked by five sets of vertical helical wind turbines. Change of use of existing Magnet showroom at Basin Road North level to storage with associated service area, lorry delivery bay and car parking. (additional information)

Applicant: Harbour View Developments (Sussex) Ltd

Officer: Guy Everest 293334

Refused on 08/03/12 PLANNING COMMITTEE

1) UNI

The applicant has failed to demonstrate that the site is an appropriate location for a tall building within the context of existing development to the north and south of the site, and emerging plans for future development at Aldrington Basin. The proposal is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance Note 15, Tall Buildings.

2) UNI2

The development by reason of its constant and unvarying height and massing would create a sense of bulk that would appear excessively out of scale and create a visually overbearing relationship with adjoining development to the north. The proposal is therefore contrary to policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance Note 15, Tall Buildings.

3) UNI3

The application is not accompanied by a robust background noise survey which identifies the appropriate nearest sensitive receptors or a comprehensive acoustic report outlining the noise impact on agreed receptors. The development, in the absence of this information and suitable mitigation measures,

has significant potential to expose future residents of the proposed development and neighbouring properties to excessive and unreasonable levels of noise. The proposal would therefore be detrimental to residential amenity and is contrary to advice contained within Planning Policy Guidance 24 (Planning and Noise), Planning Policy Statement 22 (Renewable Energy) and its Companion Guide (Planning for Renewable Energy), the principles outlined in ETSU-R 97, and policies SU10 and QD27 of the Brighton & Hove Local Plan.

4) UNI4

The development, in the absence of sufficient justification for a development of this scale in this location, would result in a loss of light that would be both significant and harmful to living conditions for occupiers of neighbouring properties on Kingsway fronting the application site. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2011/01760

80 Stoneham Road Hove

Demolition of existing single storey building and erection of a three storey block to form seven residential units.

Applicant: Ms Katherine Faber

Officer: Guy Everest 293334

Approved on 08/03/12 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

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.

3) UNI

Other than the area designated as terrace to flats 6 & 7 on approved plan 3856-007 Rev G access to the remaining flat roof 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 AD27 of the Brighton & Hove Local Plan.

4) UNI

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

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.

6) 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.

7) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no 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.

8) UNI

Details of the screens and planting to the terraces and balconies hereby approved shall be submitted to and approved in writing by the Local Planning Authority before works commence. The scheme shall be implemented in accordance with the agreed details and thereafter retained in strict accordance with the agreed details.

Reason: To safeguard the amenities of residents of neighbouring properties and to comply with policy QD27 of the Brighton & Hove Local Plan

9) 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, and all means of enclosure, hard surfacing, and planting of the 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) UNI

No development shall take place until details of the construction methodology of the living wall and its proposed aftercare has been submitted to and approved in writing by the Local Planning Authority. Construction details shall include proposed irrigation, soil specification, choice and size of planter, choice of species and details of the supporting structure to be used. The development shall be implemented in accordance with the agreed details.

Reason: To enhance the appearance of the development in the interest of the visual amenities and enhance biodiversity of the area and comply with policies QD1 and QD17 of the Brighton & Hove Local Plan.

11) UNI

Notwithstanding approved drawing 3856-007 Ref G and 3856-009 Rev E, no development shall take place until revised drawings showing obscure glazed

screens to the second floor roof terraces at a height of 1.8 metres on the south elevation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and retained thereafter.

Reason: To safeguard the amenities of residents of neighbouring properties and to comply with policy QD27 of the Brighton & Hove Local Plan

12) UNI

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.

13) 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.

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

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, plants or the living wall 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.

16) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 3856/ 004B, 005F, 007G, 008D, 010D, 011D, 013A, 014, 015, 016A, 017A, 018D, 019B received on 6 September 2011 and 006H, 009E, 012E, 020C received on 14 September 2011.

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

BH2011/03683

Flat 2 377 Kingsway Hove

Replacement of existing metal framed windows and rear door with new UPVC double glazed units.

Applicant: Ms Billie Klinger

Officer: Robert McNicol 292322

Approved on 09/03/12 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 window schedule received on 02-Dec-2011 and photographs received on 06-Feb-2012.

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

BH2011/03848

27 Roman Road Hove

Erection of single storey side extension.

Applicant: Mr & Mrs Westbrook

Officer: Robert McNicol 292322

Approved on 27/02/12 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 in the walls or roof of the extension hereby permitted without first obtaining planning permission 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 drawings no. 2585-01C and 2585-02C received on 16-Feb-2012.

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

BH2011/03876

313 Kingsway Hove

Loft conversion incorporating hip to gable roof extensions to side, and new front gable.

Applicant: Michael Johnson

Officer: Adrian Smith 290478

Refused on 07/03/12 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 and adjoining properties. The proposed roof extensions, by virtue of their poor scale, design and bulk in relation to surrounding properties, represent

an over-development of the roof that would be harmful to the appearance and continuity of the street scene, contrary to the above policies.

BH2012/00040

80 Boundary Road Hove

Display of 1no internally illuminated fascia sign, 1no internally illuminated projecting sign, non-illuminated text above entrance, 1no non-illuminated information sign and 1no non-illuminated ATM surround.

Applicant: HSBC CRE

Officer: Christopher Wright 292097

Approved on 12/03/12 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.

8) UNI

The level of illumination of the fascia and projecting roundel signs hereby permitted shall not exceed those set out in the latest draft of the Institute of Lighting Engineers' Technical Report No. 5 - The Brightness of Illuminated Advertisements.

Reason: In the interests of highway and public safety and to comply with policy TR7 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD07: Advertisements.

BH2012/00046

40 Marmion Road Hove

Certificate of Lawfulness for proposed demolition of existing conservatory & erection of single storey rear extension and decking to rear.

Applicant: Mr Jake Allen & Annmary Slonje

Officer: Christopher Wright 292097

Approved on 07/03/12 DELEGATED

BH2012/00089

Upper Maisonette 25 Marine Avenue Hove

Formation of roof terrace over first floor kitchen and associated works including removal of windows to existing dormer and formation of new bay with double doors.

Applicant: Mr John Mcquillan

Officer: Mark Thomas 292336

Refused on 02/03/12 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 timber screening to the roof terrace by virtue of its excessive scale, height and positioning represents an uncharacteristic and incongruous addition which would significantly detract from the character and appearance of the recipient property. The proposal is therefore contrary to the above policy.

BH2012/00103

5 Tandridge Road Hove

Demolition of existing bungalow and erection of a new chalet bungalow.

Applicant: Mr Kristian Gavin

Officer: Jason Hawkes 292153

Approved on 08/03/12 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 (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 *Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 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 extension, enlargement or other alteration of the dwellinghouse 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) 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.

5) UNI

Access to the flat roof over the rear ground floor of the building 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.

6) 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.

7) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not 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.

8) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to its 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.

9) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. AL-101, 102, 103B, 104B, 105B & 106B received on the 17th January & 28th February 2012.

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

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.

