



**Brighton & Hove
City Council**

Plans List

PLANNING COMMITTEE

2.00PM, WEDNESDAY, 10 JUNE 2009

COUNCIL CHAMBER, HOVE TOWN HALL

**BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENT**

**PLANS LIST
PLANNING COMMITTEE
Date: 10th June 2009**

TREES - Recommendations

Page 3

TREES

Delegated Powers or implementation of a previous Committee Decision

Page 15

MINOR APPLICATIONS

	Application Number	Area	Ward	Address	Proposal	Recommendation	Page
	BH2008/03475	East	Patcham	1 Warmdene Way	Demolition of existing garage and construction of a bungalow.	Grant	19
	BH2008/03523	West	Stanford	Land rear of 6 & 8 Kelly Road	Erection of two-storey dwelling on land rear of 6 and 8 Kelly Road.	Grant	33
	BH2009/00461	West	Withdean	94-96 Reigate Road	Construction of a new three-bedroom semi-detached house.	Grant	46
	BH2008/03427	West	South Portslade	33 Mile Oak Road	Demolition of non-original extensions to existing property and conversion with new extensions to 2 x three bedroom and 1 x two-bedroom houses. Erection of 2 x new three bedroom houses on same site - creation of new public footpath along Northern boundary of Mile Oak Road including repositioning of flint boundary wall (amended scheme).	Minded to Grant	56
	BH2009/00898	East	St Peter's & North Laine	Seasons Café, 36 Gloucester Road	Application for variation of Condition 2 of application BH1999/00436/FP to read; The premises shall not be open or in use except between the hours of 08.00 to 20.00 from Monday to Saturday, and between 10.00 to	Grant	72

					18.00 on Sundays. Remove Condition 5 in order to allow the preparation and sale of hot food on the premises.		
--	--	--	--	--	--	--	--

Determined Applications:

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.

Application Number: BH2009/01030 **Ward:** Withdean

Address: 2a Croft Road, Brighton

Proposal: To fell 1 x Ilex aquifolium, 1 x Fagus sylvatica, 1 x Acer pseudoplatanus, all covered by Tree Preservation Order (No. 23) 2004 (Area Order).

Officer: Di Morgan, tel. 01273 292929

Date Received: 29 April 2009

Applicant: Mrs Susie Coelho

1 Introduction

1.1 The purpose of the report is to consider the above application.

2 Recommendation

2.1 That the Sub-Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 7 of this report and resolves to grant consent subject to the following conditions:

- The felling shall be carried out within two years under the supervision and to the satisfaction of the Local Planning Authority.
- The said existing trees shall be replaced by a tree of a size and species and in a position to be agreed by the Local Planning Authority.
- The replacement trees shall be planted during the period November to March next, following the felling of the existing tree, and such planting shall be in all respects to the satisfaction of the Local Planning Authority.
- If, within a period of two years from the date of the planting, the trees (or any other trees planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the Local Planning Authority gives its written consent.

3 Description of the Application Site

- 3.1 This property is part of a new development situated in Croft Road, however, the development site was on the corner of Croft Road and Colebrook Road. The property has several trees in both the back and front gardens.

4 Proposal

- 4.1 The applicant wishes to fell the Sycamore as it is growing into the Yews (also protected).
- 4.2 The applicant wishes to fell the holly as its leaves are causing health and safety problems for children using the garden.
- 4.3 The applicant wishes to fell the Beech as the crown is growing too close to the house.

5 Relevant Planning History

- 5.1 The application before the Committee now is the exact copy of BH2008/02516. This application was refused by the Committee. The applicant did not appeal at that time, a decision which she now regrets. Should the current application be refused too, she now understands she has to appeal within 28 days.

6 Considerations

- 6.1 The *Ilex aquifolium* is approximately 4 metres in height with a crown spread of 2 metres. It has 3 stems and the crown of the tree starts at a height of 1.5 metres. At the time of the inspecting officer's visit, there were no visible defects that gave cause for concern. The tree may, in time, cause damage to the wooden boundary fence. It is situated in a small soil border in the rear garden, and its small stature means it has absolutely no public amenity value.
- 6.2 The *Fagus sylvatica* is approximately 6 – 7 metres in height with a crown spread of 4 – 5 metres. It is a juvenile / semi-mature tree that has had no formative pruning. Crown break is at 3 metres. It is situated in a shrub border in the rear garden, 3 metres from the decking and 6 metres from the property itself. At the time of the inspecting officer's visit, there were no visible defects that gave cause for concern. Its small stature means it has no public amenity value. Its close proximity to the property means that it will be under constant pressure in the future for pruning away from the property.
- 6.3 The *Acer pseudoplatanus* is one of 6 semi-mature/mature trees in the front garden of the property. This specimen is approximately 12 metres in height with a crown spread of 4 metres. It is situated in a wooded area 7 – 8 metres from the property very close to the front boundary of the garden. It has been suppressed by the nearest Yew, which is 1 metre away from it. At the time of the inspecting officer's visit, there were no visible defects that gave cause for concern. The applicant wishes

to retain the 4 Yews and 1 Elm in the front garden and remove this Sycamore. The front garden will therefore still have good tree cover. The close proximity of the remaining trees means that the impact of its loss will be minimal.

6.4 No loss or damage is likely to occur if felling of the above trees is refused.

7 Conclusion

7.1 The trees the subject of this application have little or no public amenity value and therefore the impact of their loss will be negligible.

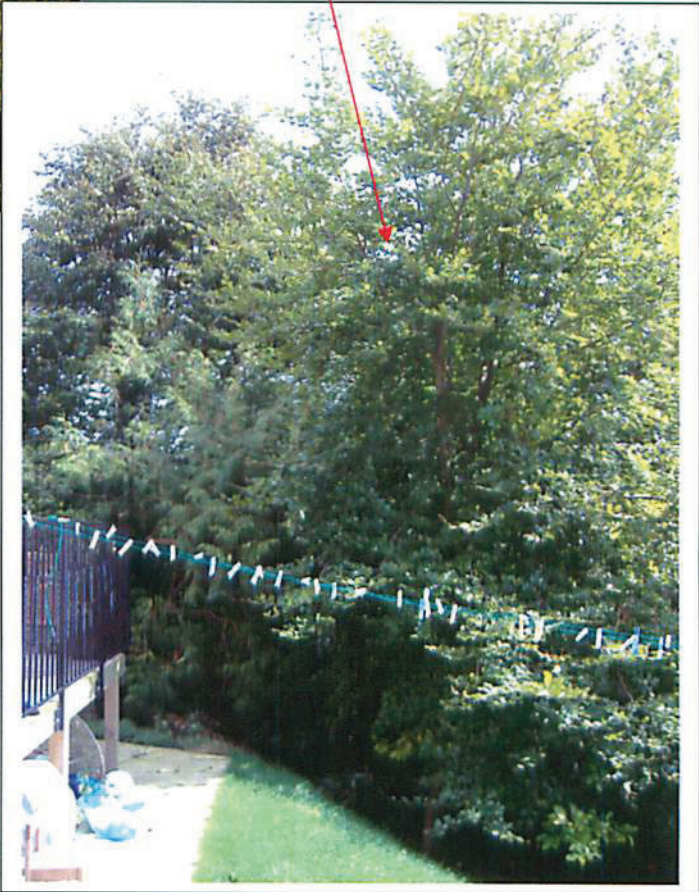
BH2009/01030
2a Croft Road
Ilex aquifolium
(Tree A)



BH2009/01030
2a Croft Road
Fagus sylvatica
(Tree B)



The tree the subject of this application.

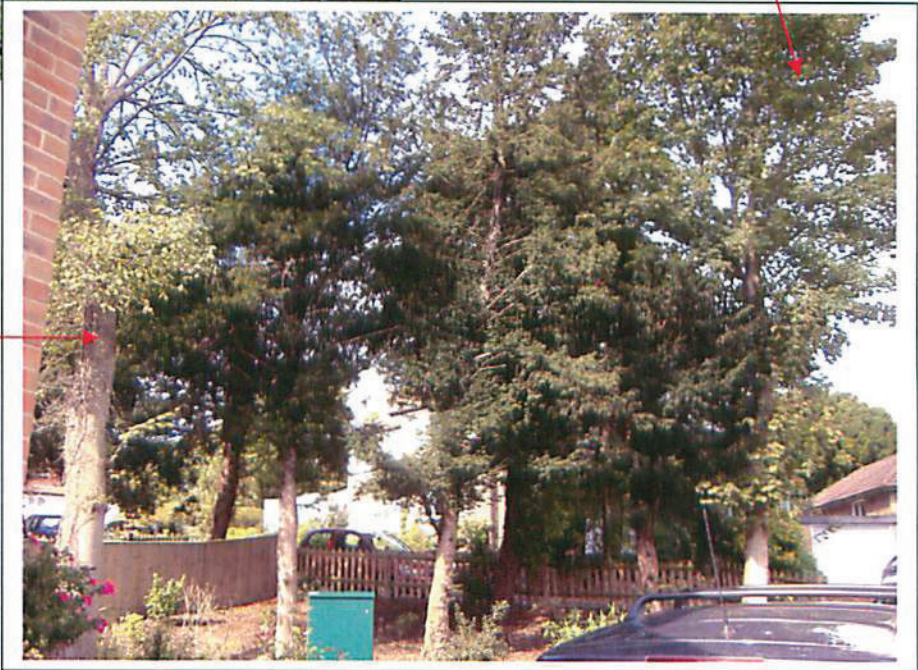


BH2009/01030
2a Croft Road
Acer pseudoplatanus
(Tree C)

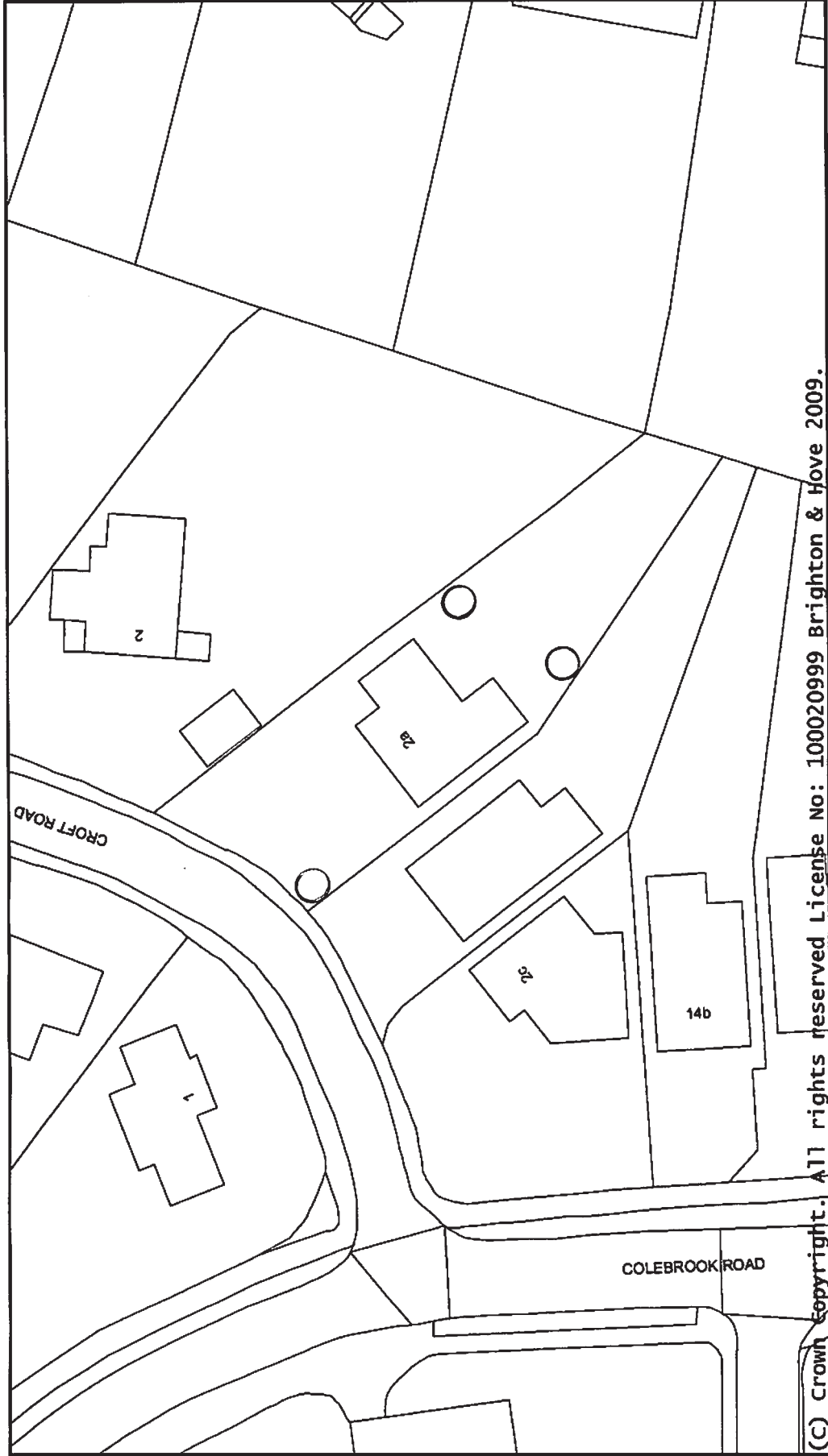


The tree the subject of this application.

Five remaining mature trees in front garden, including one Elm.



BH2009/01030: 2a Croft Road



(C) crown copyright. All rights reserved License No: 100020999 Brighton & Hove 2009.



Date: 29/04/2009 03:20:19

Brighton & Hove Scale 1:500
City Council



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.

Application Number: BH2009/00886 **Ward:** Preston Park
Address: 35a Chatsworth Road, Brighton
Proposal: To fell 1 x Cupressus macrocarpa covered by Tree Preservation Order (No. 16) 1998.
Officer: Di Morgan, tel. 01273 292929
Date Received: 7 April 2009
Applicant: Brighton Tree Specialists

1 Introduction

- 1.1 The purpose of the report is to consider the above application.

2 Recommendation

- 2.1 That the Sub-Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 7 of this report and resolves to refuse consent to fell this tree.

3 Description of the Application Site

- 3.1 This garden of this property contains several trees, six of which are covered by the above Preservation Order. The property has recently been sold to a new owner, who sought permission in March 2009 to prune the trees. Permission was given at that time to crown reduce this tree by 20%.

4 Proposal

- 4.1 The applicant now wishes to fell this tree, stating that it is leaning on the wall, snapping out in places, and they would like to landscape and replant the raised root area the tree stands in.

5 Relevant Planning History

- 5.1 BH2009/00563 – pruning of several trees including the tree the subject of this application was given permission under delegated powers.

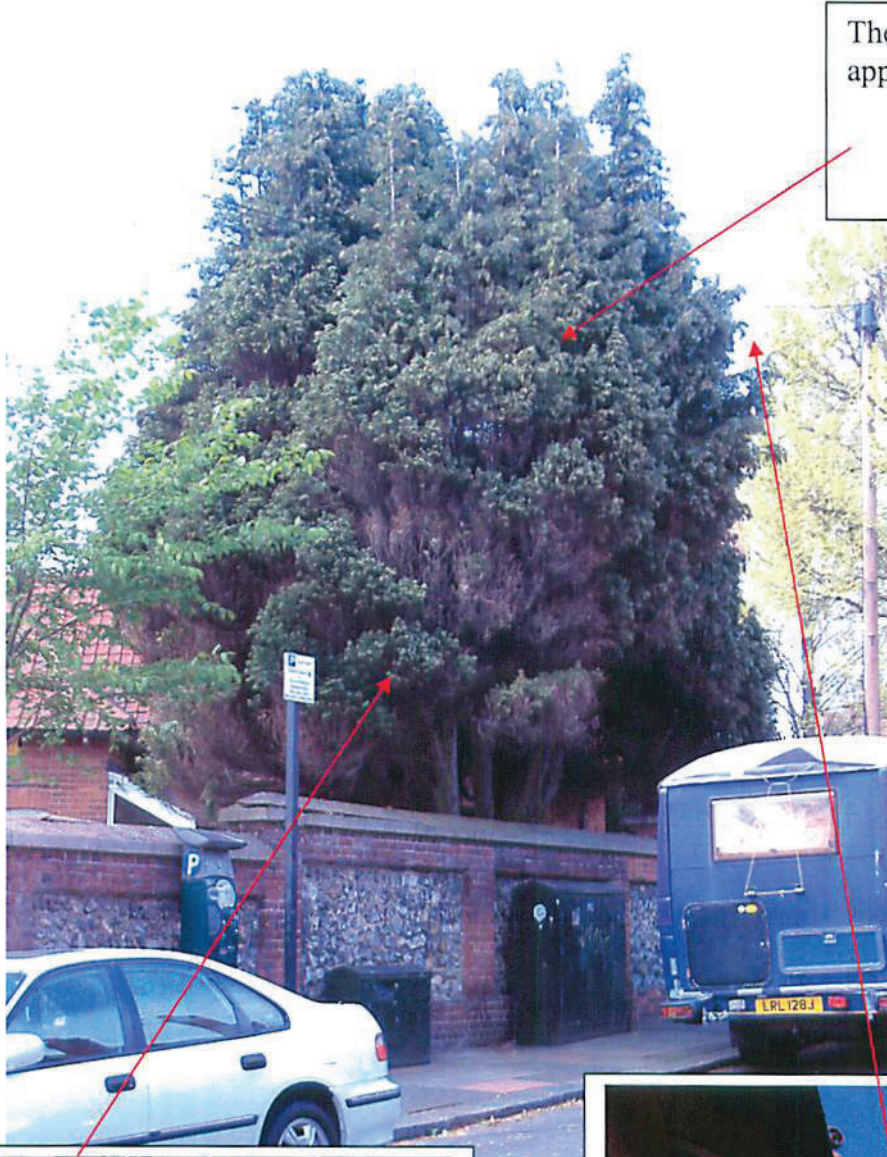
6 Considerations

- 6.1 This *Cupressus macrocarpa* is approximately 11 – 12 metres high with a crown spread of 9 – 10 metres. It is multi stem and over mature with no structural problems visible at the time of the inspecting officer's visit. One minor branch has started to "break-out" of the main canopy, which is typical for an over mature tree of this species. There is minor damage to the wall and it is felt that the wall could be repaired around the tree at this time. Telephone cables do go through the crown, but the tree could be pruned around them.
- 6.2 The tree is right at the front of the property and it is prominent on the street scene.
- 6.3 No loss or damage is likely to occur if felling of the above tree is refused.

7 Conclusion

- 7.1 The tree the subject of this application is over mature but it is felt that its age is not sufficient enough reason to fell it at this time. The tree could be pruned to alleviate most of the problems being experienced. The wall will have to be repaired regardless of the tree's removal, and it is felt that its repair could be carried out whilst retaining the tree, however, this could be considered again at the time the wall is repaired.
- 7.2 The tree is of high public amenity value and the impact of its loss would have a negative effect on the street scene in the area.

BH2009/00886: 35a Chatsworth Road, Brighton

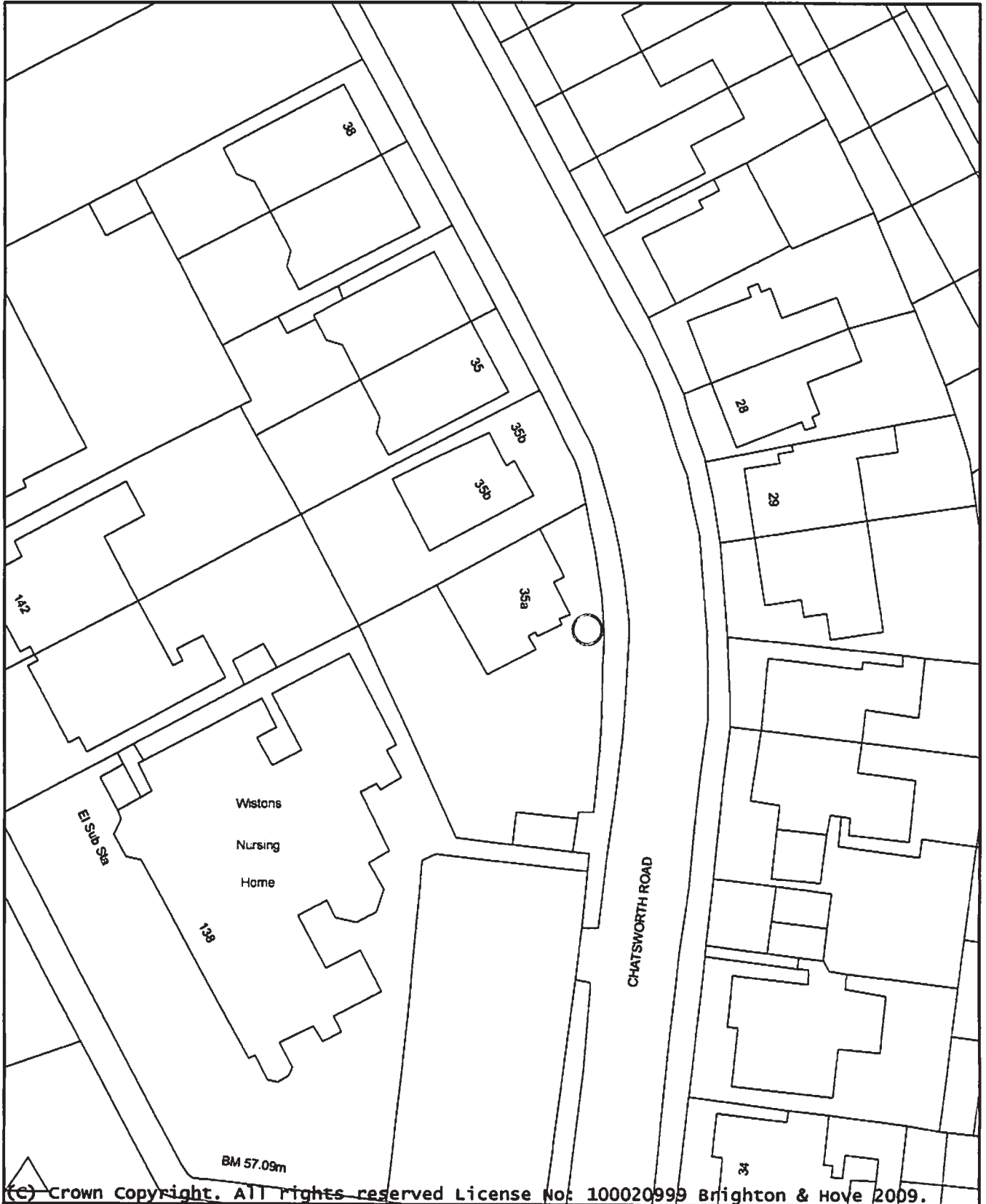


The tree the subject of this application.

Branch break out round opposite side of tree.



BH2009/00886 and BH2009/00887: 35a Chatsworth Road



Date: 16/04/2009 12:49:52

Scale 1:500



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.



BRIGHTON AND HOVE CITY COUNCIL

LIST OF APPLICATIONS DETERMINED BY THE DIRECTOR OF ENVIRONMENTAL SERVICES UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION

PATCHAM

Application No: **BH2009/01006**

19 Old Patcham Mews

2 x Cherry - reduce by 20%, thin by 10%. 1 x Hawthorn - Reduce by 30 - 40%.

Applicant: Mr C Irving

Approved on 12 May 2009

PRESTON PARK

Application No: **BH2009/00747**

Greenacres, Preston Park Avenue

1 x Beech - Max 15% crown reduction, max 10% crown thin. 1 x Walnut - Max 15% crown reduction, max 10% crown thin.

Applicant: Miss J Fifield

Approved on 12 May 2009

Application No: **BH2009/00895**

151 Havelock Road

Fell - 1 x Ash (no public amenity value).

Applicant: Mr H Mason

Approved on 12 May 2009

REGENCY

Application No: **BH2009/01003**

41 Montpelier Street, Brighton

1 x Robinia - Maximum 30% crown reduction including pruning back from property.

Applicant: Matthew Tree

Approved on 05 May 2009

Application No: **BH2009/01007**

45 Sillwood Road

Fell - 1 x Sycamore (no public amenity value).

Applicant: Nyall Thompson

Approved on 05 May 2009

Application No: BH2009/01008
45 Sillwood Road

1 x Magnolia - reduce height by 8ft and reshape.

Applicant: Nyall Thompson
Approved on 05 May 2009

WITHDEAN

Application No: BH2009/01020
6 Croft Road

1 x Yew - 30% crown reduction, light thin, 3 - 4 m lift. 1 x Robinia - 30% crown reduction. 4 x Yew - 30% crown reduction and cut back conservatory overhang by 40%. 1 x Wych Elm - 30% crown reduction. 4 x yew - 30% crown reduction. 2 x Yew - 30% crown reduction.

Applicant: Mr T Fellows
Approved on 05 May 2009

HOLLINGDEAN & STANMER

Application No: BH2009/00554
Moulsecomb Place, Lewes Road

11 x Sycamores - Reduce and reshape by 30%.

Applicant: Mr N Jones
Approved on 05 May 2009

ROTTINGDEAN COASTAL

Application No: BH2009/01025
Ovingdean Grange, Greenways

Fell - 1 x Weeping Willow (tree in decline).

Applicant: Mr H Brunjes
Approved on 12 May 2009

BRUNSWICK AND ADELAIDE

Application No: BH2009/00877
87 Lansdowne Place

2 x Sycamores - 30% crown reduction, 30% crown thin.

Applicant: Mr P Else
Approved on 05 May 2009

Application No: BH2009/00998
14 First Avenue

Fell - 2 x conifers (no public amenity value).

Applicant: Mr C Irving
Approved on 05 May 2009

CENTRAL HOVE

Application No: BH2009/01028
116 Church Road

Fell - 1 x Sycamore (causing structural damage, poor form).

Applicant: Tom Fellows
Approved on 05 May 2009

STANFORD

Application No: BH2009/00881
11 Tongdean Road

Fell - 1 x Sycamore (structural faults).

Applicant: Carlos Daly
Approved on 05 May 2009

Application No: BH2009/00882
11 Tongdean Road

Fell - 1 x Sycamore (structural faults).

Applicant: Mr J Cox
Approved on 05 May 2009

Application No: BH2009/00892
144 Woodland Drive

1 x Holly - cut overhanging branches to boundary fence. 1 x Yew - light reduction. 2 x Holly - light crown reduction.

Applicant: Tom Fellows
Approved on 05 May 2009

Application No: BH2009/01012
The Ridings, Tongdean Avenue

2 x Sweet bay - 30% crown reduction to shape. 2 x Leylandii - trim. 1 x Lime - 30% crown reduction. Holm Oaks - 20% crown reduction, 15% crown thin.

Applicant: Mr J Lee
Approved on 05 May 2009

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2008/03475	<u>Ward:</u>	PATCHAM
<u>App Type</u>	Full Planning		
<u>Address:</u>	1 Warmdene Way, Brighton		
<u>Proposal:</u>	Demolition of existing garage and construction of a bungalow.		
<u>Officer:</u>	Aidan Thatcher , tel: 293990	<u>Received Date:</u>	30 October 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15 January 2009
<u>Agent:</u>	Building Design Co., Flat 8, 51-53 Lansdowne Place		
<u>Applicant:</u>	Mr Robert Walters, 1 Warmdene Way, Brighton		

This application was deferred at the last meeting to allow members to make a site visit.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions

1. BH01.01 Full planning.
2. BH02.03 No permitted development (extensions) (amenity & character).
3. BH02.08 Satisfactory refuse and recycling storage.
4. BH03.01 Samples of materials Non-Cons Area (new buildings).
5. BH05.01 Code for Sustainable Homes – Pre-commencement (New build residential) * insert Code Level 3.
6. BH05.02 Code for sustainable homes – Pre-occupation (New build residential) * insert Code level 3.
7. BH05.08 Waste Minimisation Statement.
8. BH05.10 Hardsurfaces.
9. BH06.01 Retention of parking areas.
10. BH06.02 Cycle parking details to be submitted.
11. BH06.04 Sustainable transport measures.
12. No development approved by this permission shall be commenced until detailed drawings, including levels, sections and constructional details of the access road, junction treatment, surface water drainage, outfall disposal, street lighting and signage to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in strict accordance with the approved details prior to the first occupation of the dwelling and retained as such thereafter.
Reason: In the interests of highway safety and for the benefit of the public and to comply with policy TR7 of the Brighton & Hove Local Plan.
13. BH04.01 Lifetime Homes.

Informatives:

1. This decision is based on drawing nos. 741/04B, 05B, 07B & 08A and Design & Access Statement, Additional Planning Statement, Waste Minimisation Statement and Biodiversity Checklist submitted on 30 October 2008 and South East Region Sustainability Checklist submitted on 11 November 2008 and Brighton & Hove Sustainability Checklist submitted on 20 November 2008 and drawing No. 741/06B submitted on 18 December 2008.

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

i) having regard to the policies and proposals in the East Sussex and Brighton & Hove Waste Local Plan and Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance and Supplementary Planning Documents:

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
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
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
QD27	Protection of amenity
QD28	Planning obligations
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and Lifetime Homes

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design; and

ii) for the following reasons:

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of adjoining and nearby residential occupiers. The potential increase in the intensity

of use of the access road has been acknowledged, however the Sustainable Transport Team have indicated that this would be satisfactorily ameliorated by the proposed access improvement works.

3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
5. 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).
6. The applicant is advised that the requirements of Condition 11 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £2000 to fund improved sustainable transport infrastructure in the vicinity.
7. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brightonhove.gov.uk).

2 THE SITE

The application site is located on the northern side of Warmdene Way, a short private cul-de-sac accessed via Warmdene Road some 50m to the west. It is rectangular in shape with a maximum depth of 20m, a width of 9.5m and a site area of 190 sqm (0.019 ha). The site contains a domestic garage and currently forms part of the side/ rear garden of No.1 Warmdene Way, a hipped roof bungalow finished in red brick and rough-cast painted render.

The surrounding area is wholly residential in character. To the west of the site are the rear gardens of a pair of two storey semi-detached houses and a detached house fronting Warmdene Road. To the north, are the rear gardens of two storey semi-detached houses fronting Dale Crescent. To the east of the site beyond No.1 Warmdene Way are the front gardens of a pair of semi-detached bungalows (i.e. Belstan & Ruslin), whilst to the south, on the opposite side of Warmdene Way is a bungalow (i.e. No.20a) and the gable

end of a two storey terraced house which forms part of a small backland development consisting of seven properties.

3 RELEVANT HISTORY

BH2008/00378: In May 2008 planning permission was refused for the demolition of the existing garage and the erection of a bungalow for the following reasons:-

1. The proposed development by virtue of its location and poor standard of pedestrian and vehicular access, would result in increased risk to the users of Warmdene Way and Warmdene Road, contrary to policies TR1, TR7, TR8 and TR14 of the Brighton & Hove Local Plan.
2. The proposed development contains an excessive number of car parking spaces which would encourage the use of cars at the expense of more sustainable means of transport and, as such is contrary to Planning Policy Guidance Note 13: Transport, policies TR1 and TR19 of the Brighton & Hove Local Plan and SPGBH4: Parking Standards.

BH2007/02647: In January 2008 planning permission was refused for the demolition of the existing garage and the erection of a two bedroom chalet style bungalow with two parking spaces for the following reasons:-

1. The proposed development is considered to be an overdevelopment of the site that would retain inadequate private and usable garden area for the parent dwelling and would have an overbearing presence on the parent dwelling, which would be detrimental to the living conditions of the parent dwelling contrary to policies QD27, HO4 and HO5 of the Brighton & Hove Local Plan.
2. The proposed development, by reason of the limited separation to the parent dwelling, siting forward of the parent dwelling and design and massing, would be an unsympathetic development that would appear incongruent with the parent dwelling, contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.
3. The development would provide limited separation to the rear boundary and would result in overlooking of the neighbouring gardens to the rear of the site, detrimental to the privacy and living conditions of these properties contrary to policy QD27 of the Brighton & Hove Local Plan.
4. The proposed development by virtue of its location and poor standard of pedestrian access, would result in increased risk to the road users of Warmdene Way and Warmdene Road, contrary to policies TR1, TR7, TR8 and TR14 of the Brighton & Hove Local Plan.

BH2007/00688: Planning permission was refused on 29 May 2007 for the erection of a two storey three bedroom detached house and associated parking on the grounds of overdevelopment, unsympathetic and incongruent appearance in relation to the host premises, overlooking, unsatisfactory access arrangements and failure to demonstrate satisfactory sustainability measures.

4 THE APPLICATION

The application seeks full planning permission for the demolition of the existing garage and the erection of a bungalow. The proposed dwelling would have a width of 7m, a maximum depth of 9.25m, an eaves height of 2.2m and a ridge height of 4.5m. It would be set back between 4.5m and 5.5m from the front garden boundary with Warmdene Way. There would be a separation of 1.5m to the boundary with the parent property, No.1 Warmdene Way to the east and 1m to that of no.24 Warmdene Road to the west. The accommodation would comprise a living room, kitchen, two bedrooms and a family bathroom.

The proposed house would be finished in smooth white painted render and surmounted by a grey concrete tiled pitched roof with terracotta fittings.

There would be a 6m deep rear garden with an area of 59 sqm and a front garden with one car parking space.

The application proposes works to the existing site access which involve resurfacing and new drainage together with improvements to the junction of Warmdene Way and Warmdene Road.

5 CONSULTATIONS

External:

Neighbours: Twelve letters of objection have been received from the occupiers of **5, 6, 7, 8, 9 & 10 Warmdene Way, 20a, 22 (x2) & 24 Warmdene Road and 9 & 11 Dale Crescent**. The following grounds of objection were raised:-

- Overlooking and loss of privacy;
- Overshadowing;
- Overdevelopment;
- Exacerbate existing drainage/ flooding problems in Warmdene Way;
- Removal of hedge on Warmdene Way has exacerbated drainage problems;
- Removal of hedge has destroyed natural habitat;
- Increased pressure on local schools and services;
- Application identical to previously refused schemes;
- Undesirable intensification of existing residential use;
- Increased noise and pollution;
- Create precedent for other similar developments;
- Inadequate parking provision;
- The access road (i.e. Warmdene Way) has been widened to include garden land not within the applicant's ownership and currently the subject of legal dispute;
- Poor access hazardous to both vehicles and pedestrians;
- Access too narrow to allow two vehicles to pass resulting in hazardous reversing manoeuvres onto Warmdene Road;
- No turning facilities/ access problems for emergency vehicles and

- construction traffic;
- Increased vehicular traffic would compound existing access/ egress problems;
- Parked vehicles on Warmdene Way make access/ egress hazardous to vehicles and pedestrians particularly local school children;
- Delays, disturbance and damage during construction;
- No lighting on Warmdene Way;
- Applicant's parking survey misleading because carried out during school holidays;
- The boundary dispute which resulted in Mr Walters removing the hedge at 22 Warmdene Road is not yet resolved. This means that the new width of Warmdene Way may not be a permanent change and the committee considering the appeal should know this is not resolved when they make their decision as my understanding is the new width of the access road would have to be a permanent change to make this scheme meet the planning requirements; and
- New fence to Warmdene Way poorly constructed/ hazardous.

Councillors Brian Pidgeon and Geoffrey Theobland object (letter attached)

Internal:

Sustainable Transport: No objections in principle subject to conditions requiring the submission of details regarding the access and junction improvements; conditions to secure the provision of car/ cycle parking facilities and sustainable transport improvements.

With regard to the access arrangements, although the site exceeds the level of housing that should be served via an unadopted private access track, the proposed works to upgrade the junction and access road would be of benefit to local residents and highway safety and therefore a recommendation to refuse the application would not be pragmatic.

6 PLANNING POLICIES

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
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
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
QD27	Protection of amenity

- QD28 Planning obligations
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

The main considerations in the determination of this application are:

- The principle of the proposed development;
- Design and visual impact on the locality;
- The impact on the amenities of neighbouring occupiers;
- The amenities of the future occupiers;
- Highways and parking;
- Sustainability; and
- Land ownership.

The principle of the proposed development

In accordance with central government advice contained in PPS 3: Housing, which encourages the re-use of previously developed land for housing, there are no policy objections in principle to the sub-division of the garden of No.1 Warmdene Way and the erection of an additional dwelling house subject to the considerations highlighted below.

Design and visual impact on the locality

Brighton & Hove Local Plan policies QD1 and QD2 require new development to exhibit a high standard of design that emphasizes the positive aspects of the local area. Policy QD3 and HO4 seek to ensure the maximum use of sites, while avoiding town cramming and providing suitable design and quality of spaces between the buildings.

Although in townscape terms, the character of this enclave of backland properties is varied in style, it is considered that the context of the application site is formed by No.1 Warmdene Way, a traditional hipped roof bungalow finished in a mixture of brick and rough-cast painted render.

The previous application (BH2008/00378) proposed a bungalow with an identical footprint, siting and design to that currently proposed. Although this application did not receive favourable consideration from the Council, the refusal reasons related to the vehicular and pedestrian access arrangements

and excessive parking provision – the siting and external appearance of the dwelling were considered acceptable.

In the application which was refused in January 2008 (BH2007/02647) on the grounds of overdevelopment, unsympathetic design and incongruous appearance, the proposed chalet style bungalow had a gabled roof with front and rear facing dormers and a ridge height of 6.4m. In the current application, although the footprint of the proposed bungalow is comparable, the height of the building has been reduced by 2.3m (i.e. from 6.4m to 4.5m) and its bulk and massing significantly reduced by omitting the dormers and replacing the gable ended roof with a hipped roof. It is considered that the proposed bungalow with the siting, height, design and form shown would now compare satisfactorily with No.1 Warmdene Way, would no longer appear unduly cramped on the site and would be in keeping with the character of the area. Notwithstanding this, it is recommended that in the event of planning permission being granted a condition be imposed requiring the approval of the external facing materials of the building.

Impact on the amenities of neighbouring residential occupiers

It is considered that the current submission satisfactorily addresses the Local Planning Authority's previous concerns with regard to the impact of the development on the amenities of neighbouring residential occupiers and accords with the provisions of policy QD27 of the Local Plan.

The omission of the roof accommodation and the requisite front and rear dormers, would preclude overlooking to the rear gardens of the houses on Dale Crescent, thus maintaining the privacy of the occupiers. The reduction in the bulk of the building through the reduction in its height and the use of a hipped rather than gabled roof, would satisfactorily mitigate the overbearing impact of the building on the occupiers of the host property. In view of the substantial rear garden depths to the properties on Dale Crescent and Warmdene Road and the spatial relationship with the other properties in Warmdene Way, the proposed development would have no other adverse amenity implications in terms of loss of light, outlook or privacy.

Furthermore, the Applicant has demonstrated that by screen fencing a portion of the fronting garden of No.1 Warmdene Way a reasonable area of private amenity space (i.e. approx. 180 sqm) could be retained for the parent property without undue detriment to the character and visual amenity of the area in accordance with policy HO5 of the Local Plan.

The concerns raised by neighbouring occupiers regarding potential noise, disturbance, damage and vehicular and pedestrian access during construction have been noted. These matters do not fall within the remit of planning control and a refusal of planning permission on these grounds would not be appropriate. However, local residents may have recourse under the Environmental Protection Acts in relation to noise and disturbance outside normal working hours.

The amenities of future occupiers

The proposed development would provide a satisfactory standard of living accommodation for the future occupiers in terms of room sizes, light, outlook and privacy in accordance with policy QD27 of the Local Plan.

Policy HO13 of the Local Plan requires new residential development to comply with Lifetime Homes Standards. The Design & Access Statement indicates that the development would comply with Lifetimes Homes Standards providing accessible off-street parking, level threshold access and appropriate entrance arrangements and doorway widths. Notwithstanding this, a condition should be imposed to secure compliance.

In terms of private amenity space provision, although the rear garden is relatively shallow (i.e. 6m deep), it has a width of 9m and an area of some 59 sqm which compares favourably to the more recent terraced development on the southern side of Warmdene Way where some rear gardens have areas of as little as 36 sqm. Therefore, it is considered that the proposed development would comply with policy HO5 of the Local Plan providing a level of amenity space provision commensurate with the area and the recreational needs of a small two bedroom family dwelling.

Highways and parking

Policy TR1 of the Local Plan requires applicants to provide for the travel demands that their development proposals create and to maximise the use of public transport, walking and cycling.

A condition requiring sustainable transport infrastructure improvements to offset the increase in demand for public transport services arising from the development is proposed. The applicant's have submitted a letter indicating their willingness to enter into an agreement to fund these improvements to the value of £2,000.

One car parking space has been provided on the frontage of the premises in accordance with the Council's car parking standards. Sustainable Transport has noted that two parking spaces are proposed on the frontage of the parent property, No.1 Warmdene Way (previously included within the curtilage of the application site), one space in excess of the standard. However, Members are advised that these are not now included within the application site and subject to an appropriate surface finish would be permitted development.

Secure cycle parking for two bicycles has been provided to the side of the proposed house in accordance with the requirements of policy TR14. However, it is recommended that a condition be imposed requiring the submission of further details on this matter.

Policy TR7 of the Local Plan specifies that planning permission will be granted for developments that do not increase the danger to users of the adjacent pavements, cycle routes and road. Where there are no acceptable

solutions to problems that arise from development proposals planning permission will be refused.

Concerns expressed by third parties regarding the safety of the access/egress arrangements have been noted and as highlighted in Section 3 of this report has been included as a reason for refusal in three previous planning applications for the erection of a dwelling on the site. However, the Council's Sustainable Transport Team have now indicated that the proposed improvements to the access track which accompany the current application would satisfactorily address previous highway safety concerns in accordance with policy TR7.

The Sustainable Transport Team have stated that the maximum number of houses that should be served by a private access track such as this is five, although historically, this backland area has been developed beyond this nationally recognised standard. Under normal circumstances this would lead to a recommendation that the application should be refused on the grounds that the demand in terms of emergency services and infrastructure services can not be met. However, as the site is already over-developed in terms of transport accessibility a more pragmatic approach should be adopted.

The site is served via a single width access track that is poorly lit, has no drainage facilities, or controls as to who has the right of way when vehicles are accessing the site. This currently represents a clear hazard to the public using the track and those passing its junction with Warmdene Road, by virtue of the stopping, turning and reversing traffic that would be added if this application were approved. However, by way of mitigation the proposed development would include resurfacing, new drainage, new signage and new kerb radii and tactile paving at the Warmdene Road junction. Therefore, on balance, it is felt that although the site far exceeds the level of housing that should be served via an unadopted private access track, in the light of the wider benefits to local residents and highway safety in general, a recommendation to refuse the application would not be appropriate.

Sustainability

Policy SU2 of the Local Plan requires all new development to be efficient in the use of energy, water and materials and with regard to small-scale new build residential development such as this, SPD08 Sustainable Building Design requires Applicants to submit a Sustainability Checklist and the development to achieve a minimum rating of Level 3 of the Code for Sustainable Homes.

The Applicant has submitted a satisfactory Sustainability Checklist and Statement indicating that a minimum of 10% reduction in energy use and household energy costs will be achieved by the use of solar thermal hot water heating, water saving devices and the use of low energy light fittings and that the development would meet Level 3 of the Code for Sustainable Homes in accordance with policy SU2. In the event of planning permission being

granted, it is recommended that a planning condition be imposed to secure compliance.

A Waste Minimisation Statement has been provided. However, further information is required, particularly with regard to the final destination of the residual materials.

Land ownership

It is understood that the Applicant and the occupiers of No.22 Warmdene Road are involved in an ongoing land ownership dispute. The Applicant has taken down a hedge which formed the boundary to the garden of No.22 Warmdene Road with the access track; replaced it with a timber fence and widened the access track. The Applicant claims that the whole of the widened access track is in their ownership whilst the occupiers of No.22 Warmdene Road are claiming that the Applicant has taken a strip of their garden.

The Council's Legal Services Division have been consulted on the matter and have advised that land ownership disputes do not fall within the remit of planning control. If the access arrangements cannot be implemented because of the ownership issues that is a matter for the relevant landowners. However, as a safeguard, it is recommended that a condition should be imposed to ensure that the access arrangements are constructed in accordance to the approved drawings and that these works are completed before the occupation of the dwelling.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of adjoining and nearby residential occupiers. The potential increase in the intensity of the use of the access road has been acknowledged however, the Sustainable Transport Team have indicated that this would be ameliorated by the proposed improvement works. Sustainability measures are acceptable.

9 EQUALITIES IMPLICATIONS

The proposed dwelling should comply with Part M of the Building Regulations and has been conditioned to meet Lifetime Homes Standards.



Date: 14/04/2009 04:00:49

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.





**Brighton & Hove
City Council**

PLANS LIST – 10 JUNE 2009

COUNCILLOR REPRESENTATION

Mrs Jeanette Walsh
Head of Development Control
City Planning
Environment Directorate
Room 302
Hove Town Hall

Date: 5 December 2008

Our Ref: GT/AN

Dear Mrs Walsh

Planning Application No: BH2008/03475
1 Warmdene Way, Patcham, Brighton
Demolition of existing garage and construction of a bungalow

We see that for the fourth time an application has been submitted by the owner of 1 Warmdene Way to erect a dwelling in the garden of that property.

Unsuccessful applications were made in April and September 2007 and in March 2008. Local residents have again contacted us and have written to you again to object to this latest planning application.

Our reasons and those of residents in Warmdene Way and Warmdene Road for objecting to a dwelling in this location remain the same as the reasons for the application being refused under officer's delegated powers on 29 May 2007. We agree with the Planning Officer's views in 2007 that this would be an over-development, limited separation from the parent dwelling, limited separation from the rear boundary (thus causing overlooking), poor standards of pedestrian and vehicular access with increased risk to users of the highway.

In this application there are no parking spaces allocated to the proposed property or to the parent dwelling, No 1. Car parking is already very difficult in the immediate area.

You will have received many reasons from neighbouring residents for refusal of this application that relate, for instance, to the already severe difficulties regarding access to houses in Warmdene Way because of the narrowness of the road, the fact that it has a bend and no pavements. If a pedestrian or a car is already in the road a second car will have to back out 'blindly' into Warmdene Way. It is often difficult to exit the road as cars and vans park there close to each side of the entrance. Cars are densely parked in Warmdene Road during school term time. We understand that there has been a head-on collision at the Warmdene Way/Warmdene Road junction.

cont'd/...



Brighton & Hove City Council

PLANS LIST – 10 JUNE 2009

COUNCILLOR REPRESENTATION

- 2 -

There are, in addition, other reasons such as the difficulty builders would have gaining ingress and egress during construction and the considerable problems with drainage in this area that, we believe, would be exacerbated with any new development and also of noise during construction. Last year Warmdene Way and Warmdene Road were flooded.

We would also point out that the owner of 22 Warmdene Road states that the plan on which the dwelling is shown includes land in the ownership of No 22 and that a solicitor and a land surveyor that she has engaged confirm this to be the case. We understand also that the applicant removed an established hedge bordering part of Warmdene Way belonging to 22 Warmdene Road without the permission of the owner of No 22, presumably marginally to increase the width of the road. This again we are informed is in the hands of the owner of No 22's solicitors.

To sum up we consider that the site that is presently part of No 1 Warmdene Way is too small for a dwelling, there will be overlooking of neighbouring properties and inadequate parking spaces. Warmdene Way itself is narrow without pavements and is difficult for large vehicles to turn round and to re-enter Warmdene Road.

We trust, therefore, that you will take into account the many letters of objection when making your recommendations.

Should this application proceed to the Planning Committee we very much hope that Members will take into account our views and those of the many worried and concerned residents who live in this part of Patcham and refuse the application.

We would also confirm that one of us would wish to speak against the application should it be considered by the Committee.

We should be grateful if you would acknowledge safe receipt of this letter and confirm that it will be printed in full on the agenda at the appropriate meeting of the Planning Committee.

Yours sincerely

Councillor Brian Pidgeon

Councillor Geoffrey Theobald, OBE

cc: Councillor Brian Pidgeon
Penny Jennings, Senior Democratic Services Officer.

<u>No:</u>	BH2008/03523	<u>Ward:</u>	STANFORD
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land rear of 6 & 8 Kelly Road		
<u>Proposal:</u>	Erection of two-storey dwelling on land rear of 6 and 8 Kelly Road		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	07 November 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13 January 2009
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove		
<u>Applicant:</u>	Ms Eman Barakat, 8 Kelly Road, Hove		

This application was deferred at the last meeting to allow members to make a site visit.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives

Conditions:

1. BH01.01 Full Planning.
2. BH03.01 Samples of Materials Non-Cons Area (new buildings).
3. No development shall commence until full details of proposed land levels relative to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels and the development shall be constructed in accordance with the agreed details.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. No development shall commence until details of temporary protective fencing and a temporary driveway to the northern boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The temporary fencing and driveway shall be in place in accordance with the agreed details prior to the commencement of development. The temporary fencing and driveway shall remain in place as agreed throughout construction works associated with the main building.
Reason: In order to secure the satisfactory preservation of protected trees adjoining the site and to comply with policy QD16 of the Brighton & Hove Local Plan.
5. No development shall commence until a construction method and phasing schedule for the permanent access road and parking area, which shall both be made of porous materials, has been submitted to and approved in writing by the Local Planning Authority. The submitted

scheme shall outline temporary protective measures to minimise the impact of the access road and parking area on adjoining trees to the north of the site during construction.

Reason: In order to secure the satisfactory preservation of protected trees adjoining the site and to comply with policy QD16 of the Brighton & Hove Local Plan.

6. The access road and parking area shall be constructed in accordance with the details approved under condition 5 prior to occupation of the hereby approved dwelling and shall thereafter be retained as such.

Reason: In order to secure the satisfactory preservation of protected trees adjoining the site and to comply with policy QD16 of the Brighton & Hove Local Plan.

7. No development shall commence until a scheme for the landscaping and enclosure of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall make provision for the retention and protection of existing planting along the east and southern boundaries of the site, the planting of six new trees to compensate for the loss of existing trees and shall also include details of 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.

Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan.

8. The landscaping scheme approved under condition 7 shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner. 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 with others of similar size and species, unless the Local Planning Authority give written consent to any variation.

Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan.

9. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential) (Code Level 3)

10. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential) (Code Level 3)

11. Notwithstanding the submitted details no development shall commence until details demonstrating that the dwelling will be constructed to Lifetime Home standards has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed 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.

12. 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 further windows, dormer windows or rooflights shall be constructed at first floor level or above on the western elevation of the hereby approved dwelling.

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

13. 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 extension or enlargement of the building 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 adjoining protected trees, 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, QD15 and QD27 of the Brighton & Hove Local Plan.

14. BH02.05 The first floor western elevation window 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.

Informatives:

- 1) This decision is based on a Design & Access Statement, Waste Minimisation Statement, Sustainability Report, and drawing nos. TA327 02 A, 03 A, 04 B, 05 B, 06 B, 07 A, 08 B, 09 B, 10 B & 11 B submitted 7th November 2008; drawing no. TA327 01 C submitted 17th November 2008; and an Arboricultural Report submitted 6th January 2009.
- 2) 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 Documents:
- | | |
|------|---|
| TR1 | Development and the demand for travel |
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| 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
SPD03	Construction and Demolition Waste
SPD06	Trees and Development Sites
SPD08	Sustainable Building Design; and

ii) for the following reasons:

The development will make a more efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding conservation area. The development will not harm protected trees adjoining the site, have a significant impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel.

3) The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

2 THE SITE

The application site relates to land at the rear of 6 & 8 Kelly Road and 13-19 (odd) Hove Park Road, adjoining Mowden School to the north. The site previously formed amenity space attached to properties on Kelly Road; and has already been detached from 6 Kelly Road where building works have recently been completed to convert a bungalow into a two-storey dwelling.

There is well established and substantial vegetation along the north and eastern boundaries of the site. The surrounding area is characterised by substantial detached residential housing set within relatively large plots.

3 RELEVANT HISTORY

Planning permission was granted in 2008 for a two-storey side extension and additional storey at 8 Kelly Road (ref: **BH2008/03418**). The development is complete.

Planning permission was refused in August 2008 for the erection of a two-storey dwelling on the site (ref: **BH2008/01581**). The reasons for refusal were:-

- 1. The proposed dwelling by reason of its footprint and scale represents an overly intrusive and dominant addition to this backland site, and would appear incongruous in relation to the spacious setting of immediately adjoining development. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.*

2. *The proposed dwelling is in close proximity to trees protected by Tree Preservation Order 2004/4. The development by reason of its siting in close proximity to the northern boundary of the site will result in significant damage to the health and vitality of adjoining trees by way of disturbance to roots and through future pressure for their reduction. The proposal is therefore contrary to policies QD1, QD2, QD3 and QD16 of the Brighton & Hove Local Plan, and Supplementary Planning Document 06: Trees and Development Sites.*
3. *The proposed dwelling would lead to significant overlooking and loss of privacy to occupiers of 6 & 8 Kelly Road to the detriment of their amenity. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.*
4. *Insufficient information has been submitted to demonstrate the proposal would not represent a safety hazard by reason of insufficient on-site turning space for vehicles. The proposal is therefore contrary to policy TR7 of the Brighton & Hove Local Plan.*

Planning permission was granted in 2007 to form a two-storey dwelling at 6 Kelly Road (ref: **BH2007/03572**). The development is complete.

4 THE APPLICATION

The application seeks planning permission for the erection of a two-storey dwelling on land to the rear of 6 & 8 Kelly Road. The site will be accessed through a new driveway adjoining the northern elevation of 8 Kelly Road. The submitted plans indicate the retention of existing vegetation along the north and eastern boundaries of the site.

5 CONSULTATIONS

External:

Neighbours: Letters have been received from **13, 17, 19 & 21 Hove Park Road** objecting to the proposal for the following reasons:-

- the proposal due to its footprint and scale would be an intrusive and dominant addition to a backland site, incongruous in relation to the spacious setting and quiet environment of the immediately adjoining properties;
- the proposed house would have less than half the typical garden size, and 8 Kelly Road would have a garden inappropriate for a family dwelling;
- it is out of keeping with adjacent homes, leading to an increased intensity of occupation and associated levels of noise and loss of amenity for five families who have immediate boundaries to the proposed property;
- overlooking and loss of privacy. The submitted plans showing upper floor windows shaded and obscured by trees is overly optimistic and it is more realistic that there will be significant visibility and loss of privacy;
- the section of Kelly Road where cars would approach the proposed dwelling is very narrow and could be difficult to manoeuvre leading to problems of cars blocking the road and further added noise;
- increasing the density of housing would adversely affect highway safety on

- a busy intersection;
- there is no footpath provision leading to danger for pedestrians using the path through to The Droveaway;
- there is prospect of significant vehicle movement across the site increasing the loss of amenity in the backland area of adjoining properties;
- the proposed drive is narrow and up against 8 Kelly Road which is not consistent with planning guidelines;
- the proposed plans depend on substantial reduction of major trees in the proximity of the site boundary. Such a significant reduction would be to the detriment of the area;
- despite the proposed drive material the proposal will necessarily result in additional and sustained loads on the soil causing compaction over and above that which would have been the case if the proposal did not proceed. Question whether the driveway will be put in place across the entire site before any construction to allow machinery traffic during site preparation and construction;
- new services and utilities to the house are proposed to run down the drive path with danger that any trenches will sever / upset root systems;
- pressure for future reduction of adjoining trees from occupants of the proposed house.

Cllr Benett objects – see attached letter.

Cllr Brown objects – see attached letter.

Internal:

Arboriculturalist: The submitted Arboricultural Report is an acceptable document and there are no objections.

The temporary road surface and protection of TPO elms should be in place prior to any development commencing. This should remain in situ during the development. The temporary road surface should then be lifted and the permanent one laid in accordance with Section 7 of the report.

Six trees will need to be removed to facilitate this development. A landscaping condition should be attached to any permission granted to replace them.

Sustainable Transport: The application is proposing to add to the number of dwellings in the private unadopted Kelly Road thereby making it of sufficient public utility to justify it being maintained at the public expense. The proposal would increase the transport demand using Kelly Road over that normally expected to use an unadopted road which does not accord with safety standards.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR7 Safe Development
TR14 Cycle access and parking
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 Documents

03 Construction and Demolition Waste
06 Trees and Development Sites
08 Sustainable Building Design

7 CONSIDERATIONS

The main issues of consideration in the determination of this application are the use of the site to accommodate a dwelling, and its impact on neighbouring amenity, transport and sustainability issues.

Character and appearance

The application site represents a relatively large plot and in principle the proposal would make efficient and effective use of the site, as supported by local plan policies QD3 and HO4. However, an earlier application for a two-storey dwelling on the site was refused as it was considered its footprint and scale represented an overly intrusive and dominant addition to the backland site, and would appear incongruous in relation to the spacious setting of immediately adjoining development.

Following this refusal the proposed footprint has been reduced by approximately 30% and the maximum ridge height is approximately 0.8 metres lower than that previously proposed. As a result of these amendments the footprint and scale of the proposed dwelling is considered acceptable for the size of the plot and in relation to adjoining development. The dwelling will be viewed against the backdrop of boundary vegetation and will not appear an intrusive or dominant addition to the area.

Trees

The northern boundary of the site is marked by a row of Elm trees which are protected by a Tree Preservation Order (2005(4)). The impact of the development on these trees therefore requires consideration.

During construction works

The proposed vehicular access is located within the root protection areas of protected trees within the grounds of Mowden School. An Arboricultural Report has been submitted advising that during construction operations the boundary between the application site and Mowden School should be temporarily reinforced, to reduce the risk of accidental collision; and that a temporary roadway should be installed to spread vehicle weights and reduce compaction to the undeveloped root area of the adjoining trees. The Council's Arboriculturalist has no objections to the construction works subject to these protective measures. A condition is therefore recommended requiring the temporary road surface and protective fencing are in place prior to the commencement of any development on the site, and that they are retained throughout construction works associated with the main building.

Post construction works

Once construction works associated with the main building are complete a permanent access road and parking area will be constructed. The submitted Arboricultural Report advises that in order for tree roots to be retained undamaged there should be no excavation, no grading of the site, and no soil stripping within the root protection area. The report demonstrates that there are no reasons why this could not be achieved and the Council's Arboriculturalist has no objection to the works. Conditions are recommended requiring the further approval of the construction method of the access road and parking area, which will be made of porous materials, and that they are constructed prior to occupation of the dwelling. The conditions are considered sufficient to minimise the potential for long-term harm to the adjoining trees.

The dwelling is a sufficient distance from the adjoining trees to ensure no undue pressure will be created for their future reduction from future occupiers.

It is recommended that permitted development rights for extensions and alterations to the dwelling be removed to protect the adjoining protected trees, the character and appearance of the area, and neighbouring residential amenity.

Conditions are recommended requiring the submission and implementation of a landscaping scheme to compensate for the loss of trees, which are not worthy of retention, elsewhere on the site.

Impact on neighbouring amenity

Hove Park Road

The site is well screened along the eastern boundary with adjoining properties on Hove Park Road: with the recommended landscaping condition requiring provision be made for the retention and protection of this existing planting. It is considered that the siting of the proposed dwelling to the north of these properties, the large separation distances, the positioning of window openings at first floor level, and the retained screening and additional landscaping will

prevent significant harm on amenity for occupiers of properties on Hove Park Road.

Kelly Road

The application site has already been separated from 8 Kelly Road and the remaining amenity space attached to no. 8 is considered adequate to meet the reasonable needs of future occupants of this property.

The western elevation of the proposed dwelling incorporates first floor window openings associated with an en-suite bathroom and landing area. It is considered that given the use of these rooms any loss of privacy for occupants of properties on Lloyd Road would be minimal. A condition is recommended requiring the bathroom window be obscurely glazed and removing permitted development rights for the future insertion of windows to this elevation.

There is considered to be sufficient open space between the proposed dwelling and 6 & 8 Kelly Road to ensure the development does not appear overbearing and due to the orientation of these plots no significant loss of light or overshadowing will result. The submitted plans indicate additional landscaping along the rear boundaries of Kelly Road properties and further details will be required as part of the landscaping condition. The potential for disturbance from use of the proposed driveway will be minimised through the provision of boundary screening.

Standard of accommodation

The development will create a substantial four-bedroom dwelling with adequate natural light and ventilation throughout. There are no reasons why lifetime home standards could not be incorporated in the design of the dwelling and further details are required by condition. The application site incorporates amenity space appropriate to the scale and character of the development.

Transport

The Sustainable Transport Team have raised a technical point that the proposal will create a further dwelling and make Kelly Road of sufficient utility to the public to justify it being maintained at the public expense in the form of adoption. There is no information to suggest use of Kelly Road, which provides a functional access arrangement, creates a safety hazard and adequate visibility is available to avoid conflict between pedestrians and vehicles.

Despite the comments from Sustainable Transport, as part of this application it cannot be demonstrated that the additional demand for travel that would be created by 1 additional dwelling would harmfully increase movements along Kelly Road or create a safety hazard for users of adjoining highways. Refusal of the application on the basis of any conflict with local plan policies TR1 and / or TR7 would therefore not be warranted in this instance and could, most

likely, not be sustained at appeal.

The development incorporates off-street parking for two vehicles with on-site turning space, and a secure store for 4 cycles. This provision is sufficient to ensure no harmful demand for street parking will be generated by the proposal and allows vehicles to enter and leave the site in a forward gear.

Sustainability

The applicant has indicated that the development will meet Code for Sustainable Homes (CSH) Level 3 and incorporate measures to reduce the use of energy, water and materials. The outlined measures include water recycling, permeable surfacing, cross ventilation and effective use of natural light and aspect; and it is also noted there is also future potential for installation of solar panels on the dwelling. A condition is recommended requiring the dwelling meet CSH Level 3.

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require, as best practice, a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme. A Waste Minimisation Statement has been submitted outlining how waste will be minimised during construction works and this is considered acceptable, subject to the provision of further specific details.

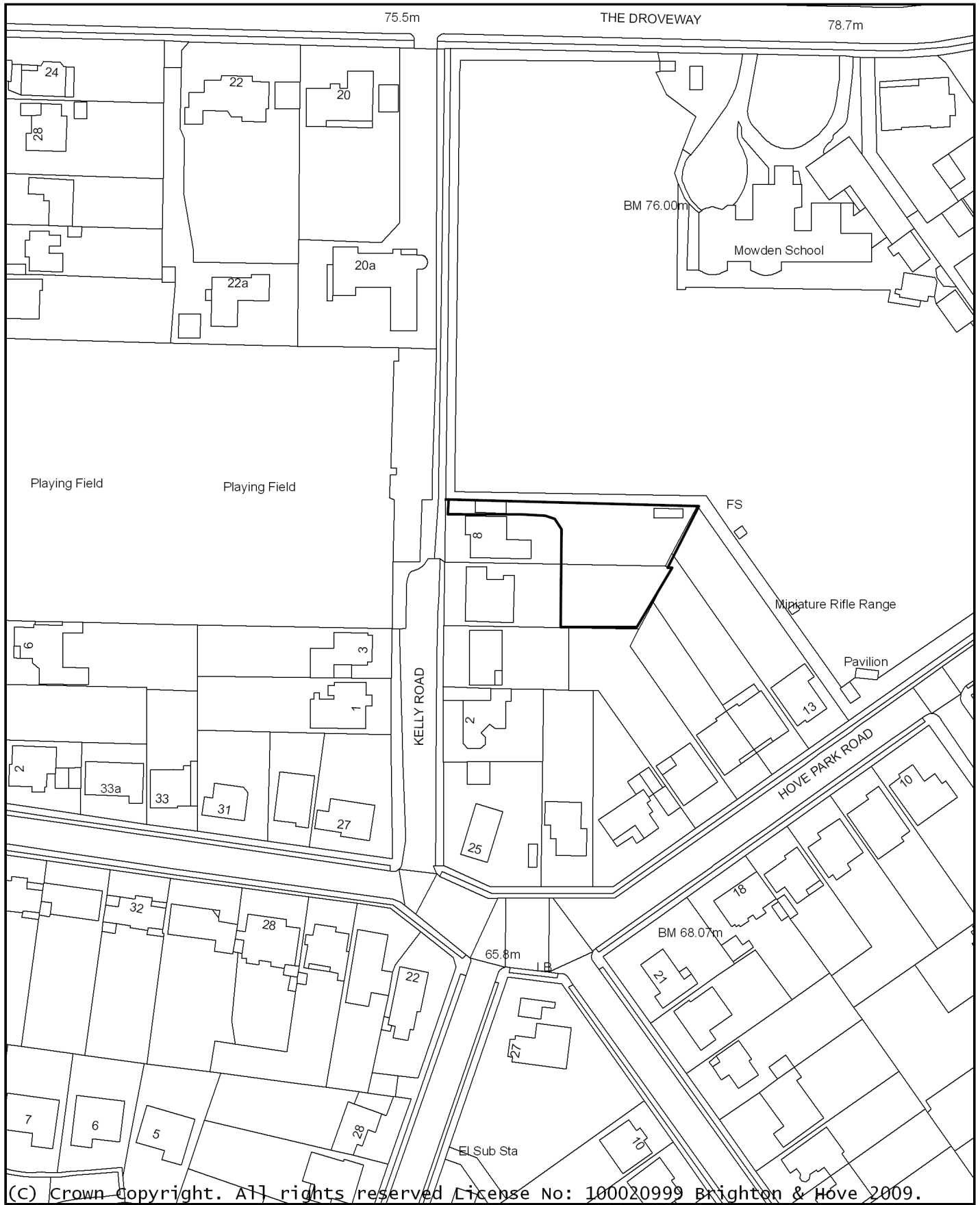
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development will make efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding conservation area. The development will not harm protected trees adjoining the site, have a significant impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel.

9 EQUALITIES IMPLICATIONS

The development would be expected to be built to Lifetime Homes standard.

BH2008/03523 Rear of 6-8 Kelly Road



Date: 15/04/2009 09:32:40

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.





**Brighton & Hove
City Council**

PLANS LIST – 10 JUNE 2009

COUNCILLOR REPRESENTATION

The Planning Department
Brighton and Hove City Council
Hove Town Hall
Norton Road
Hove

07 JAN 2009



Dear Sirs,

Re: **BH2008/03523**
Land rear of 6/8 Kelly Road

As a councillor for Stanford I wish to object to the above application.

This proposal will cause overlooking and loss of privacy to neighbouring properties. It is an overdevelopment of the site, has a large footprint and will appear dominant due to its height. I'm also very concerned about the impact on the roots of the trees.

As mentioned in my earlier e-mail I wish for this application to go before the planning committee for decision.

Yours faithfully,

Jayne Bennett
Stanford Councillor



Brighton & Hove City Council

PLANS LIST – 10 JUNE 2009 COUNCILLOR REPRESENTATION

From: Victoria Golding [mailto:Victoria.J.Golding@brighton-hove.gov.uk] **On Behalf Of** Vanessa Brown
Sent: 18 December 2008 12:48
To: Guy Everest
Subject: BH2008/03523 - Land at rear of 6 & 8 Kelly Road

Dear Mr Everest

Re: BH2008/03523 - Land at rear of 6 & 8 Kelly Road

As a Councillor for Stanford Ward I am writing to object to this planning application.

Jackland development and sub division of plots is gradually altering the character and street scene of parts of Stanford Ward. This area is characterised by houses in fairly large individual garden plots and this kind of development is having a seriously detrimental impact.

The proposed building due to its scale and bulk would be overly intrusive and dominant.

It would also cause a loss of amenity to the five households who have boundaries to the proposed property. Number 19 Hove Park Road is likely to suffer overlooking and therefore a loss of privacy due to the bedroom windows and the proposed balcony overlooking them.

The large upper floor window area on the south elevation will cause a loss of privacy to number 4 Kelly Road.

The proposed development depends on a substantial reduction of major trees close to the site boundary which could cause significant damage to the trees.

If this application should be recommended for approval I would request that it goes before the Planning Committee.

Yours sincerely
Cllr Vanessa Brown
Deputy Leader of the Council
Cabinet Member for Children & Young People
Stanford Ward
Tel 01273 291012

<u>No:</u>	BH2009/00461	<u>Ward:</u>	WITHDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	94-96 Reigate Road, Brighton		
<u>Proposal:</u>	Construction of a new three-bedroom semi-detached house.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	24 February 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21 April 2009
<u>Agent:</u>	Mr Alan Wood, 75 Westbourne Street, Hove		
<u>Applicant:</u>	Mr Steve Gumbrell, 16 Goldstone Crescent, Hove		

This application was deferred at the last meeting to allow members to make a site visit.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions

1. BH01.01 Full Planning Permission.
2. BH02.03 No permitted development (extensions).
3. BH02.04 No permitted development (windows and doors).
4. BH02.05 Obscured glass (side windows south east elevation).
5. BH02.08 Satisfactory refuse and recycling storage.
6. BH03.01 Samples of Materials Non-Cons Area (new buildings).
7. BH04.01 Lifetime Homes.
8. BH05.01 Code for Sustainable Homes – Pre-Commencement (CSH Level 3).
9. BH05.02 Code for Sustainable Homes – Pre-Occupation (CSH Level 3).
10. BH05.08 Waste Minimisation Statement.
11. BH06.04 Sustainable transport measures.
12. BH06.02 Cycle parking details to be submitted.
13. BH11.01 Landscaping / planting scheme.
14. BH11.02 Landscaping / planting (implementation / maintenance).

Informatives:

1. This decision is based on drawing nos. 01a, 02a, 03a, 04a, 05, and supporting information submitted on the 24th February 2009 and drawing number 07 and lifetime homes information submitted on the 1st May 2009.
2. The applicant is advised that the requirements of Condition 11 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £1500 to fund improved sustainable transport infrastructure in the vicinity.

3. This decision to grant Planning Permission has been taken:
- i) having regard to the policies and proposals in the Brighton & Hove Local set out below, and to all relevant material considerations, including Supplementary Planning:
- Brighton & Hove Local Plan:
- | | |
|------|---|
| TR1 | Development and the demand for travel |
| TR5 | Sustainable transport corridors and bus priority routes |
| 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 |
| SU15 | Infrastructure |
| QD1 | Design – quality of development and design statements |
| QD2 | Design – key principles for neighbourhoods |
| QD3 | Design – efficient and effective use of sites |
| QD5 | Design – street frontages |
| QD14 | Extensions and alterations |
| QD27 | Protection of amenity |
| QD28 | Planning obligations |
| 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 Document
- SPD03 Construction and demolition waste
- SPD08 Sustainable Building Design; and
- ii) for the following reasons:
- The proposed development is acceptable in principle and the plot can accommodate the building without appearing overdeveloped. The loss of light and sense of enclosure to neighbouring properties is mitigated by adequate separation between buildings. The development would not result in a significant loss of privacy to neighbours

2 THE SITE

The application relates to a side garden adjacent to a two storey building containing two self-contained flats. The plot is approximately 6.3 metres in width and approximately 23 metres in length. The site lies opposite the Church of the Good Shepherd. Reigate Road is predominately residential with land levels falling down to the rear which border residential properties in Compton Road.

3 RELEVANT HISTORY

93/0322/OA: Outline application for the erection of a two storey block of two self-contained flats and two parking spaces – refused 31st August 1993 for reasons relating to overdevelopment of the site detrimental to neighbouring occupiers by reasons of outlook, loss of light and loss of privacy, provision of outdoor amenity space, and car parking. The decision was the subject of an appeal which was subsequently dismissed.

4 THE APPLICATION

Full planning permission is sought for the construction of a two-storey house with rear dormer windows adjoining the existing flats. The property would contain three bedrooms including one in the roof space. The property would be located approximately 1 metre from the boundary with 92 Reigate Road.

5 CONSULTATIONS

External:

Neighbours: 92 Reigate Road, 125 Compton Road, 123 Compton Road object to the application for the following reasons:

- the development would cause substantial loss of light to rear ground floor rooms and rear ground floor patio area of Compton Road,
- the existing flats at 94-96 Reigate Road overlook the properties to the rear and the new building would have a similar impact,
- the building would cause significant loss of light to rooms and the garden of 92 Reigate Road,
- it is an overdevelopment of the site which would be oppressive to neighbouring properties,
- a similar application was turned down in 1994 and this application should be rejected likewise

Internal:

Councillor Pat Drake objects to the application (letter attached)

Sustainable Transport: No objection. Cycle parking needs to be provided and a contribution to improve sustainable transport infrastructure in the area.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR5	Sustainable transport corridors and bus priority routes
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
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods

QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning obligations
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 Document

SPD03 Construction and demolition waste

SPD08 Sustainable Building Design

7 **CONSIDERATIONS**

The determining issues relate to the principle of the erection of the new building on the site, the design and appearance of the building, the impact on the amenity of neighbouring occupiers, the standard of accommodation proposed and issues relating to sustainability.

Principle of the development

An application for the erection of a two storey block of flats was refused in 1993 and the refusal was upheld at appeal (see planning history). As with the current application, this previous scheme was to erect a new building adjoining the existing building. However the previous scheme had a dropped ridge height and a rear projection to match that of the existing building at 92-94 Reigate Road. Whilst this decision, and the outcome of the appeal has been noted, both local and national planning policy has changed significantly since 1993. Therefore the decision made in 1993 carries limited weight when assessing the current application which must be assessed in accordance with current policies.

PPS3 advocates the better use of previously developed land for housing, such as that which is the subject of this application, which 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. Issues of design and appearance and the amenity are discussed in the following sections of the report.

Brighton & Hove Housing Needs Survey identifies a need for additional accommodation, but importantly a specific requirement for additional family housing units. Overall the proposal to erect a three bedroom house on the

site is considered to be appropriate for the locality and the prevailing character of the area.

Design and appearance

It is considered that the width of the plot is sufficient to accommodate an additional dwelling. At approximately 6.3 metres in width, it is slightly smaller than the plot width which would result for the existing building at 92-94 Reigate Road. However by taking an overall view of the plots along the street, a width of 6.3 metres would not be out of character with the area. The length of the plot is also consistent with others in the street.

The design of the building has tried to replicate some of the features on the existing building. The bay and fenestration will match that of 92-94 Reigate Road and the established building line set by adjoining properties would be maintained. The proposed building would be approximately 1 metre narrower than the existing building on site, and therefore the new dwelling will not be entirely symmetrical with the existing building. However, it is considered that the broad relationship is acceptable and the proposal pays due regard to the existing features of the site. The proposal would not be detrimental to the Reigate Road street scene.

Turning to the rear of the property, the proposed house would have a significantly smaller rear return than the existing building. Although it is not necessarily a conventional design, the two-storey rear return would be 2 metres in depth with a flat roof, and a further 1.5 metres projecting at ground floor level only. The bulk and form of the rear of the property is considered appropriate to the design of the main part of the house.

Two dormer windows are proposed for the rear roof slope. These are acceptable in terms of design and appearance and would not overly dominate the rear roof slope. Dormer windows are present on some of the neighbouring properties and would not appear out-of-character with the area.

Careful consideration must be given to the materials proposed and samples are required for further approval.

In addition further consideration must be given to the landscaping of the site to ensure a high standard of finish to the property. An additional drawing was submitted showing an area of hard landscaping and a low boundary wall to the front of the property, both of which are acceptable. The boundary fencing which would divide the existing garden would be two metres in height. Some planting will need to be secured on site and these details could be secured by condition.

Overall the proposed building is considered to be comfortably accommodated on the plot without appearing crammed-in. The design and detailing is appropriate for the setting and would not detract from character of the area.

Impact on amenity

The side elevation would be approximately 1 metre from the boundary with 92 Reigate Road. It is this property which would be most affected by the development. Nevertheless there is a further metre separating the boundary from the side of the garage/side extension to 92 Reigate Road, and a further 2.5 metres to the side wall of the main house. Such separation distances are common in residential areas of this density and are considered sufficient to ensure that the proposed development would not unduly overbearing on the occupiers of 92 Reigate Road.

92 Reigate Road has four windows which face the site. The side dormer window serves the second floor landing, and the first floor window serves the first floor landing. On the ground floor is a downstairs toilet, and a glazed door which provides light to the kitchen. All of these windows will be affected by some loss of light and sense of enclosure, however none of these windows are principal windows to habitable rooms in the house, and therefore the impact is not considered to be so significant to warrant refusal of the application.

Given that the new house would be to the north west of the 92 Reigate Road, substantial loss of light to the garden of no 92 should not be a significant issue in this instance. The garden will still receive good sunlight from the south east and south west.

To the north west, the existing flats in the building must be considered. Given the orientation, the side windows which currently face the site will suffer some restricted sunlight and some enclosure. Again, the degree of separation between the rear return of the existing building and that of the proposed is considered adequate. Furthermore there would be no first floor windows facing the existing flats at 92-94 Reigate Road.

A new fence would be erected along the side garden boundary to prevent a loss of private to the existing ground floor flat. There would be a loss of private amenity space for the existing flats. However from a site inspection it appears that the outdoor space is currently shared and even with the side garden lost, adequate space would be retained for both flats in accordance with HO5 of the Brighton & Hove Local Plan.

Neighbours to the rear of the site have also objected to the proposed development over concerns relating to overlooking and a loss in privacy. The separation distances between the new building and 125 Compton Road would be approximately 15 metres. This is comparable to back-to-back separation distances between most properties in area. It is acknowledged that there is a significant change in land levels between the properties, but this will actually prevent any mutual overlooking between the two properties as the first floor windows of 125 Compton Road sit below the level of the rear boundary wall to the Reigate Road properties. Although some sense of enclosure will result, the separation distances would prevent the new house being overbearing.

Sustainability and lifetime homes

Initially there was been little information submitted in regard to how the development would reduce the consumption of energy and water. A Sustainability Checklist was been submitted in with the application in accordance with Supplementary Planning Document on Sustainable Building Design (SPD08). The building must achieve a Code for Sustainable Homes Level 3. The applicant has been asked to provide further information during the course of the application. A location for refuse and recycling has now been indentified on site, but there is still a lack of detail in this regard. The supporting information also states that the energy efficient technologies will be used on site. Further information will be required by condition and to secure the development meets Code of Sustainable Homes Level 3.

A Lifetime Homes checklist has now been submitted in accordance with policy HO13 of the Brighton & Hove Local Plan. The new house would have adequate room sizes and circulation space to meet most of the standards. The bathroom layout would need slightly refining, but this would be a relatively minor change and generally the layout is considered acceptable.

Overall, it considered that the proposed development would be acceptable in terms of the aims of current sustainability standards.

Sustainable Transport

There is insufficient space in the front curtilage of the site to provide car parking and it is acknowledged that an additional dwelling will put pressure on the spaces available on the street. This is unavoidable in this instance. The site lies outside the Controlled Parking Zone. Bus services are available on Dyke Road and the site is in walking distance of Preston Park railway station. The Sustainable Transport Team have not objected to the proposed scheme subject to securing cycle parking and a contribution to Sustainable Transport facilities in the area. Subject to these conditions being met it is considered that the proposed development would cater for the travel demands created in accordance with TR1 of the Brighton & Hove Local Plan.

Conclusion

It is considered that the plot is of a sufficient size to accommodate an additional dwelling. The design of the proposed house is considered to be acceptable and relates appropriately to the existing features of the retained building. The distances separating the proposed building with the neighbouring houses is considered sufficient to prevent the building being overbearing or causing a significant increased sense of enclosure or loss of light. The development would not result in a significant loss of privacy. Approval is recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development is acceptable in principle and the plot can accommodate the building without appearing overdeveloped. The loss of light and sense of enclosure to neighbouring properties is mitigated by adequate

separation between buildings. The development would not result in a significant loss of privacy to neighbours

9 EQUALITIES IMPLICATIONS

The proposed house would be required to meet lifetime homes standards.

BH2009/00461 94-96 Reigate Road



Date: 26/05/2009 04:31:43

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationery Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.





**Brighton & Hove
City Council**

PLANS LIST – 10 JUNE 2009

COUNCILLOR REPRESENTATION

From: Pat Drake [Pat.Drake@brighton-hove.gov.uk]
Sent: 29 March 2009 19:23
To: Clare Simpson
Subject: BH2009/00461 94-96 Reigate Road

Dear Clare Simpson

I am opposed to this application as it represents a degree of overdevelopment which is unacceptable. The three storey nature of the attached house proposed would seriously overlook the adjoining property and take away essential light from their side windows.

A similar application was rejected in 1994 and I hope that committee will continue to do so.

I ask that this application be decided by committee at a full meeting of that committee.

Thank you. Kind regards

Pat Drake
Councillor Withdean ward

<u>No:</u>	BH2008/03427	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type</u>	Full Planning		
<u>Address:</u>	33 Mile Oak Road, Brighton		
<u>Proposal:</u>	Demolition of non-original extensions to existing property and conversion with new extensions to 2 x three bedroom and 1 x two-bedroom houses. Erection of 2 x new three bedroom houses on same site - creation of new public footpath along Northern boundary of Mile Oak Road including repositioning of flint boundary wall (amended scheme).		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	24 October 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09 January 2009
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove, Brighton		
<u>Applicant:</u>	Mr Russell Pinsent, 23 Tongdean Road, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to be **MINDED TO GRANT** planning permission subject to receipt of further information to demonstrate the scheme can achieve CSH3 and to the following Conditions and Informatives:

Conditions

1. BH01.01 Full Planning Permission.
2. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roadwork[s], 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 in accordance with policies TR1 and TR7 of the Brighton & Hove Local Plan.
3. The existing flint wall along the north boundary of the site shall be retained and before the residential units are first occupied. A new flint wall shall be constructed to replace the existing wall on the south boundary on Mile Oak Road which is to be demolished details of which should be submitted to and agreed in writing with the Local Planning Authority prior to commencement of development. The replacement wall should thereafter be erected in accordance with the agreed details before any of the dwellings hereby permitted are occupied.
Reason: in the interests of the character and appearance of the surrounding area in accordance with QD1 and HE10 of the Brighton & Hove Local Plan.
4. All new flintwork shall match the original flint walls in the type of flints, coursing, density of stones, and the mortar's colour, texture, composition, lime content and method of pointing.

Reason: in the interests of the character and appearance of the surrounding area in accordance with QD1 and HE10 of the Brighton & Hove Local Plan.

5. Before the work commences, a sample panel of flintwork 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 flint panel.

Reason: in the interests of the character and appearance of the surrounding area in accordance with QD1 and HE10 of the Brighton & Hove Local Plan.

6. No development shall take place until the following details have been submitted to and approved by the local planning authority in writing:
 - i) the treatment of the eaves,
 - ii) samples and details of all materials, including paving,
 - iii) 1:20 sample elevations and sections and 1:1 scale sectional profiles of the new dormers, windows and doors, their cills, reveals, thresholds and steps, and porches,
 - iv) a detailed landscaping scheme for the front and rear gardens, including hard and soft landscaping, level changes, reinstated paths, new paths and hard paving areas, fences, walls and gates,and the works shall be carried out in strict accordance with the approved details and maintained as such thereafter.

Reason: in the interests of the character and appearance of the surrounding area in accordance with QD1 and HE10 of the Brighton & Hove Local Plan.

7. Unless otherwise approved in writing by the Local Planning Authority, the development shall be carried out and completed strictly in accordance with approved drawings.

Reason: in the interests of the character and appearance of the surrounding area in accordance with QD1 and HE10 of the Brighton & Hove Local Plan.

8. BH02.03 No permitted development (extensions) (amenity and character).
9. BH02.04 No permitted development (windows and doors).
10. BH02.07 Refuse and recycling storage.
11. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential).
12. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential).
13. BH05.03 Ecohomes – Pre-Commencement (Residential involving existing buildings).
14. BH05.04 Ecohomes – Pre-Occupation (Residential involving existing buildings).
15. BH05.07 Site Waste Management Plan.
16. BH06.03 Cycle parking facilities to be implemented.
17. BH06.04 Sustainable transport measures.
18. Notwithstanding the details submitted for the ground floor of the semi-detached houses revised drawings shall be submitted showing

accessible WC facilities on the ground floor and all the new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of 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.

19. Prior to development commencing an Arboriculture Report shall be submitted to and approved by the Local Planning Authority in writing. The report shall survey all trees and shall include an Arboriculture Method Statement outlining suitable protection measures in accordance with BS 5837 - 2005 - Trees on Development Sites. All works on site shall be carried out in accordance with approved details for the duration of the construction works.

Reason: To protect the existing trees on site and in accordance with policy QD16 of the Brighton & Hove Local Plan.

20. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development (including at least 5 replacement trees), 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.

21. 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,

Informatives:

1. This decision is based on statements and drawing nos. TA202/ 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, received on 24th October 2008, 24a, received on the 27th January 2009, 20b, 21b, 31a received on the 8th May 2009, 22b, 23b, 25b, 26b, 27b, 28b, 29b, 32a received on the 19th May 2009
2. The applicant is advised that the requirements of Condition 17 may be

satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £6,000 to fund improved sustainable transport infrastructure in the vicinity.

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
Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR5	Sustainable transport corridors and bus priority routes
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
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD14	Extensions and alterations
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
HO13	Accessible housing and lifetime homes
HE10	Buildings of local interest

Supplementary Planning Guidance

SPGBH4 Parking standards

Supplementary Planning Document

SPD03 Construction and demolition waste

SPD08 Sustainable Building Design; and

ii) for the following reasons:

The proposed development is considered acceptable. The principle and the design and detailing of the works to the retained building and the proposed works to form a pair of semi-detached houses is acceptable. The relocation of the flint boundary wall is considered an acceptable compromise to secure highway safety whilst retaining the character of the area. The development would not be significantly harmful to the residential amenity of neighbouring occupiers.

2 THE SITE

The application relates to prominent site on the northeast of Mile Oak Road, close to the junction with the High Street. The original brick house appears to be date back to the early 19th century and significantly predates much of the surrounding residential development. The flint wall which marks the south east boundary is locally listed. The house and its high flint wall represent local landmarks and are important in the recognition of the historic development of this part of Portslade. As a result the existing building and boundary wall make a positive contribution to the character and local distinctiveness of the area.

The house is set in relatively large garden with may mature trees and vegetation. It appears vacant at present. Opposite the site lies Portslade Community College and immediately to the west are 1930s semi-detached housing.

3 RELEVANT HISTORY

BH2007/04204: Demolition of existing property with the development of 6 no. three bedroom three storey houses, 2 no. two bedroom two storey houses and 1 no. two bedroom apartment with highway improvements. Withdrawn 05/08/2008.

BH2007/01707: Demolition of existing dwelling and combination of 8 x 2 storey dwellings and 1 x flat, along with highway improvements & 9 off-street car parking spaces. Withdrawn 27/06/2007.

BH1999/02763/FP: Change of use from residential care home to single family dwelling house, formation of new vehicular access and alterations to front boundary. Approved 17/01/2000.

4 THE APPLICATION

Planning permission is sought for the demolition of non-original extensions to the existing property and conversion of the retained house with new extensions to form 2 x three bedroom and 1 x two-bedroom houses. In addition consent is sought for the erection of a pair of semi detached houses to the west of the existing building. It is proposed to create a new public footpath along the southern boundary of the site.

The proposal has been amended during the course of the application. Whilst initially the footpath was proposed to be formed on the inside of the flint boundary wall, this presented problems for the stability of the wall and issues from a highway safety perspective. The scheme has been amended and now includes the repositioning of flint boundary wall with a footway formed on the outside of the wall.

5 CONSULTATIONS

External:

Neighbours: Portslade Community College, 1 (x2) 15 (x2), 53 (x2), Mile Oak Road, 5, 7 (x2) 35, Mile Oak Gardens, object to the application for the following reason:

- the development will lead to increased traffic in a potentially dangerous section of the road,
- whilst the footpath is welcome the main problem is the width of the road,
- the development will look out of place in the surrounding area,
- the site is home to wildlife,
- 1 car parking space per dwelling is not sufficient,
- In the dark the pedestrian access would be hazardous,
- there is no right to the access along the rear lane,
- concern over the lorries and disruption through the construction,
- trees on site are protected and should not be damaged,
- the council is unable to collect recycling at 1-33 Mile Oak Road because of the dangerous nature of the road,
- by retaining the flint wall and forming a pedestrian access behind, those using the footway will have limited views of on-coming vehicles,
- the existing flint wall should not be damaged.

Internal:

Conservation & Design:

The site is not situated in a conservation area and the building is not listed, although the flint wall is locally listed. It is comprised of a red brick and flint and tiled roof rural house, possibly a farmhouse in a large garden with tall trees surrounded by a high flint wall. It originally stood in open countryside.

To the south were Portslade House and its outbuilding. Portslade House was formally a large country house in large grounds enclosed by tree belts. This was extended between 1912 and 1932 and became known as Windlesham House. The original house and outbuilding have been demolished, and the later extensions are now a school and school playing fields and hard surfaced playground and car park.

The area around No 33 was not developed until after 1933. No 33 and its large garden now form a small area of encapsulated countryside. Its flint walls together with those of the College are designated as a Building of Local Interest and are an important feature of the street scene.

The original brick house appears to be of at least early 19th C date. It used to have lean-to greenhouses against the north wall of the garden. It has been extended several times and has lost its original windows. The two-storey north wing and the single storey extension were added between 1910 and 1932. A single storey extension, a rear (west) single storey store room and a south conservatory have been added since. Nevertheless the house and its high flint walls are a local landmark and represent the past history of the area and make a positive contribution to the character and local distinctiveness of the area.

The house occupies a prominent site on a bend in the road and is of local historic interest, despite having been altered and extended in an unsympathetic way. Nevertheless the original house and its 19th C extensions

are worthy of retention and restoration.

The flint wall and a large elm tree on its southern frontage are also an important local landscape features.

The current proposal now involves the retention of the flint wall, the original house and the later 19th century extension, with the removal of later unsympathetic extensions and new more attractive extensions. A new pair of semi-detached houses is proposed in the garden. This approach is welcomed, subject to some changes to the design details. However the loss of the large elm tree is very regrettable.

Second comments:

The high flint wall around the site and the lower flint wall along the frontage to the Portslade Community College are included in the Local List, but the buildings on the site are not. Nevertheless the original house is of local historic interest.

The Local List does not enjoy statutory protection but is protected by Policy HE10 of the local plan. The Local List entry states: “The walls contribute to the setting of the Portslade Village Conservation Area.”

I would add that they are an important architectural and historic landmark which contribute to the character and streetscape of the area.

The demolition of these walls should be resisted as they are a historic feature, but if unavoidable, a new replacement flint wall should be constructed to match the original, which although would not be original would make a similar contribution to townscape. This would need to be carefully controlled by conditions.

The proposed scheme for the site is an acceptable one that retains and restores the earliest building on the site and a later addition to it and integrates new build units successfully with the retained buildings.

Careful attention will be needed in respect of the detailed design, materials and landscaping. The loss of the large tree on the Mile Oak frontage is most regrettable. The replacement trees should be of species that will grow to a similar size. The new pavements should be in traditional red clay pavements. The surfacing of the vehicular carriageways, and the bricks and tiles of the buildings needs to be sympathetic to the character of the original buildings. The new garden walls should be of flint to match the existing.

Arboriculture Team:

The Arboricultural Section have viewed this site on previous occasions and would like to make the following comments on the current proposals.

Two trees are covered by the above TPO, one Elm on the front of the site and

a Sycamore in the NW corner.

The Arboricultural Section agreed to the removal of the Elm as it had structural defects as part of the previous application, subject to a landscaping plan being submitted showing 5 replacements for the loss of this tree.

The Arb report attached with the application shows a landscaping scheme with 5 replacement trees, however, the plan appears to be an old application and not the current one.

The Arboricultural Section have no objections to the removal of the protected Elm, nor to this application in general, however, we would like the following conditions attached to any planning permission granted.

At the moment, only the Elm appears to be the subject of an arb report. Some trees marked for retention appear to be in close proximity to the proposed dwellings. A full tree survey as per BS 5837 (2005) Trees on Development Sites should be submitted, this will categorise the trees and may raise doubts on their eligibility for retention in such close proximity to the properties.

All trees to be retained, including the preserved Sycamore, should be protected to BS 5837 (2005) Trees on Development Sites.

A current landscaping plan should be submitted showing replacement trees. Drawing TA 202 / 23 shows 19 replacement trees. This may need to be amended if further trees are removed following the tree survey. A species list would also need to be attached to this.

Sustainable Transport:

Initial comments: The principle of the improvements to the access and associated footway works are a welcome contribution toward public safety. The Highway Authority is however concerned that the proposal to maintain the existing flint wall adjacent to the carriageway will create a material hazard. It is noted that the intention is to keep the wall for conservation reasons, unfortunately from a highway safety perspective to attempt to keep this wall should be viewed as having a significant affect on the levels of public safety afforded to road users.

Firstly, the proposed footway is not over looked and does not benefit from street lighting this will mean that the proposal would not comply with principles of safer by design. Secondly, I doubt that the footway could be constructed to the minimum design standards with significantly undermining the structural integrity of the wall, and thus introducing the risk that the wall would collapse either on a passing vehicle or pedestrian.

It should be noted that if this scheme is approved the Highway Authority would not wish to adopt the footway or structure for the reasons set out

above.

To overcome this objection on clear public safety grounds it is recommended that the wall be completely removed for the proposal. I would wish to be re-consulted following your/the applicants response to the above to recommend appropriate conditions.

Comments on the amended scheme: No objection subject to the inclusion of conditions and informatives.

Access Officer

Parking spaces should be capable of being widened to 3.3m.

Units 4 & 5 are 3 bedroom houses so the WC shown at entry level should be fully accessible. i.e. a wheelchair user should be able to close the door from within the closet and achieve side transfer from a wheelchair to at least one side of the WC. There must be at least 1100mm clear space from the front of the WC bowl. There must be shower provision within or adjacent to the closet. Units 1 and 3 are also 3 (or more) bedroom units but they do not show the required accessible entry level WC. Unit 2 is a 2 bedroom unit. It does not have the required 'Part M' standard WC.

We should get confirmation that all approaches to main entrances will be level or gently sloping and that thresholds will be level

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR5	Sustainable transport corridors and bus priority routes
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
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD14	Extensions and alterations
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

HO13 Accessible housing and lifetime homes
HE10 Buildings of local interest

Supplementary Planning Guidance

SPGBH4 Parking standards

Supplementary Planning Document

SPD03 Construction and demolition waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

The determining issues relate to the principle of creating new dwellings on the site, the design and appearance of the building works, and the impact on the character of the existing buildings and the local area, the impact on the amenity of neighbouring occupiers, the standard of accommodation proposed and issues relating to sustainability and traffic and transport implications. Matters relating to noise, disturbance and impact on highways from construction processes are not material planning considerations.

Principle of the development

PPS3 advocates the better use of previously developed land for housing, such as that which is the subject of this application, which 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.

Consent was granted in 2000 for a change of use from a residential care home to single family dwelling house and the premises was last used as a single residence, therefore the principle of residential use for the site is established. The existing house is set in relatively large grounds and there is no objection to the principle of increasing the number of residential units on site, subject to all other aspects being acceptable.

The current proposal follows the submission of previous applications for the site which were withdrawn prior to a decision being made (see planning history). Both of these schemes proposed 9 residential units for the site which was considered to be an overdevelopment of the site. In addition, the density of the dwellings would have been far in excess of the density which characterises this part of Portslade.

The current scheme for five units is considered more suitable for the size of the plot and is more in-keeping with the residential character of the area. The plot sizes for the semi-detached pair of houses compares to the plot sizes of the properties to the west. Brighton & Hove Housing Needs Survey identifies a need for additional accommodation, but importantly a specific requirement

for additional family housing units. The units proposed in this scheme could be suitable for family occupation. Overall the proposal to erect a family housing on the site is considered to be appropriate for the locality and the prevailing character of the area.

Design and appearance

The design approach has been led by the need to retain as much of the main building as possible which remains attractive with elements of strong character. However the building has been subject to extensions in the past, some of which have not been in-keeping with the historic character of the building. It is proposed that the non-original extensions are to be removed which is welcome. The proposed works to the new building have been designed in accordance with the advice from the Conservation Officer and improvements to the existing building involve the reinstatement of some important features such as traditional fenestration.

A new pair of semi-detached houses is proposed in the garden, which has been welcomed by the Conservation Officer and has been designed to blend with the character of the existing building within the site rather than the neighboring 1930's semi-detached houses immediately to the west. The palette of materials, fenestration design and the roof form of the proposed houses reflect, and sit comfortably with, the traditional design features of the 19th century farm house. The Conservation Officer has suggested some minor changes to the design and detailing of the proposal which has been incorporated into the scheme. Conditions would be required to ensure the Local Planning Authority have control over the finishes of the buildings on-site.

Whilst the works to the existing building and the new semi-detached pair are acceptable, there has been on-going concern regarding the boundary wall of the property which is locally listed. Both officers and local residents recognise the existing wall is locally significant and worthy of retention. Although the wall does not enjoy the protection of a listed building or monument, the favoured approach is to retain the wall, as existing and in its current location. The application originally proposed to retain the wall in its current location.

It has since emerged that the wall can not be retained in its current location if the footway, required for highway safety reasons, has to be formed behind this feature. There is insufficient width in the road to form a footway on the outside of the wall. The stability of the wall was initially a concern raised by the highways team, and then verified by structural engineers employed by the applicant.

As a result the application has been amended and the scheme now put forward for determination proposes to move the flint wall back to enable the footway to be constructed on the outside of the wall. It is acknowledged that this is not the ideal approach from a conservation standpoint, however the current scheme does have clear conservation and design benefits. By

securing the retention and potentially the long-term future of the main house and retaining the character and presence of wall, albeit in a slightly different location, it is considered that the current proposal will not be detrimental to the historic character and appearance of the surrounding area. The Conservation Officer has suggested a number of conditions to ensure the character of the wall is retained. On balance, given the retention and improvements proposed to the main house it is considered that the relocation of the flint wall is acceptable in this instance.

Impact on amenity

The properties most likely to be affected lie immediately adjacent to the application site on Mile Oak Road. The positioning of the new semi-detached houses close to the boundary would impact on the adjacent occupiers by way of an increased sense of enclosure as the existing garden of 33 Mile Oak Road is undeveloped and has a relatively rural feel at present. However the new houses have been designed to replicate the scale and building lines of the neighbouring properties to the west and therefore the resulting relationship is acceptable. Four metres would separate the side elevation of unit 1 of the proposed scheme from the side elevation of no.29 Mile Oak Road. This degree of separation is not uncommon for the locality and would prevent the new house being overbearing.

Furthermore no.29 Mile Oak Road would not experience significant loss of light to habitable rooms, and whilst the new buildings would potentially cause some overshadowing of garden areas, this would be for a limited time only and affect a relatively small amount of the garden. Loss of privacy to habitable rooms would not result, and whilst longer views in to neighbouring gardens would occur, this would not be significantly greater than the existing situation. For this reason it is considered that the proposed development would not harm neighbouring properties by way of a loss of privacy or overlooking.

The separation distances to properties in Mile Oak Gardens and no.47-53 Mile Oak Road to the north of the site prevent the new buildings having a significant impact on these properties. The intensification of the use of the site will increase levels of activity in the area. Nevertheless the car parking areas are located at least 16 metres away from the shared boundary with 29 Mile Oak Road and therefore the occupiers are not likely to experience significant noise and disturbance.

Landscaping

Some details regarding the landscaping of the proposal have been submitted as part of the scheme. Two trees are covered by Tree Preservation Orders (TPOs), one Elm on the front of the site and a Sycamore in the NW corner.

The Arboricultural Section agreed to the removal of the Elm as it had structural defects as part of the previous application. As observed by the Conservation Officer, it is regrettable that this tree would be lost, however given the structural defects, and the improved visibility for vehicles which

would result, there is no objection to the removal of this tree in this instance.

The submitted Arboriculture report addresses the impact on the TPO trees however there is insufficient detail in respect of the other trees which are close to the new buildings and a full report must be submitted outlining the affect on all trees and the measures to protect these trees to secure the longevity of the trees to be retained. At a minimum the future landscaping of the site must include 5 replacements for the loss of the mature Elm. The replacement trees will be expected to be a suitable species and maturity to compensate the loss of the mature Elm. Further details are sought by condition.

Sustainability

A Sustainability Checklist was been submitted with the application in accordance with Supplementary Planning Document on Sustainable Building Design (SPD08). The new building must achieve a Code for Sustainable Homes Level 3. The supporting information also states that the energy efficient technologies will be used on site. Further information will be required by condition and to secure the development meets Code of Sustainable Homes Level 3. The conversion of the existing building must also meet the relevant Ecohomes standard.

Adequate space for cycle and refuse/recycling storage has been indentified on the submitted plans and these facilities would be required to be available for use prior to occupation of the building.

A Site Waste Management Plan has been submitted with application which demonstrates a commitment to the reduction of construction and demolition waste. However a revised statement would be required with site specific details should the application be successful.

Overall, it is considered that the proposed development would be acceptable in terms of the aims of current sustainability standards and SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 08.

Lifetime Homes information has been submitted in accordance with policy HO13 of the Brighton & Hove Local Plan. However amended drawings were also received to address some of the concerns of the Access Officer. Improvements have included the widening of car parking space and the introduction of ground floor W.C on the converted units within the existing building. These would have adequate room sizes and circulation space to meet most of the standards. The amended drawings have not provided fully accessible toilets to the ground floor of the new semi-detached houses. As new build development, the semi-detached properties must meet the standards and a further revision to the ground floor accommodation of these houses is required before development commences. This revision is sought by condition.

Highways and car parking

It is acknowledged that this section of Mile Oak Road is potentially hazardous for vehicles and pedestrian access. The site is located on a bend in a busy road and there is no footway on either side of the road. It represents an access route for local residents into the amenities located in Portslade Village, and Portslade Community College. The proposed scheme seeks to address some of the existing problems by incorporating improvements to the public highway by including a footpath which would be funded by the developer. The benefit of this provision will extend to local residents, and should also assist pupils of the Community College located opposite the site. The footway would be constructed to suitable standard to be adopted by the Highway Authority. The provision of the footway is fundamental to the acceptability of any development for the site, and the Sustainable Transport Team has not objected to the amended scheme.

The position of the access would move slightly to the east of the current location. The visibility for vehicles coming in and out of the site will be much improved by the removal of high hedges that currently immediately abut the highway access and the improvements which come from the formation of the footway. In addition the removal of the large Elm facilitates adequate visibility splays.

In addition to the highways improvements outlined above, and given that the application results in an increase in the number of residential units, the Sustainable Transport Team have requested a contribution towards infrastructure improvements in the vicinity of the site. This will be sought by condition.

One car parking space is proposed for each residential unit. Local residents have expressed concern that this is an insufficient provision and that the scheme will increase demand for car parking on the road. The Sustainable Transport Team have not objected to this provision, and it meets the current guidance set out in Parking Standards in SPG 4

As with the previous applications, the rights of access along the private rear lane has been raised as a concern. This is not affected by the development. As with the current situation, there is access for one car parking area along this lane. This will be maintained and used for one of the new semi-detached units. Land registry details appear to confirm this entitlement. The other car parking areas are accessed from Mile Oak Road and one space is allocated per unit.

Conclusion:

It is acknowledged that the Highway safety issues in the area have been a constraint on the redevelopment of the site; however the current scheme represents a good compromise which will retain the character of the site and secure much needed highway improvements. Given that the scheme has highway safety benefits and retains conservation and design benefits, without

significantly affecting the amenity of neighbouring occupiers the recommendation is to grant planning permission.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development is considered acceptable in principle. The design and detailing of the works to the retained building and the works proposed to form a pair of semi-detached houses is acceptable. The relocation of the flint boundary wall is considered an acceptable compromise to secure highway safety whilst retaining the character of the area. The development would not be significantly harmful to the residential amenity of neighbouring occupiers.

9 EQUALITIES IMPLICATIONS

The new dwellings will be designed to meet lifetime homes standards and level thresholds have been confirmed.

BH2008/03427 33 Mile Oak Road



Date: 20/05/2009 03:23:09

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.



<u>No:</u>	BH2009/00898	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type</u>	Removal or Variation of Condition		
<u>Address:</u>	Seasons Café, 36 Gloucester Road, Brighton		
<u>Proposal:</u>	Application for variation of Condition 2 of application BH1999/00436/FP to read; The premises shall not be open or in use except between the hours of 08.00 to 20.00 from Monday to Saturday, and between 10.00 to 18.00 on Sundays. Remove Condition 5 in order to allow the preparation and sale of hot food on the premises.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Received Date:</u>	15 April 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10 June 2009
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Ken Handley, H & H (Hove) Ltd, 48b Ventnor Villas, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The premises shall not be open or in use except between the hours of 08.00 to 20.00 Monday to Saturdays and between 10.00 to 18.00 on Sundays.
Reason: To safeguard the amenity of adjacent residents and occupants especially with regard to noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
3. Amplified music or other entertainment noise from within the premises shall not be audible from any adjacent residential property at anytime.
Reason: To safeguard the amenity of adjacent residents especially with regard to noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
4. The odour neutraliser system shall be fully installed in accordance with the details and specification submitted on the 16 April 2009, and shall be retained as such thereafter.
Reason: To safeguard the amenity of adjacent residents especially with regard to odours and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
5. The external door adjacent to 24 Queens Gardens is to be used as an emergency exit only and for the collection of refuse and kept shut at all

other times. Deliveries shall take place via the main door only, and only between the hours of 8am and 6 pm Monday to Saturday only and at no time on Sundays.

Reason: To safeguard the amenity of adjacent residents and occupants especially with regard to noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

6. A scheme for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out within three months of the date of this permission in full as approved 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.

Informatives:

1. This decision is based on Site Location Plan and Supporting Documentation submitted on 15 April 2009.
2. 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:
 - SU9 Pollution and nuisance control
 - SU10 Noise nuisance
 - QD27 Protection of amenity; and
 - ii) for the following reasons:

The proposed development subject to compliance with the above conditions would not lead to loss of amenity or cause harm to the occupiers of adjoining properties. The proposed development is considered to be in accordance with development plan policies.

2 THE SITE

The application site is a ground floor café located on the corner of Gloucester Road and Queen's Gardens within the North Laine conservation area, above which is a residential unit. The site received planning permission in 1999 for the change of use from a retail unit to a café.

Queen's Gardens, which lies at a right angle to the application site is predominantly residential. There are residential units located above a number of the commercial units fronting onto Gloucester Road.

3 RELEVANT HISTORY

BH2008/03950: Application for variation of condition 2 of application BH1999/00436/FP in order to allow opening hours between 8am to 8pm Monday to Saturday, and removal of condition 5 in order to allow the preparation and sale of hot food on the premises. Refused at Planning

Committee 14/04/2009 on the following grounds:

The applicant has failed to adequately demonstrate that the proposal would not detrimentally impact on the amenities of neighbouring properties, by reason of odours as such the proposal is contrary to policies QD27 and SU9 of the Brighton & Hove Local Plan.

BH2007/02900: Variation of condition 2 (BH1999/00436/FP) and subsequent application (BH2005/05697) to change opening hours. Proposed internal opening hours to be 6.30am-10.00pm Monday to Saturday and 9.00am-10.00pm Sundays. (Resubmission following refusal of BH2007/01756). Refused at Planning Committee 15/10/2007.

BH2007/01756: Variation of condition 2 (BH1999/00436/FP) and subsequent application (BH2005/05697) to change opening hours. Proposed opening hours to be 8am - 11pm Monday to Saturday and 9am - 10pm Sundays. Refused 28/06/2007.

BH2007/01339: To remove condition 5 of BH1999/00436/FP limiting/restricting the sale of beverages and cold and microwavable food only. Approved by Planning Applications Sub-Committee 06/06/2007. Conditions relating to which required the submission of details for measures to ensure odour control and adequate ventilation within a month of the permission. Sufficient details were not submitted within this time period.

BH2007/00987: Variation of condition 11 (BH1999/00436/FP) to allow the sale of hot food for consumption off the premises. Refused 31/05/2007

BH2005/05697: Variation of condition 2 of BH1999/00436/FP to change opening hours from 6pm closing to 10pm closing (indoors) and 9pm closing (outdoors). A temporary 1 year permission was granted at Planning Applications Sub-Committee 16/01/2006

BH2003/03927/FP: Installation of new doorway and timber sliding sash window to west elevation and replace ventilation openings. Refused 22/07/2004.

BH1999/00436/FP: Change of use from retail (class A1) to café (class A3). Approved 28/07/1999.

4 THE APPLICATION

The applicant seeks consent for the variation of condition 2 and the removal of condition 5 of planning permission reference BH1999/00436/FP.

Condition 2 of the permission states:

“The premises shall not be open or in use except between the hours of 0800 and 1800 Monday to Saturday, 1000 and 1600 on Sunday.

Reason: To safeguard the amenities of the locality”

The proposed variation of condition 2 will allow for the premises to open from 08.00 to 20.00 Monday to Friday and from 10.00 to 18.00 on Sundays.

Condition 5 of the permission states:

“The use hereby approved is restricted to the sale of beverages and cold and

microwavable food only.

Reason: Any other A3 use might require extract ducting for which no planning permission has been sought or granted”

The proposed removal of condition 5 will allow the occupiers of the premises to serve and prepare hot food.

5 CONSULTATIONS

External:

Neighbours: 4 letters of objection received from **35, 36A (x4) Gloucester Road, 2 Tidy Street**, on the grounds that the proposed development would result in unacceptable increases in levels of noise and odour disturbance, an increase in rubbish, where currently there are insufficient storage facilities. It would spoil the look of the conservation area. Some of the objectors have mentioned the ongoing investigations regarding conditions placed on the original approved application BH1999/00436/ FP.

Cllr Keith Taylor: Requests to address the Planning Committee and objects to the application (letter attached to this report).

Brighton & Hove Archaeological Society: No objection.

East Sussex County Council: No objection.

Internal:

Sustainable Transport: No objection.

Environmental Health:

The applicant has responded to my concerns and has undertaken to install an odour neutralising component into the existing ventilation system.

I now have no objection to the application.

This department retains powers under s80 of The Environmental Protection Act 1990 to investigate complaints and serve an abatement notice in the event that these premises are found to be responsible for odours amounting to a statutory nuisance.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD27 Protection of amenity

7 CONSIDERATIONS

The proposal seeks to increase the opening hours of the café and to allow the preparation and sale of hot food from the premises. In both cases the principal consideration is whether the proposal would result in any adverse

impact to residential amenity to occupiers of adjacent properties. Each of these are considered in turn below.

There has been a long history of problems resulting from previous occupiers of the site resulting in a number of investigations by both the Planning Enforcement and Investigations team and Environmental Health.

Condition 2: Opening Hours

Policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan seek to minimise the impact of noise on the occupiers of neighbouring properties and the surrounding environment. The Environmental Health Officer has not raised any objections to the increase in opening hours.

PPG24 deals with noise issues associated with development, this includes an extension of opening hours. PPG24 identifies residential dwellings as noise sensitive development. Paragraph 12 of PPG24 indicates that noise sensitive development should not be permitted during the hours of 23:00 to 07:00, when people are normally sleeping. It is clear that the additional opening hours sought as part of this application would not intrude into what are considered to be normal sleeping hours and in this respect it is not considered that significant additional noise or disturbance would occur.

At the time of the site visit it was noted that the opening hours of other A3, A4 and A5 premises within the vicinity are staggered, ranging from 5pm to 11pm. For this reason, it is not considered that the proposed extension to the opening hours would be out of keeping with the North Laine area, which is comprised of a mix of commercial and residential streets.

The proposed extended hours from 18.00 to 20.00 Monday to Saturday and 10.00 to 18.00 on Sundays, would fall within the guidelines published within PPG24, it is therefore considered that the proposed extension in opening hours adheres to Local Plan Policies SU10 and QD27.

Condition 5: Hot Food

Policy SU9 and QD27 of the Brighton & Hove Local Plan seek to minimise the impact of pollution and nuisance on the occupiers of neighbouring properties and the surrounding environment. For the purposes of Policy SU9 pollution and nuisance include noise, dust, dirt, PM10, fumes, gases, steam, smell, radiation, vibration, light, smoke, heat and other polluting and nuisance emissions.

There is no policy objection in principle to cooking food on the premises. The concern in policy terms is whether any adverse impact upon neighbours through noise or odours results.

The previous application reference BH2008/03950 was refused on the potential impact upon the amenity of the neighbouring occupiers by virtue of the odour emissions from the site. There already exists an extraction system

which is much improved than what has previously been proposed in an attempt to address previous concerns which have been raised by both Planning Investigations and Environmental Health.

The applicant has taken further steps in light of the previous reason for refusal by providing details of an odour neutralising system to work along side the existing filtration system which is claimed can reduce nuisance caused by cooking odours by up to 90%.

The Environmental Health Team believes that the details provided for the odour neutralising system are sufficient for them to remove their previous objection to the scheme. Taking the Environmental Health Team advice into account it is therefore considered that the proposed variation/removal of condition 5 would have a minimal affect upon the amenity of the adjoining occupiers and residents in line with to policies SU9 and QD27 of the Brighton & Hove Local Plan.

Other Issues

It is noted that concerns have been raised by objectors relating to the positioning of refuse and recycling facilities for the application site. It is possible, as a result of the extended hours of use, for there to be an increase in the volume of refuse and recycling produced by the owners of the site. As it appears that previously there has been no formally approved siting for the refuse and recycling facilities a condition is attached to ensure of this.

8 REASONS FOR RECOMMENDATION TO APPROVE PERMISSION

The proposed development subject to compliance with the above conditions would not lead to loss of amenity or cause harm to the occupiers of adjoining properties. The proposed development is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/03950 Seasons Cafe, 36 Gloucester Road



Date: 25/03/2009 01:20:29

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.





**Brighton & Hove
City Council**

PLANS LIST – 10 JUNE 2009

COUNCILLOR REPRESENTATION

From: Keith Taylor [<mailto:KeithTaylor.Taylor@brighton-hove.gov.uk>]
Sent: 26 May 2009 16:36
To: Anthony Foster
Cc: Ian Davey; Pete West
Subject: RE: BH2009/00898 - 36 Gloucester Road

Dear Anthony

I will further expand on these points when I have more time, but essentially they are

Fumes and odours
Noise nuisance
Lengthened trading hours causing disturbances

Keith

-----Original Message-----

From: Keith Taylor [<mailto:KeithTaylor.Taylor@brighton-hove.gov.uk>]
Sent: 26 May 2009 13:40
To: Anthony Foster
Cc: Ian Davey; Pete West
Subject: BH2009/00898 - 36 Gloucester Road

Please note this request that this application be place before the committee for decision.

Kindly acknowledge

Keith Taylor

Keith Taylor
City Councillor for St Peter's & North Laine Ward
Convenor of the Green Councillor Group
Tel/Fax (01273) 291165

BRIGHTON & HOVE CITY COUNCIL
LIST OF APPLICATIONS DETERMINED

PATCHAM

BH2009/00152

Site Between Bonheur & Rocklands Braypool Lane Brighton

Construction of a pair of four-bedroom semi-detached dwellings with detached garages/cycle stores.

Applicant: Mr John Blankson

Officer: Aidan Thatcher 292265

Refused on 14/05/09 DELEGATED

1) UNI

The proposed dwellings would result in an overly dominant development with an excessive height, scale, bulk and massing and be of a design which would cause harm to the character and appearance of the locality and the subdivision of the existing plot would cause harm to open and spacious character of the existing area and result in harm to this part of the open countryside as such would be contrary to policies QD1, QD2 and NC6 of the Brighton & Hove Local Plan.

2) UNI2

The proposal would result in harm to the amenities of the occupiers of the neighbouring properties by virtue of overlooking, loss of privacy, loss of light and overshadowing. Therefore the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed development would result in harm to the amenity of the occupiers of the proposed units by virtue of a high level of noise and disturbance from the A23 with no noise assessment provided or mitigation measures proposed. As such the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan.

4) UNI4

The proposed development fails to demonstrate adequate compliance with lifetime homes criteria and as such would be contrary to policy HO13 of the Brighton & Hove Local Plan.

5) UNI5

The proposal fails to demonstrate how the development would be efficient in the use of energy, water and materials and as such would be contrary to policy SU2 of the Brighton & Hove Local Plan.

6) UNI6

The proposal fails to demonstrate how the development would meet the travel demand that it creates and as such would be contrary to policy TR1 of the Brighton & Hove Local Plan.

7) UNI7

The proposal fails to demonstrate that there would be no adverse impact to trees within the vicinity of the site, provides inaccurate and insufficient information on the existing trees within and close to the site and provides no information regarding the protection of the trees to remain during construction. As such the proposal is contrary to policy QD16 of the Brighton & Hove Local Plan.

BH2009/00418

356 Carden Avenue Brighton

Display of 2 No. externally illuminated fascia signs and 1 No. internally illuminated hanging sign.

Applicant: Food Programme Delivery Orchid Group

Officer: Chris Swain 292178

Approved on 01/05/09 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.

BH2009/00430

114-118 Carden Avenue Brighton

Replacement windows and doors

Applicant: Mr Derry Maher

Officer: Aidan Thatcher 292265

Approved on 06/05/09 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.

BH2009/00525

15 Highview Way Brighton

Certificate of Lawfulness for a proposed development of a single storey rear extension.

Applicant: Mr & Mrs Purser

Officer: Helen Hobbs 293335

Refused on 30/04/09 DELEGATED

BH2009/00602

Black Lion London Road Patcham Brighton

Display of 2 no. internally illuminated signs to existing post signs and 2 no. internally illuminated wall signs (part-retrospective).

Applicant: Mr Stuart Tucker

Officer: Liz Holt 291709

Approved on 18/05/09 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 advertisements hereby approved shall only be illuminated between dusk and midnight on any day.

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

BH2009/00626

144 Mackie Avenue Brighton

Conversion of maisonette (C306) into 4 No. flats (C305).

Applicant: Blakesley Estates

Officer: Anthony Foster 294495

Refused on 13/05/09 DELEGATED

1) UNI

The proposed development would not provide accommodation suitable for family occupation with a minimum of two bedrooms, and as such the proposal is contrary to policy HO9 of the Brighton & Hove Local Plan.

2) UNI2

The applicant has failed to demonstrate that the development would provide an appropriate level of amenity space and as such the proposal is considered to be detrimental to the living conditions of future residents contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposal fails to meet the travel demands that it creates or helps to maximise the use of sustainable transport. The Local Planning Authority would expect the scheme to make an appropriate contribution towards local sustainable transport infrastructure. In the absence of an agreement in this respect, the scheme is contrary to policies TR1, TR19, SU15, QD28 and HO7 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Parking Standards (SPGBH4).

BH2009/00693

19 Braeside Avenue Brighton

Erection of a single storey rear extension.

Applicant: Mr Darren Slaughter

Officer: Sonia Kanwar 292359

Approved on 15/05/09 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) BH02.04

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.

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.

BH2009/00694

25 Lyminster Avenue Hollingbury Brighton

Certificate of Lawfulness for proposed roof extension incorporating change from hip to gable roof with window at rear and rooflights to front and side elevations. Repositioning of door opening and alterations to window at ground floor.

Applicant: Mr V & Mrs B R Bennett

Officer: Helen Hobbs 293335

Approved on 18/05/09 DELEGATED

PRESTON PARK

BH2008/02334

14 Port Hall Road Brighton

Demolition of existing detached house and construction of 4 x 3 bedroom detached houses with photovoltaic cells and solar water heaters to roof. Associated parking, bin/cycle storage and access.

Applicant: Mr Ian Habben

Officer: David Alabi 290486

Refused on 13/05/09 DELEGATED

1) UNI

Cumulatively, the development by reason of its scale and bulk, limited amenity and landscaping space, and poor access arrangements, would result in an overdevelopment of the site. As such the proposal is contrary to policies TR1, TR7, QD1, QD2, QD3, QD15, QD16 QD27, HO4 and HO5 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development, by reason of its design, bulk, scale and external appearance would be out of keeping with the surrounding area and as such

would represent an incongruous development that would fail to represent the context of its setting. The proposal is therefore contrary to policies QD1, QD2 and HO4 of the Brighton & Hove Local Plan.

3) UNI3

The proposed development, by virtue of the length and inadequate width of the access, would give rise to vehicles reversing onto the public highway, thereby resulting in an increased hazard to pedestrians and vehicular traffic contrary to policy TR7 of the Brighton & Hove Local Plan.

4) UNI4

The proposed development would result in an unsatisfactory level of amenity space which would be detrimental to the living conditions of future occupiers, contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.

5) UNI5

The development by reason of its height, scale and location within the site would have a visually intrusive impact on neighbouring occupiers along Port Hall Road contrary to policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

6) UNI6

The applicant has failed to demonstrate that the proposal would not result in the harm or loss of trees and hedgerows on and adjoining the application site and that the proposal would not be of detriment to the visual amenity of the area. As such the proposal is contrary to policies QD2, QD3, QD15 and QD16 of the Brighton & Hove Local Plan and Supplementary Planning Document 06 'Trees and Development Sites'.

7) UNI7

The applicant has failed to demonstrate that the proposal fully complies with Lifetime Homes standards and as such the proposal is contrary to policy HO13 of the Brighton & Hove Local Plan and Planning Advisory Note 03 'Accessible Housing and Lifetime Homes'.

BH2009/00346

First Floor Maisonette 23 Stanford Road Brighton

Amendment to previously approved application BH2007/03987 for the enlargement of 1 x rear dormer (Retrospective).

Applicant: Mr Jess Russell

Officer: Sonia Kanwar 292359

Refused on 08/05/09 DELEGATED

1) UNI

The rear dormer, by virtue of its size, positioning and inappropriate design, forms an incongruous addition, detrimental to the appearance of the building and the surrounding area. The development is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan and to Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions.

BH2009/00469

7 York Villas Brighton

Demolition of garage and erection of two storey side extension.

Applicant: Mr J Lynn-Evans

Officer: Jonathan Puplett 292525

Refused on 07/05/09 DELEGATED

1) UNI

The proposed extension by reason of its siting, height, depth, flat roof, and fenestration and door design on the front elevation, would be out of character with the existing building and would appear over-dominant and incongruous within the street scene. As such the proposal would adversely impact on the character and

appearance of the existing building and surrounding area, contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development, whilst described by the applicant as a two-storey extension ancillary to the existing dwelling, is in fact shown on the submitted plans as effectively a separate residential unit, with its own access from the street, cycle and refuse storage facilities, bathroom, kitchen, living and sleeping space, and access to a rear garden area. Considered in this context the scheme does not comply with the relevant local plan policies concerned with new residential development (transport and parking, sustainability, density of development, provision of private amenity space, and lifetime homes). As such the proposal is considered to be contrary to policies TR1, SU2, HO3, HO4, HO5, HO7, HO13, and the guidance of SPD08: Sustainable Building Design and PAN03: Accessible housing and Lifetime Homes.

BH2009/00620

4 Balfour Road Brighton

Certificate of Lawfulness for the proposed development of the removal of staircase from lightwell. Partially enclosing lightwell with extension incorporating pitched roof and conservatory with glass roof.

Applicant: Mr Gordon MacDonald

Officer: Chris Swain 292178

Refused on 12/05/09 DELEGATED

BH2009/00726

38b Stanford Road Brighton

Proposed single storey rear extension.

Applicant: Ms K Johnson

Officer: Jonathan Puplett 292525

Approved on 12/05/09 DELEGATED

1) 01.01AA

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990

2) 03.02A

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.

BH2009/00793

110 & 112 Osborne Road Brighton

Proposed single storey rear extension with glazed roof to 112 Osborne Road and Retrospective Approval for single storey rear extension with 3 no. rooflights to 110 Osborne Road.

Applicant: Mr Nick Richardson

Officer: Liz Holt 291709

Approved on 18/05/09 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 development at 112 Osborne Road 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.

3) UNI

The measures set out in the Waste Minimisation Statement submitted on the 30th March 2009 shall be implemented in strict accordance with the approved details.

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

REGENCY

BH2008/03163

8 Dean Street Brighton

Single storey rear extension with rooflight and construction of a rear dormer.

Applicant: Mrs Kate Bayliss

Officer: Weahren Thompson 290480

Approved on 05/05/09 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 new window for the dormer shall be painted softwood, double hung vertical sliding sash with concealed trickle vents and shall be retained as such.

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

4) UNI

The roof light(s) in the approved development shall be of 'conservation style' 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.

BH2009/00178

Brighton Square & 19 - 21 Meeting House Lane Brighton

Replacement windows and doors in aluminium, replacement cement weather board and PVCU fascia to publicly visible areas. (Part-Retrospective). (Amended Description)

Applicant: Mr Derek Hunnisett

Officer: Chris Wright 292097

Refused on 19/05/09 DELEGATED

1) UNI

The proposed replacement windows would, by reason of their design, proportions, finish and opening method, detract from the appearance of the building, amplify its incongruous and discordant relationship with surrounding development in The Lanes in this prominent and central conservation area. As such the development would give rise to visual harm and would fail to preserve or enhance the historic character and appearance of the Old Town Conservation Area. The development is therefore contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan.

2) UNI2

The use of modern and artificial materials with which to clad the box balconies and replace roof fascia boards is unacceptable, out of keeping with the character of the building and the finishes used historically in the area and inappropriate to the historic character and appearance of the Old Town Conservation Area. As such the proposal conflicts with the aims and objectives of policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan.

BH2009/00179

Brighton Square & 19-21 Meeting House Lane Brighton

Replacement UPVC windows and doors and cedar weatherboard to non-publicly visible areas (part retrospective).

Applicant: Mr Derek Hunnisett

Officer: Chris Wright 292097

Refused on 19/05/09 DELEGATED

1) UNI

The proposed replacement windows would, by reason of their design, materials and appearance, detract from the character of the building and amplify its incongruous and discordant relationship with surrounding development in The Lanes in this prominent and central conservation area. As such the development would give rise to visual harm and would fail to preserve or enhance the historic character and appearance of the Old Town Conservation Area. The development is therefore contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan.

2) UNI2

The use of modern and artificial materials with which to clad the box balconies and replace roof fascia boards is unacceptable, out of keeping with the character of the building and the finishes used historically in the area and inappropriate to the historic character and appearance of the Old Town Conservation Area. As such the proposal conflicts with the aims and objectives of policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan.

BH2009/00247

65 Western Road Brighton

Demolition of existing first floor toilets and store room. Change of use of first and second floors from A3 restaurant to C3 residential, and construction of additional fourth storey to provide three no. self contained one-bedroom flats.

Applicant: Mr Mark Crichton

Officer: Chris Wright 292097

Refused on 13/05/09 DELEGATED

1) UNI

Policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan require a high standard of design in new development, which should seek to enhance the positive qualities of buildings and spaces in the locality and incorporate a scale, design and level of detailing that is appropriate to the building to be extended as well as neighbouring buildings, and preserves or enhances the historic character and appearance of the conservation area. The proposed extra storey would be poorly related to the architecture of the existing façade in visual terms and the extension on the Stone Street frontage would be unduly dominant, inappropriately styled and out of scale with adjoining buildings and the terrace housing opposite. As such the development would be incongruous with the pattern of existing development and would give rise to visual harm and detriment to the street scene and the Regency Square Conservation Area, contrary to the requirements of the above policies.

2) UNI2

The development proposal incorporates internal bathrooms and kitchens and does not meet the standard reasonably expected by the local planning authority in terms of efficiency in the use of energy. As such the proposal is contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 08: Sustainable building design.

3) UNI3

Policies QD14 and QD27 of the Brighton & Hove Local Plan seek to ensure new developments do not adversely affect either existing or future occupiers' amenity and living conditions. Policy HO5 of the local plan requires development to provide private and useable amenity space appropriate to the scale and nature of development. The proposed layout of each flat represents a poor standard of accommodation, deficient in private amenity space and incorporating an unsatisfactory light-well design which would not provide an outlook for future residents and would be overlooked by the communal staircase at the rear of the site. As such the application conflicts with the requirements of the development plan.

BH2009/00316

75-79 East Street Brighton

Removal of existing glass doors and block up existing openings. Fixing of formica cladding panels to front elevation (retrospective).

Applicant: CHF (UK) Ltd

Officer: Adrian Smith 01273 290478

Refused on 06/05/09 DELEGATED

1) UNI

The inappropriate design, materials, colour and finish of the cladding has resulted in a significant detrimental impact on the appearance and historic character of the building and surrounding Old Town conservation area. The development is therefore contrary to policies HE6, QD5, QD10 and QD14 of the Brighton & Hove Local Plan, and the Supplementary Guidance Document 02 on Shopfronts.

2) UNI2

The removal of the glass entrance doors and their replacement with windows has resulted in significant detriment to the historic character and appearance of the former cinema building and surrounding Old Town conservation area. The development is therefore contrary to policies HE6, QD5, QD10 and QD14 of the Brighton & Hove Local Plan, and the Supplementary Guidance Document 02 on Shopfronts.

3) UNI3

The disabled access ramp to the main entrance is of a material, colour and finish that is detrimental to the character and appearance of the building and Old Town conservation area, contrary to policies HE6, QD5, QD10 and QD14 of the Brighton & Hove Local Plan

BH2009/00317

The Lanes Car Park Black Lion Street Brighton

Construction of new pedestrian lift and stairs in Bartholomew Square adjacent Prince Albert Street and associated landscaping
(Amended Description).

Applicant: Mr Austen Hunter

Officer: Jason Hawkes 292153

Approved on 01/05/09 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

2) UNI

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including all hard surfacing, 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: As insufficient information has been submitted, to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

3) UNI

No works shall take place until full details of the proposed railings, including 1:20 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 appearance of the development and to comply with policy QD1 and HE6 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall not be commenced until details of replacement cycle parking facilities to replace those removed 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 commencement of the development hereby permitted and shall thereafter be retained for use at all times.

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

5) UNI

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

Reason: The development is likely to disturb remains of archaeological interest, in order to protect and record archaeological remains and to comply with HE12 of the Brighton & Hove Local Plan.

6) UNI

Notwithstanding the Waste Minimisation Statement submitted with the application, no development shall take place until a more detailed Waste Minimisation Statement indicating how the scheme will endeavour to reduce the amount of waste going to landfill has been submitted to and approved in writing by the Local Planning Authority. The contractors must be registered with the Environment Agency.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03: Construction and Demolition Waste.

BH2009/00320

Flat 1 35 - 36 Bedford Square Brighton

Internal alterations to layout of flat and replacement of front casement window with sliding sash window.

Applicant: Mr Matthew Allen

Officer: Mark Thomas 292336

Approved on 30/04/09 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) BH13.11

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) 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.

4) UNI

The following details shall be submitted to and approved by the local planning authority before works commence:-

i) 1:20 sample elevations and sections, and 1:1 joinery sectional profiles of all new joinery work including all types of new windows and doors including their

- internal panelling, shutters and architraves, staircases and their balustrading and handrails, skirting boards, dado rails and picture rails and built in cupboards;
- ii) full details, including 1:5 scale sample plans/elevations and 1:1 sectional profiles of any new decorative plasterwork, including cornices, ceiling roses, bracketed arches and other features;
 - iii) details of the new fireplace including a 1:10 scale drawings and if available, photographs;
 - iv) the method of fire protection of the walls, floors, ceilings and doors, including 1:5 sections through walls and ceilings, and smoke detectors, fire alarm call points, fire alarms, emergency lighting fittings and control boxes that may be required to meet fire regulations;
 - v) the method of any sound and thermal insulation of the floors and walls, including 1:5 sections through walls and ceilings;
 - vi) A 1:20 scale elevational drawing of the new partition wall and opening between the living room and the new kitchen area as seen from the living room side;
 - vii) details of the routing of the pipework and ventilation ductwork to the new kitchen and bathroom areas including sectional details at 1:5 scale of any false ceilings required to conceal the ducting;

And the works shall be fully carried out and completed in accordance with these approved details and maintained as such thereafter.

Reason: to ensure the preservation and enhancement of the Listed building in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.

5) UNI

The premises shall not be occupied until the development hereby approved has been fully completed in all respects in accordance with the approved drawings, the conditions of this consent and with details submitted to and approved by the local planning authority in accordance with the above conditions.

Reason: to ensure that the development is carried out in its entirety and to secure the preservation, enhancement and restoration of the Listed building and its features which is considered an essential part of a balanced scheme, in accordance with policy HE1 and HE4 of the Brighton & Hove Local Plan

BH2009/00329

77 West Street Brighton

Display of 1no. internally illuminated fascia sign, 1no. internally illuminated projecting sign, and 1no internally illuminated menu board.

Applicant: Inventive Leisure

Officer: Chris Wright 292097

Approved on 06/05/09 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) 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 proposed signs, for which consent for display is hereby granted, shall be halo lit and the letter faces opaque such that their faces are not fully internally illuminated. The illumination of the signs should accord with the latest draft of the Institute of Lighting Engineers' Technical Report No. 5 -The Brightness of Illuminated Advertisements.

Reason: In the interests of highway safety and to ensure a satisfactory visual relationship with the listed building and impact on the Old Town Conservation Area and to comply with policies TR7, HE1, HE6 and QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document 03: Advertisements.

9) UNI

The proposed signs, for which consent for display is hereby granted, shall not be installed until a schedule and samples of the materials (including colour and finishes) have been submitted to and approved in writing by the local planning authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory visual relationship with the listed building and to comply with policies HE1 and QD12 of the Brighton & Hove Local Plan.

10) UNI

The proposed sign above the main front entrance to the building shall be illuminated only be white lighting/neon.

Reason: To ensure a satisfactory visual relationship with the listed building and to comply with policies HE1 and QD12 of the Brighton & Hove Local Plan.

BH2009/00362

9 Duke Street Brighton

Change of use from retail (A1) to Hot food takeaways (A5)

Applicant: Paul Properties DPF No. 1 Ltd

Officer: Jason Hawkes 292153

Refused on 19/05/09 DELEGATED

1) UNI

Policy SR4 of the Brighton & Hove Local Plan aims to maintain and enhance the Regional Shopping centres. The change of use of an existing Class A1 use shop to a non-retail unit is permitted provided that it does not result in the number of non-retail units exceeding 25% in the shopping street and that the proposed use does not lead to a break of more than 10 metres in the shopping frontage. The scheme would result in the number of non-retail units exceeding 25% in Duke Street and also results in a break in the shopping frontage of more than 10 metres. The scheme is therefore contrary to criterion (a) and (b) of the above policy.

BH2009/00417

Birdcage Bandstand Western Esplanade Brighton

Addition of decorative lighting.

Applicant: Mr Ian Shurrock

Officer: Clare Simpson 292454

Approved by DoE on 30/04/09 GOVERNMENT OF THE SOUTH EAST

BH2009/00438

30 Montpelier Road Brighton

Certificate of lawfulness for existing use of the basement as 4 no. self-contained flats and use of flat 4 on the ground floor as a self-contained flat.

Applicant: Mr Ronald Bloom & Mrs Wendy Bloom

Officer: Paul Earp 292193

Approved on 30/04/09 DELEGATED

BH2009/00439

79 - 83 North Street Brighton

Creation of new A1 retail unit with associated shopfront, to replace existing ground floor entrance lobby to offices above. Formation of a new doorway and entrance lobby to south elevation.

Applicant: Juliet Estates Limited

Officer: Chris Wright 292097

Approved on 07/05/09 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) 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.

4) BH05.08

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.

BH2009/00468

39 Kings Road Brighton

Display of externally illuminated scaffolding shroud.

Applicant: Mr Adam Coombs

Officer: Clare Simpson 292454

Approved on 13/05/09 DELEGATED

1) 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.

2) 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.

3) 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.

4) 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.

5) 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.

6) 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.

7) UNI

This consent expires 6 months from the date of permission or until the scaffolding is no longer required for the building works, whichever is the sooner.

Reason: In the interests of the visual amenity and to preserve the character of the Old Town Conservation Area and to comply with policies QD12 and HE9 of the Brighton & Hove Local Plan.

8) UNI

The advertisement shall not be illuminated later than 2300 hours and shall not be illuminated before 0700 hours on any day.

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

9) UNI

The intensity of the illumination of the advertisement display shall not exceed 600 candelas per square metres.

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

10) UNI

At the end of the period of consent set out in Condition 1, the advertisement shall be removed and not replaced unless the subject of a further express consent.

Reason: In the interests of the visual amenity and to preserve the character of the Old Town Conservation Area and to comply with policies QD12 and HE9 of the Brighton & Hove Local Plan.

BH2009/00533

20-24 North Street Brighton

Creation of new entrance doors to front of building to provide disabled access.

Applicant: Brighton Nominee No 1 Ltd & Brighton Nominee No 2 Ltd

Officer: Adrian Smith 01273 290478

Approved on 11/05/09 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.

BH2009/00628

47a Upper North Street Brighton

Replacement windows and french doors to rear elevation.

Applicant: Mr Ben White

Officer: Mark Thomas 292336

Approved on 08/05/09 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 works shall take place until full details of the proposed works including 1:1 scale joinery sections of the new windows and 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.

BH2009/00632

38-40 Preston Street Brighton

Change of use of basement level from shop storage to private karaoke club.

Applicant: Fortune Inn Group

Officer: Adrian Smith 01273 290478

Refused on 08/05/09 DELEGATED

1) UNI

Insufficient information has been submitted with the application to adequately demonstrate that the use of the site as a private karaoke lounge will not result in a significant loss of amenity to the occupiers of adjacent properties in terms of noise disturbance by way of amplified music. The proposal is therefore contrary to policies SU9, SU10, and QD27 of the Brighton & Hove Local Plan.

2) UNI2

The premises are located in close proximity to residential dwellings. The proposed opening hours would result in a significant detriment to the amenity of adjacent residential properties by way of late night noise and disturbance from patrons entering and leaving the site, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The basement rooms have no access to natural ventilation whilst no form of mechanical ventilation is proposed. Insufficient information has been submitted with the application to adequately demonstrate that the basement rooms will be sufficiently ventilated to avoid detriment to the health of its occupiers. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2009/00639

Bedford Court 8-10 Bedford Place Brighton

Removal of cement render to front entrance steps and installation of ceramic tiling with white marble nosing to treads.

Applicant: Florenda Flat Management Ltd

Officer: Charlotte Hughes 292321

Approved on 18/05/09 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

2) UNI

No development shall take place until samples of the materials to 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.

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

3) UNI

The tiles of the development hereby permitted shall be laid with tight joints between the tiles.

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

4) UNI

Notwithstanding the submitted details in respect of the end elevation of the bottom steps, no development shall take place until revised details of the steps have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details.

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

BH2009/00689

47 & 47A Upper North Street Brighton

Replacement of existing UPVC french doors and windows with new wooden doors and sash units to rear elevation of first and second floors. Replacement wooden sash windows to rear of ground floor, and reinstatement of stud partition wall in shop to allow access to maisonette above. Internal alterations to maisonette, and installation of fire retardant and sound proofing system to ceiling between ground and first floors. (Part Retrospective).

Applicant: Mr Ben White

Officer: Mark Thomas 292336

Approved on 08/05/09 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) BH13.06

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.

3) BH13.11

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.

4) BH13.13

All existing doors are to be retained, except where indicated on the drawings hereby approved. Any new doors shall be of timber construction with recessed panels and be of a specified size and design as agreed in writing by the Local Planning Authority prior to commencement of work. Any fireproofing to doors

should be an integral part of the door construction, and self closing mechanisms, if required, shall be of the concealed mortice type.

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

5) 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.

6) UNI

No works shall take place until full details of the proposed works including 1:1 scale joinery sections of the new windows, doors, architraves and skirting boards 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.

ST. PETER'S & NORTH LAINE

BH2008/01924

19 Sydney Street Brighton

Provision of level access into shop with new shopfront. Demolition of rear two storey extension and rebuilding of larger two storey extension.

Applicant: Mr James Gunn

Officer: Kate Brocklebank 292175

Approved on 06/05/09 DELEGATED

1) UNI

All new joinery shall be painted softwood and retained as such.

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

BH2009/00023

36 North Gardens Brighton

Replacement of existing steel mezzanine, including new umbrella and new lean - to polycarbonate roof. New paving to basement yard. (Retrospective).

Applicant: Mr Ben White

Officer: Chris Swain 292178

Approved on 01/05/09 PLANNING COMMITTEE

1) UNI

The mezzanine floor at ground floor level and basement courtyard shall not be open to customers outside of 09.00 and 23.00 from Monday to Saturday and 09.00 and 22.00 on Sundays.

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

BH2009/00364

101-102 North Road Brighton

Display of 1 no. non-illuminated hanging sign and 2 no. externally illuminated fascia signs. (Retrospective)

Applicant: Zelgrain Ltd

Officer: Liz Holt 291709

Approved on 14/05/09 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

Conditions:

The trough lights shall be painted to match the colour of the render on the existing building within 2 months of the date of this consent unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD12 and HE9 of the Brighton & Hove Local Plan.

BH2009/00426

1 Gloucester Passage Brighton

Replacement of timber fanlight windows with timber sash windows.

Applicant: Mr Robert Stevens

Officer: Sonia Kanwar 292359

Approved on 11/05/09 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) BH12.03

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.

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

3) UNI

The glazing bars shall be the 'Fine Lambs Tongue 16mm wide bar' as shown on drawing 'Standard Detail Sheet No. 5A submitted on 20 February 2009.

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

4) UNI

Notwithstanding the approved drawings, rendered masonry cills shall be reinstated to all the front window openings, details of which, including a 1:1 scale section shall be submitted to and approved by the local planning authority in writing before work commences.

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

BH2009/00429

Smart News 33 Sydney Street Brighton

Installation of ATM Cash Machine (Retrospective).

Applicant: Mr Tariq Gamil

Officer: Jonathan Puplett 292525

Refused on 07/05/09 DELEGATED

1) UNI

Policy QD10 of the Brighton & Hove Local Plan states that alterations to existing shopfronts provided that the alterations respect the style, proportions, detailing, colour, and materials of the parent building and surrounding shopfronts/buildings. In respect of conservation areas, policies QD10 and HE6 state that development will be required to preserve or enhance the special appearance or character of the area. The ATM which has been installed to the relatively small shopfront represents an overly dominant addition which has harmed the character and

appearance of the building and the surrounding conservation area; contrary to the above policies.

BH2009/00442

8 Zion Gardens Brighton

Front dormer with balcony.

Applicant: Mr P Bowler

Officer: Sonia Kanwar 292359

Approved on 01/05/09 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.

BH2009/00480

2 Shaftesbury Road Brighton

Second floor extension to end of terrace house. Ground floor bay window to front of property and creation of bin store and French doors to rear.

Applicant: Mr Richard Heath

Officer: Aidan Thatcher 292265

Approved on 07/05/09 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 works shall take place until full details of the proposed roof and eaves details and window profiles including 1:20 elevation and section details 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: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

BH2009/00539

11 Buckingham Close Brighton

Replacement of existing windows with double glazed windows.

Applicant: Miss Lucy Alston

Officer: Helen Hobbs 293335

Approved on 14/05/09 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.

WITHDEAN

BH2008/02854

Varndean College Surrenden Road Brighton

Demolition of existing college with erection of replacement college and nursery (D1) with associated car parking and landscaping.

Applicant: Varndean College

Officer: Paul Earp 292193

Approved on 08/05/09 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) 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) 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.

4) BH05.07

No development shall take place until a written Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan 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) BH05.09

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

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

6) 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.

7) 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.

8) BH07.03

No development shall commence until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

9) BH07.04

No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

10) BH07.07

No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

11) BH07.11

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 retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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.

12) BH11.01

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

13) 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.

14) BH11.03

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.

15) BH14.01

No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

16) UNI

Details of the brick banding, glazing screens, timber detailing, glazing and frames to windows and main entrance, external walls and external paved areas shall be submitted to and approved by the Local Planning Authority, at a scale of 1:50, before works commence.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan.

17) UNI

Prior to the commencement of works, details of the green roof shall be submitted to and approved by the Local Planning Authority, carried out before occupation of the building and thereafter maintained to the specification.

Reason: To ensure a satisfactory appearance to the development and to promote biodiversity and to comply with policies QD1, QD2, QD15 & QD17 of the Brighton & Hove Local Plan.

18) UNI

Details of the internal layout of the nursery, which must meet the requirements of the Early Years Foundation Stage, shall be submitted and agreed with the City Early Years Team and Environmental Health and Licensing Department before building work for the nursery commences, and carried out in strict accordance with the approval.

Reason: To ensure a satisfactory layout to the development and to comply with policy HO26 of the Brighton & Hove Local Plan.

19) UNI

Details of the access to the nursery building, which must meet Disability Discrimination Act regulations indoors and outside, are to be submitted at a scale of 1:20 before works commences, and carried out in strict accordance to the approved plans and thereafter maintained.

Reason: In order to provide satisfactory access to meet the needs of children and their families, and to comply with policy HO26 of the Brighton & Hove Local Plan.

20) UNI

The buggy storage area to the front of the nursery must be available for use before the building is occupied and retained for use thereafter.

Reason: In order to provide adequate facilities to meet the needs of users of the nursery and to comply with policy HO26 of the Brighton & Hove Local Plan.

21) UNI

Details for the disposal of rubbish and clinical waste from the nursery are to be submitted to and agreed with the Local Planning Authority before the nursery is brought into use and thereafter implemented.

Reason: In order to provide adequate facilities to meet the needs of users of the nursery and to comply with policy HO26 of the Brighton & Hove Local Plan.

22) UNI

Detail of the layout of the children's play area to the nursery and the proposed play equipment shall be submitted to and approved by the Local Planning Authority, at a scale of 1:50 before works commence. The area shall be constructed to the satisfaction of the Local Planning Authority before the nursery is operational and thereafter permanently maintained as approved.

Reason: To ensure the provision of adequate recreational facilities and to comply with policy HO5 of the Brighton & Hove Local Plan.

23) UNI

The hours of use of the nursery should be restricted to 07.30 to 18.30 hours Mondays to Fridays only with no use permitted on Saturdays, Sundays or Bank Holidays.

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

24) UNI

No amplified music or musical equipment shall be used in the outdoor nursery play area at any time.

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

25) 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 with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the underlying groundwater resources and to comply with policy S3 of the Brighton & Hove Local Plan.

26) UNI

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system and to comply with policy SU4 of the Brighton & Hove Local Plan.

27) UNI

Construction of the development shall not commence until details of the proposed water infrastructure plans have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: To prevent a negative impact on existing services and to comply with policy SU15 of the Brighton & Hove Local Plan.

28) UNI

Occupation of development will not occur until the Local Planning Authority is satisfied that the development infrastructure capacity is available to adequately service the development. This decision will be reached with Southern Water.

Reason: To prevent a negative impact on existing services and to comply with policy SU15 of the Brighton & Hove Local Plan.

29) UNI

The development shall be completed in accordance with the agreed measures given in BREEAM report submitted with the application which achieves a rating level of "Excellent".

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.

30) UNI

On the day when any demolition is scheduled to commence, a licensed bat worker should be present to inspect likely roosting features for bats before they are demolished. The features with the highest potential to support roosting bats are soffit boards and the roof spaces. All potential roosting sites should be checked. Providing no bats are found the demolition of these buildings can commence. If either before or during demolition bats are found then all work must stop and Natural England be contacted for advice.

Reason: To protect wildlife and to comply with policy QD18 of the Brighton & Hove Local Plan.

31) UNI

Prior to the commencement of works bat boxes shall be erected within the grounds of the College. The boxes shall be manufactured from "Woodcrete" (or equivalent) and the type, numbers and location agreed with the Local Planning Authority in writing prior to the commencement of works, and thereafter

maintained to the specification.

Reason: To protect wildlife and to comply with policy QD18 of the Brighton & Hove Local Plan.

32) UNI

Details of the stages of demolition and provision of temporary accommodation are to be submitted to and agreed with the Local Planning Authority before development commence.

Reason: To ensure the satisfactory operation of the College and to protect the residential amenities of the neighbourhood and to comply with policies QD27 and SU9 of the Brighton & Hove Local Plan.

33) UNI

Details of the regrading of the land, including levels and materials to be used in cut and fill, are to be submitted to and agreed by the Local Planning Department before development commences. Works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory appearance to the development, to prevent water settlement and for the re-use of construction waste and to comply with policies QD1, QD2, SU3 and SU139 of the Brighton & Hove Local Plan.

34) UNI

Prior to the commencement of the use a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with policy HO19 of the Brighton & Hove Local Plan.

35) UNI

Within 3 months of removal, or in the first planting season following removal of any temporary buildings, the playing field land shall be reinstated to a playing field to a quality in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure the site is restored to a condition fit for purpose and to accord with policy SR20 of the Brighton & Hove Local Plan.

36) UNI

Prior to commencement of the development details of the design and layout of changing rooms to the hydrotherapy centre/sport hall, which shall comply with Sport England/National Governing Bodies of Sport Technical Design Guidance Notes to include 'Access for Disabled People 2002', shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The sports facility shall be constructed in accordance with the approved design and layout details.

Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable and to accord with policy HO19 of the Brighton & Hove Local Plan.

BH2008/03665

3 Withdean Crescent Brighton

Loft conversion incorporating 3 no. dormers, 1 no. rooflight, roof lantern, solar panels and sun pipe.

Applicant: Mr Kevin Clarke

Officer: Chris Wright 292097

Refused on 20/05/09 DELEGATED

1) UNI

Policies QD2 and QD14 of the Brighton & Hove Local Plan, along with Supplementary Planning Guidance Note 1: Roof alterations and extensions, require development to enhance the positive qualities of the local area by taking into account the characteristics of existing buildings in the vicinity and ensuring alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The proposed roof extension to the front elevation would, by reason of its siting, form, design and scale, alter the basic shape of the roof and detract from the style and character of the host building, having the appearance of an alien feature in the street scene, incongruous with the form and style of existing development and being detrimental to visual amenity. As such the proposed development is contrary to the aims and objectives of the above policies.

BH2008/03742

Police Box Tongdean Lane Brighton

Replacement of existing timber windows with double glazed uPVC windows.

Applicant: Sussex Police Authority

Officer: Adrian Smith 01273 290478

Approved on 30/04/09 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.

BH2009/00153

35-41 Withdean Road Brighton

Amendments to application BH2007/03716, incorporating relocation of houses within plot to facilitate proper vehicular access, alterations to cladding materials in certain areas, introduction of pavillion-style bin stores adjacent to road..

Applicant: Mr Chris Creswell

Officer: Paul Earp 292193

Approved on 06/05/09 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) 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.

4) BH04.01

The new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

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

5) BH05.01

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 the Code for Sustainable Homes and a Design Stage 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 BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

6) BH05.07

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

7) 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.

8) BH11.01

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of

development.

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

9) 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.

10) BH11.03

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

The crossovers hereby approved shall be constructed in accordance the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to commencement of any other development on the site.

Reason: In the interest of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan.

12) UNI

No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not put undue pressure on existing infrastructure in the city and to comply with policies HO7 and SU15 of the Brighton & Hove Local Plan.

13) UNI

Details of the solar panels shall be submitted to and approved by the Local Planning Authority before works commence. The panels shall be installed and maintained as approved thereafter.

Reason: To ensure satisfactory provision of solar gain and to comply policy SU2 of the Brighton & Hove Local Plan.

14) UNI

The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

BH2009/00312

St Bernadettes RC Primary School London Road Brighton

Demolition of temporary huts and re-instatement of hard-surface play areas. Extension to existing hall to provide 2 new classrooms, toilets and pupil changing areas. Alterations to existing store room in main building.

Applicant: The Governors

Officer: Jonathan Puplett 292525

Approved on 11/05/09 DELEGATED

1) 01.01AA

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2) BH05.09

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

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

3) UNI

The external finishes of the extension hereby permitted shall match in material, colour, style, bonding and texture those of the existing school hall building (approved under application ref. BH2007/03116).

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 submitted details, no development shall take place until a revised 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. Details of quantities of waste materials and the specific waste contractor to be employed shall be included. 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

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the replacement of the existing tree located to the north of the school hall building (which is to be removed to enable the development hereby approved).`

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 QD16 of the Brighton & Hove Local Plan.

6) UNI

The replacement of the tree referenced in the above condition shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner; and should the tree within a period of 5 years from the completion of the development die, be removed or become seriously damaged or diseased, it shall be replaced in the next planting season with another of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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 QD16 of the Brighton & Hove Local Plan.

BH2009/00467

Q8 Petroleum (Gb) Ltd Mill Road Brighton

Display of 1 no. internally illuminated pole mounted sign. (Retrospective).

Applicant: Miss Helen Groth

Officer: Adrian Smith 01273 290478

Approved on 06/05/09 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.

BH2009/00488

2 - 4 Upperdene Court Westdene Drive Brighton

Replacement of 2 no. fixed timber windows with PVCU to stairways.

Applicant: Mr Raymond Stoner

Officer: Wayne Nee 292132

Approved on 08/05/09 DELEGATED

1) 01.01AA

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990

BH2009/00530

5 Copse Hill Brighton

Certificate of Lawfulness for the proposed development of ground floor rear extension, and loft conversion incorporating dormers.

Applicant: Mr & Mrs Hurd

Officer: Adrian Smith 01273 290478

Approved on 30/04/09 DELEGATED

BH2009/00561

24 Fernwood Rise Brighton

Erection of a single storey rear extension.

Applicant: Mr Sean Bolingbroke

Officer: Wayne Nee 292132

Approved on 01/05/09 DELEGATED

1) 01.01AA

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2) 03.02A

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.

BH2009/00583

26 Herbert Road Brighton

Erection of decking and garden fence (part retrospective).

Applicant: Mrs Rosie May

Officer: Mark Thomas 292336

Approved on 08/05/09 DELEGATED

1) UNI

The development hereby permitted shall be completed within 3 months of the date of consent unless agreed in writing by the local planning authority.

Reason: To protect the amenity of neighbours at no. 24 Herbert Road, and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.

BH2009/00692

71 Bates Road Brighton

Certificate of Lawfulness for a proposed loft conversion with dormer to the rear and 1 no. rooflight to the front.

Applicant: Mr John Bowden

Officer: Wayne Nee 292132

Approved on 14/05/09 DELEGATED

EAST BRIGHTON

BH2008/02678

27 Marine Square Brighton

Refurbishment and internal alterations of first, second and third floor non self-contained residential units to form 3 self-contained units.

Applicant: Mr Clive Atkins

Officer: Kathryn Boggiano 292138

Approved on 13/05/09 DELEGATED

1) 01.01AA

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990

2) 06.03A

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 at all times.

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

3) 13.03A

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.

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

4) BH05.08

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) BH05.09

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

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

6) UNI

No works shall be carried out to the exterior of the building, including replacement doors, alarms or cabling, without details first being submitted to and approved in writing the Local Planning Authority. The scheme shall be implemented fully 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.

7) UNI

No development shall commence until full elevational details and colour of the rear soil stack have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully 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.

BH2008/02679

27 Marine Square Brighton

Internal alterations and refurbishment to form 3 self-contained units on first, second and third floors.

Applicant: Mr Clive Atkins

Officer: Kathryn Boggiano 292138

Approved on 15/05/09 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) BH13.03

All new windows shall be painted softwood, double hung vertical sliding sashes with joinery details to match originals, where existing, and shall be 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.

3) BH13.06

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.

4) BH13.12

This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

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

5) BH13.13

All existing doors are to be retained, except where indicated on the drawings hereby approved. Any new doors shall be of timber construction with recessed panels and be of a specified size and design as agreed in writing by the Local Planning Authority prior to commencement of work. Any fireproofing to doors should be an integral part of the door construction, and self closing mechanisms, if required, shall be of the concealed mortice type.

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

6) 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.

7) BH13.17

No works shall take place until a method statement for the works of repair to the first, second and third floors has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved method statement.

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) UNI

No development shall commence until full elevational details and colour of the rear soil stack have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully 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.

BH2009/00034

Bristol Court West 141 Marine Parade Brighton

Replacement of external emergency escape steel staircase to rear elevation to match existing.

Applicant: Ms Barbara Maddows

Officer: Helen Hobbs 293335

Approved on 06/05/09 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 steel staircase shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

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

3) UNI

The corroded fixings of the existing structure must be carefully removed from the masonry and the rear elevation made good and decorated to match the existing materials and finishes prior to the staircase, hereby approved, being made available for use.

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

BH2009/00089

Flat 4 4 Clarendon Terrace Brighton

Replacement timber sash window to rear elevation, reinstatement works to roof and internal alterations to flat (retrospective).

Applicant: Mr Adam Barker

Officer: Sonia Kanwar 292359

Approved on 13/05/09 DELEGATED

1) 01.05A

The works hereby permitted shall be commenced before the expiration of five years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

BH2009/00630

Land to Rear of Wellsbourne Childrens Centre Whitehawk Road Brighton

Construction of a new tarmac link pathway.

Applicant: Brighton & Hove Primary Care Trust

Officer: Aidan Thatcher 292265

Approved on 15/05/09 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 commence until a landscaping scheme to address the loss of the existing vegetation 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: To ensure a satisfactory appearance to the development and to comply with policy QD1 and QD16 of the Brighton & Hove Local Plan.

BH2009/00685

9 Princes Terrace Brighton

Conversion of a three storey dwelling (C3) to form a one bed flat (C305) and a maisonette (C306) incorporating a loft conversion with 1. No dormer to the rear, first floor rear extension and external alternations.

Applicant: Ms Vanessa Smith

Officer: Liz Holt 291709

Approved on 15/05/09 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

2) BH02.07

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

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

3) 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) 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.

5) BH04.01

The new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

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

6) 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.

7) UNI

The measures indicated within the Sustainability Checklist, submitted on the 20th March 2009, shall be fully implemented prior to the first occupation of either of the two separate residential units hereby approved.

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

Building Design.

8) UNI

The scheme shall be implemented in strict accordance with the measures set out in the Waste Minimisation Statement submitted on the 20th March 2009, shall be implemented in strict accordance with the approved details.

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

HANOVER & ELM GROVE

BH2008/03049

6 Islingword Road Brighton

Demolition of existing office and workshop buildings and erection of single storey office building with green roof.

Applicant: Sign of Four

Officer: David Alabi 290486

Approved on 12/05/09 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

2) BH02.07

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

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

3) 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.

4) BH05.05

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 'standard' BREEAM or a 'bespoke' BREEAM) and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' 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 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' 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.

5) BH05.06

Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

6) BH05.08

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.

7) 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.

8) BH07.02

No development shall commence until a scheme for the soundproofing 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 occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

9) BH07.07

No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as

such.

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

10) BH07.11

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 retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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) BH11.02

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

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

12) UNI

The development hereby permitted shall be in use except between the hours of 08.00 and 19.00 Mondays to Fridays, 09.00 and 14.00 on Saturdays and shall not be in use at anytime on Sundays, Bank or Public Holidays.

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

13) UNI

The windows on the south west facing elevation of the development hereby approved, shall be obscure glazed in accordance with the details on plan referenced 20618/305 and shall open inwards 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.

14) UNI

The development hereby permitted shall not be occupied or brought into use until verification has been submitted to the Local Planning Authority by the agreed competent person approved under the provisions of condition 13 (c) that any remediation scheme required under the provisions of condition 13 (c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority). 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 remediation scheme approved under condition 13c.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution and in accordance with

policy SU11 of the Brighton & Hove Local Plan.

15) UNI

No development shall take place 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 assessing 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 nomination of a competent person to oversee the implementation of the works.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution and in accordance with policy SU11 of the Brighton & Hove Local Plan.

16) UNI

The top glazing frames of the windows on the south eastern facing elevation of the development hereby approved, shall be obscure glazed in accordance with the details on plan referenced 20618/305 and shall open inwards 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.

17) UNI

No development shall take place until details of a green or biodiverse roof have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as part of the development and shall be retained as such thereafter.

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.

BH2009/00036

112-113 Lewes Road Brighton

Demolition of existing building with redevelopment to provide for replacement of 2 no. retail units on ground floor and 16 self-contained flats on ground, first, second, third and fourth floors. Refuse and recycling at ground floor level.

Applicant: Mr William Packham

Officer: Kate Brocklebank 292175

Refused on 07/05/09 PLANNING COMMITTEE

1) UNI

Cumulatively the proposal, by virtue of the design, height and scale of the building, cramped internal residential accommodation, limited external amenity space, insufficient area for cycle parking and poor access to refuse/recycling facilities, represents a development which is an overdevelopment of the site which would be of detriment to the character and appearance of the surrounding area and would be detrimental to the future living conditions of future residents of the scheme. As such the proposal is contrary to policies QD1, QD2, QD3, QD27, HO4, HO5, HO6, SU2 and TR14 of the Brighton & Hove Local Plan.

2) UNI

The proposed development by reason of its design, height, bulk and elevational treatment is an overdevelopment of the site that would relate poorly to development in the surrounding area and will appear overly dominant and incongruous in the street scene. As such the proposal is contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.

3) UNI

The proposal would result in a cramped form of development with an unsatisfactory level of private amenity space and outdoor recreation space which would fail to meet the needs of future occupiers of the scheme and would be detrimental to their living conditions. As such the proposal is contrary to policies HO5, HO6 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The applicant has failed to demonstrate that the retail units, by reason of their small size, would equate to viable retail units, and has therefore failed to demonstrate that the proposal complies with policy SR5 of the Brighton & Hove Local Plan.

5) UNI

The applicant has failed to demonstrate that adequate cycle parking provision could be accommodated on site contrary to policy TR14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance 04 'Parking Standards'.

6) UNI

Insufficient information has been submitted to take account of contaminated land issues contrary to policy SU11 of the Brighton & Hove Local Plan and guidance set out in PPS23 Planning and Pollution Control.

7) UNI

The applicant has failed to demonstrate that the internal layout of the proposed residential units would fully comply with Lifetime Homes Standards and that 'flat 1' is fully accessible for wheelchair users. The development is therefore contrary to policy HO13 of the Brighton & Hove Local Plan and Planning Advisory Note 03 'Accessible Housing and Lifetime Homes'.

8) UNI

Insufficient information has been submitted to demonstrate that the development can achieve the appropriate level of sustainability. In addition, the visual impact of the proposed renewable energy technology cannot be assessed as insufficient information has been submitted with regard to design, location and technical specification of the energy technology, which is needed in order to assess their visual impact. As such the proposal cannot be fully judged against policies QD1, QD2 and SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 08 'Sustainable Building Design'.

9) UNI

The site falls within an 'Air Quality Hotspot', the applicant has failed to demonstrate that development of the site would not result in an adverse impact on the health of the future residents of the scheme, as a result of exposure to poor air quality levels. As such the proposal is contrary to policy SU9 of the Local Plan.

BH2009/00464

22 Hartington Terrace Brighton

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer and 3 no. rooflights to front roof slope.

Applicant: Ms Clare Brunt

Officer: Sonia Kanwar 292359

Approved on 01/05/09 DELEGATED

BH2009/00507

Flats 1-12 Morley Lodge Wellington Road Brighton

Installation of new waste storage area, with provision for 5no. bins and recycling facilities (retrospective).

Applicant: Mr Gordon Stanford

Officer: Jonathan Puplett 292525

Approved on 05/05/09 DELEGATED

BH2009/00577

Flat 17 12-14 Wellington Road Brighton

Removal of existing wooden windows and replace with new PVCu windows.

Applicant: Mr Ali Marjani

Officer: Helen Hobbs 293335

Refused on 14/05/09 DELEGATED

1) UNI

The proposed windows, by reason of their design, subdivision, glazing bars, method of opening and material, would form a visually inappropriate alteration to the property and adversely affect the character and appearance of the building and the adjacent buildings within the No.12-14 Wellington Road site and as such are contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan.

BH2009/00582

62 Whichelo Place Brighton

Certificate of Lawfulness for proposed development of loft conversion with dormer at rear.

Applicant: Mrs Kerry Harding

Officer: Helen Hobbs 293335

Approved on 12/05/09 DELEGATED

BH2009/00590

55 Ryde Road Brighton

Certificate of Lawfulness for proposed single storey rear extension with rooflights.

Applicant: Mrs Alison Cattle

Officer: Helen Hobbs 293335

Approved on 05/05/09 DELEGATED

BH2009/00766

84 Islingword Road Brighton

Certificate of Lawfulness for a proposed development for a loft conversion incorporating 1 no. dormer to the rear and 2 no. rooflights to the front.

Applicant: Mrs Nicki Gibson

Officer: Sonia Kanwar 292359

Approved on 11/05/09 DELEGATED

BH2009/00844

37 Bentham Road Brighton

Certificate of Lawfulness for an existing loft conversion.

Applicant: Mr Dermot Dunphy

Officer: Helen Hobbs 293335

Approved on 06/05/09 DELEGATED

HOLLINGDEAN & STANMER

BH2006/00068

Stanmer House Stanmer Village Brighton

Installation of bollards and timber posts around parking area to front of building (Retrospective).

Applicant: Cherrywood Investments Ltd

Officer: Hamish Walke 292101

Approved on 12/05/09 DELEGATED

1) UNI

The retrospective permission hereby granted for the retention of the bollards and timber posts, as detailed on plan reference 1588/24 (issue G) submitted on 27 March 2007, shall be for a temporary period expiring on 31 May 2011, at which time the bollards shall be removed and the land reinstated to its condition prior to the installation of the bollards.

Reason: The bollards and timber posts are considered to detract from the setting of the Grade 1 listed Stanmer House and the wider rural landscape of Stanmer Park and the Stanmer Conservation Area. However, the bollards are considered to be an acceptable interim measure until a car parking and access management strategy in relation to Stanmer House is finalised, at which time the need for the bollards and timber posts would cease and the land should be reinstated to its original appearance in accordance with policies HE3, HE6 and HE11 of the Brighton & Hove Local Plan.

BH2006/00930

Stanmer House Stanmer Village Stanmer

Installation of lamp posts and bollards in front of building. Re-submission and revision of refused application BH2005/06175 (Retrospective).

Applicant: Cherrywood Investwoods Ltd

Officer: Hamish Walke 292101

Approved on 13/05/09 DELEGATED

1) 01.01AA

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2) UNI

The removable bollards shall be removed within 2 years of the date of this permission and the land reinstated to its condition prior to the installation of the bollards.

Reason: To provide temporary traffic management measures and to ensure that the setting of the listed building and the wider rural landscape of Stanmer Park and the Stanmer Conservation Area is reinstated to its original appearance to comply with policies HE3, HE6 and HE11 of the Brighton & Hove Local Plan.

3) UNI

Details of the lighting luminance of the external lamps hereby approved shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission.

Reason: To ensure that the lighting does not have an adverse impact on the character and appearance of the listed building and its setting within the park and to comply with policies HE3, HE6 and HE11.

BH2008/00972

University of Sussex (Arts 1 & 2/Arts A & B) Lewes Road Brighton

Refurbishment of thoroughfare between blocks Arts 1 & 2 and Arts A & B, University of Sussex, Lewes Road, Falmer.

Applicant: University of Sussex

Officer: Louise Kent 292198

Approved on 07/05/09 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) BH13.02

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.

3) UNI

Notwithstanding the submitted details, the transoms over the proposed new doors to the Arts A building shall be painted black and retained as such thereafter.

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

4) UNI

All existing painted surfaces to be redecorated shall be redecorated to the same colour unless otherwise approved in writing by the Local Planning Authority.

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

BH2008/03796

3 Hollingbury Place Brighton

Conversion of rear store (B1) to a self contained flat (C3).

Applicant: Mr Fred Stenning

Officer: Jonathan Puplett 292525

Refused on 01/05/09 DELEGATED

1) UNI

The lawful use of the ground floor of the application property is as a retail (A1) unit and the property lies within the 'Hollingbury Place' local centre. Policy SR6 of the Brighton & Hove Local Plan applies, which seeks to maintain and enhance such local shopping centres. The applicant has failed to demonstrate that the retail unit would remain viable and the proposal would involve the loss of the ancillary facilities that the rear area currently provides and the proposal is therefore contrary to policy SR6.

2) UNI2

The proposed development would result in a loss of floorspace which, it is stated by the applicant, is currently used as ancillary storage and staff facilities in association with an office (B1) use. Such a reduction in floorspace would reduce the viability and usability of the commercial unit. It has not been demonstrated that the offices are genuinely redundant, and no evidence has been submitted to demonstrate that the potential for the offices to be used for alternative employment generating uses or affordable housing has been investigated and deemed non-viable. The proposed conversion is therefore contrary to Policies EM5 and EM6 of the Brighton & Hove Local Plan which seek to protect office and employment uses.

3) UNI3

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 residents. The proposed flat would not provide an acceptable standard of accommodation for future residents. The proposed flat would have a cramped layout, and a poor standard of outlook with the glazed doors and windows of the kitchen and bedroom facing onto a small courtyard area. The main living room would rely on natural light from the kitchen door and windows, and would have the character of an internal room with limited outlook. The courtyard area is not of a size which would create a usable private amenity space, with the rear yard of a commercial premises located directly to the east, and an alleyway which appears to be used for commercial refuse storage to the north. The proposal would be detrimental to the amenities of the future occupants and contrary to policies QD3, HO4, HO5 and QD27 of the Brighton & Hove Local Plan.

4) UNI4

Policy SU2 of the Brighton & Hove Local Plan requires all proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. More detailed requirements are laid out in SPD08: Sustainable building design. The proposed bathroom is internal and therefore would be solely reliant on artificial light. No details of refuse and recycling storage facilities, or cycle storage facilities have been submitted. Furthermore, notwithstanding the submitted sustainability checklist, it is considered that overall insufficient information has been submitted to demonstrate that issues of environmental sustainability have been addressed to a sufficient degree. The proposal is therefore contrary to the above policy and guidance.

5) UNI5

Policy HO13 of the Brighton & Hove Local Plan requires new residential units incorporate Lifetime Homes criteria wherever practicable, whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alterations. No dimensions or turning circles have been annotated on the submitted drawings. It appears extremely difficult for anyone with mobility difficulties to enter the proposed dwelling, as the entrance door is shown as 0.45 metres wide. Furthermore it has not been demonstrated that the bathroom dimensions proposed could accommodate a layout which would provide required minimum clearances. The proposed scheme is therefore contrary to the aims and objectives of the above policy and the standards described in PAN03: Accessible Housing and Lifetime Homes.

BH2009/00234

8 Hollingbury Park Avenue Brighton

Change of use from Dwelling House (C3) to House of Multiple Occupancy (Sui Generis).

Applicant: Mr James Rogers

Officer: Anthony Foster 294495

Refused on 14/05/09 DELEGATED

1) UNI

The change of use from residential to a unit of multiple occupancy would result in the loss of a dwelling house within Use Class C3 and the applicant has failed to demonstrate that the proposal complies with policy HO8 of the Brighton & Hove Local Plan.

2) UNI2

The proposal results in a substandard level of accommodation that would be detrimental to the residential amenity of future occupiers and is contrary to policy

QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposal fails to meet the travel demands that it creates or help to maximise the use of sustainable transport. The Local Planning Authority would expect the scheme to make an appropriate contribution towards local sustainable transport infrastructure. In the absence of an agreement in this respect, the scheme is contrary to policies TR1, TR19, HO7 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Parking Standards (SPGBH4)

BH2009/00377

Pevensey II University of Sussex Brighton

Erection of a radio telescope dish and remote controlled telescope on roof.

Applicant: University of Sussex

Officer: Louise Kent 292198

Approved on 11/05/09 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 a revised drawing 012 Rev. A showing part of the proposed roof plan with a north point has been submitted to and agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the location of the radio telescope and robodome and to ensure a satisfactory visual appearance to comply with policy QD14 of the Brighton & Hove Local Plan.

BH2009/00404

75 Stanmer Villas Brighton

Certificate of lawfulness for a proposed development of a dormer to rear incorporating timber casement windows and replacement of existing front velux window with 2 no. velux windows.

Applicant: Miss Kay Aplin

Officer: Helen Hobbs 293335

Approved on 05/05/09 DELEGATED

BH2009/00531

Land To Rear Of 141 Stanmer Park Road Brighton

Erection of a 2 storey residential dwelling to the rear of 141.

Applicant: Mr Daniel Barker

Officer: Liz Holt 291709

Refused on 11/05/09 DELEGATED

1) UNI

The access to the proposed dwelling, by virtue of the length, inadequate width and lack of turning facilities, would give rise to vehicles reversing onto the public highway, and would be narrow to safely manoeuvre a car in reverse gear. As such the proposal would result in an increased hazard to pedestrians and vehicular traffic contrary to policy TR7 of the Brighton & Hove Local Plan.

2) UNI2

The applicant has failed to demonstrate that the development will accord to Lifetime Homes Standards contrary to policy HO13 and PAN03 Accessible Housing and Lifetime Homes.

BH2009/00592

Hollingdean Sure Start Centre Brentwood Road Brighton

Installation of a steel fire escape to ground and first floor levels.

Applicant: Brighton & Hove City Council

Officer: Liz Holt 291709

Approved on 19/05/09 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 scheme hereby approved shall be implemented in strict accordance with the measures set out in the Waste Minimisation Statement submitted on 10th March 2009.

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

BH2009/00598

Boiler House University of Sussex Lewes Road

Construction of an external chiller compound and alterations to entrance of boiler house (part retrospective).

Applicant: University of Sussex

Officer: Liz Holt 291709

Approved on 15/05/09 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 boiler house 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 measures set out in the Waste Minimisation Statement submitted on the 26th March 2009 shall be implemented in strict accordance with the approved details.

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

BH2009/00606

Russell House Block B Arts Road University of Sussex Brighton

Application for variation of condition 1 of application BH2004/01033/FP to allow retention of existing temporary building until such time as construction of the new teaching block is completed.

Applicant: University of Sussex

Officer: Anthony Foster 294495

Approved on 14/05/09 DELEGATED

1) UNI

The temporary buildings hereby permitted shall be permanently removed from the site before 14 May 2010 and the land reinstated to its former condition.

Reason: As the structure hereby approved is not considered suitable as a permanent form of development, permission is granted for a temporary period only and in accordance with policies QD1, QD2, QD4 and NC7 of the Brighton & Hove Local Plan.

MOULSECOOMB & BEVENDEAN

BH2009/00499

Jubilee Court The Crescent Brighton

Enlargement of existing car park and car park entrance.

Applicant: Brighton & Hove City Council

Officer: Chris Swain 292178

Approved on 01/05/09 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 approved blister paving and crossover shall be implemented in full before the additional parking spaces are brought into use.

Reason: In the interest of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan.

BH2009/00529

51 Heath Hill Avenue Brighton

Demolition of existing conservatory and erection of a new UPVC conservatory to rear of property.

Applicant: Mr Daniel Cassidy

Officer: Chris Swain 292178

Approved on 07/05/09 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.

BH2009/00623

72 Barcombe Road Brighton

Proposed two-storey rear extension, incorporating one new rooflight.

Applicant: Mr Gavin Willis

Officer: Helen Hobbs 293335

Approved on 11/05/09 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) BH02.04

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.

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 1st floor windows on the North elevation 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.

BH2009/00785

313 Bear Road Brighton

Proposed first floor rear extension.

Applicant: Mr K Harding

Officer: Sonia Kanwar 292359

Approved on 18/05/09 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) 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.

QUEEN'S PARK

BH2008/03548

115 St James's Street Brighton

Erect 4 no. air conditioning condensing units on external wall accessed from flat roof. Remove existing air conditioning condenser unit.

Applicant: Starbucks Coffee Co. (UK) Ltd

Officer: David Alabi 290486

Approved on 01/05/09 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 recommendations and noise reduction treatments contained within the report titled 'Acoustic report for external mechanical services equipment serving Starbucks at 115 St James's Street, Brighton BN2 1TH' submitted on 11 November 2008 shall be implemented in full within one month of the date of this permission unless otherwise agreed in writing by the Local Planning Authority.

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.

3) UNI

Full details of the proposed acoustic screening, including sample materials and a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission. The acoustic screening shall be installed in accordance with the agreed details, including timescale, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance and to safeguard the amenities of the occupiers of neighbouring properties in compliance with policy HE6 and QD27 of the Brighton & Hove Local Plan.

BH2008/03573

23 Upper Rock Gardens Brighton

Internal alterations to convert house into two maisonettes.

Applicant: Ms Elizabeth Humphreys

Officer: Kate Brocklebank 292175

Approved on 11/05/09 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) BH13.06

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.

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) BH13.13

All existing doors are to be retained, except where indicated on the drawings hereby approved. Any new doors shall be of timber construction with recessed panels and be of a specified size and design as agreed in writing by the Local Planning Authority prior to commencement of work. Any fireproofing to doors should be an integral part of the door construction, and self closing mechanisms, if required, shall be of the concealed mortice type.

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

BH2008/03685

Brighton Pier Madeira Drive Brighton

Renewal of planning permission BH2003/02868/FP to retain dome-shaped structure until January 2014.

Applicant: Brighton Marine Palace & Pier Co

Officer: Kate Brocklebank 292175

Approved on 08/05/09 DELEGATED

1) UNI

The structure hereby permitted shall be permanently removed from the site before 31st of January 2014 and the deck and structure of the pier reinstated to match the remainder of the pier head in appearance and finish.

Reason: The structure hereby permitted is not considered suitable as a permanent form of development and permission is granted for a temporary period only and to comply with policies HE1, HE3 and HE6 of the Brighton & Hove Local Plan.

BH2008/03802

Brighton College Eastern Road Brighton

Demolition of former art school building and construction of new lower school building.

Applicant: Mr Kenneth Fraser

Officer: Ray Hill 293990

Approved on 06/05/09 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) BH05.05

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 'standard' BREEAM or a 'bespoke' BREEAM) and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' 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 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' 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.

3) BH05.06

Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of [*50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' / 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' / 70% 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.

4) BH12.01

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 HE6 of the Brighton & Hove Local Plan.

5) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the measures for the recovery and re-use of demolition and construction waste shall be implemented in strict accordance with the Site Waste Management Plan (Rev E) submitted on 30 December 2008.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction & Demolition Waste.

6) UNI

No works shall commence until 1:20 sample elevations and sectional profiles of the windows 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 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.

7) UNI

No works shall commence until a detailed elevational drawing and specification of works for the restoration of the north-east facing gable end wall of the Classics Building 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 and maintained as such thereafter.

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

BH2008/03803

Brighton College Eastern Road Brighton

Demolition of former art school building.

Applicant: Mr Darren Davies

Officer: Ray Hill 293990

Approved on 06/05/09 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) BH12.08

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.

BH2009/00212

12 St Lukes Terrace Brighton

Erection of single storey rear extension.

Applicant: Mr Gary Sefton

Officer: Chris Swain 292178

Approved on 11/05/09 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) BH02.04

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.

3) 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.

4) BH12.05

The rooflights in the approved development shall be of 'conservation style' 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.

BH2009/00266

Top Flat 144 Queens Park Road Brighton

Installation of 1 no. rooflight to front elevation and 3 no. rooflights to rear elevation (Retrospective).

Applicant: Mr Pelin Karayaka

Officer: Sonia Kanwar 292359

Approved - no conditions on 11/05/09 DELEGATED

BH2009/00300

Brasserie Pizza Pasta 48/49 St James's Street Brighton

Display of 1 no. internally illuminated fascia sign, 1 no. non-illuminated projecting sign, 1 no. internally illuminated menu board (Retrospective).

Applicant: Mr M Rahman

Officer: Louise Kent 292198

Refused on 14/05/09 DELEGATED

1) UNI

The aluminium fascia panel detracts from the character and appearance of the East Cliff conservation area, by reason of its projection, method of illumination and inappropriate material for the character of the building, contrary to policy HE9 of the Brighton & Hove Local Plan and Supplementary Planning Document 07 on Advertisements (SPD07).

2) UNI2

The large fascia lettering and bulky projecting sign detract from the character and appearance of the building, and have a detrimental impact on the character and appearance of the East Cliff conservation area, contrary to policies HE9 of the Brighton and Hove Local Plan and Supplementary Planning Document 07 on Advertisements (SPD07).

BH2009/00440

105 St Georges Road Brighton

Installation of air conditioning unit to rear (retrospective).

Applicant: Mr Alan Chapman

Officer: Helen Hobbs 293335

Refused on 01/05/09 DELEGATED

1) UNI

The proposal, by reason of its appearance, location and visibility, would be unduly prominent within the street scene and would therefore detract from the appearance of the building and adversely affect the visual amenities enjoyed by neighbouring properties within the East Cliff Conservation Area. The proposal is therefore contrary to policies QD1, QD2 and QD14 and HE6 of the Brighton &

Hove Local Plan.

BH2009/00492

88 Marine Parade Brighton

Internal alterations and external alterations including installation of new spiral staircase to rear courtyard, replacement of window to east elevation, infill of window to east elevation and new door to store room.

Applicant: Ms Kate Lester

Officer: Aidan Thatcher 292265

Approved on 15/05/09 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) BH13.03

All new windows shall be painted softwood, double hung vertical sliding sashes with joinery details to match originals, where existing, and shall be 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.

3) UNI

The external spiral staircase hereby approved shall be painted black within one month of installation and shall be retained as such thereafter.

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

BH2009/00493

88 Marine Parade Brighton

External alterations including installation of new spiral staircase to rear courtyard, replacement of window to east elevation, infill of window to east elevation and new door to store room.

Applicant: Ms Kate Lester

Officer: Aidan Thatcher 292265

Approved on 15/05/09 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

2) BH13.03

All new windows shall be painted softwood, double hung vertical sliding sashes with joinery details to match originals, where existing, and shall be 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.

3) UNI

The external spiral staircase hereby approved shall be painted black within one month of installation and shall be retained as such thereafter.

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

BH2009/00518

1B Walpole Terrace & 1-3 Walpole Road Brighton

Replacement of doors with windows to west elevation.

Applicant: The Trustees

Officer: Anthony Foster 294495

Approved on 01/05/09 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.

BH2009/00534

43 Blaker Street Brighton

Certificate of Lawfulness for a proposed development of a loft conversion incorporating rear dormer and front roof light.

Applicant: Chloe Hanks

Officer: Sonia Kanwar 292359

Approved on 01/05/09 DELEGATED

BH2009/00562

126 to 127 St James's Street Brighton

Change of use of part of ground floor from amusement arcade (sui generis) to betting office (A2)

Applicant: The Noble Organisation

Officer: Jonathan Puplett 292525

Approved on 13/05/09 DELEGATED

1) 01.01AA

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990

BH2009/00902

37 Canning Street Brighton

Certificate of lawfulness for a proposed development of loft conversion incorporating 2 no rooflights to the front and 2 no rooflights to the rear.

Applicant: Dr Thomas Austin

Officer: Sonia Kanwar 292359

Approved on 14/05/09 DELEGATED

ROTTINGDEAN COASTAL

BH2008/02650

Rear of The Post Office Lustrells Vale Saltdean Brighton

The demolition of garage to rear of property and the new build of a single storey detached dwelling.

Applicant: First Charterhouse Enterprises LLP

Officer: David Alabi 290486

Refused on 06/05/09 DELEGATED

1) UNI

The proposal, by reason of its design, siting, footprint, height and massing, represents overdevelopment of the site, would adversely impact on the character and appearance of the area, would fail to adequately address the road frontages and as such would fail to enhance the positive characteristics of the neighbourhood and is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

2) UNI2

The proposal would result in a cramped form of development with insufficient garden space resulting in an unacceptable level of residential amenity contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The development would result in a loss of privacy to existing and future occupiers through overlooking to and from neighbouring premises on Lustrells Vale and as such is contrary to policy QD27 of the Brighton & Hove Local Plan.

4) UNI4

The proposal fails to make sufficient provision for refuse and recycling storage contrary to policy QD27 of the Brighton & Hove Local Plan.

5) UNI5

The proposal fails to provide for the travel demand that it would create and does not maximise the use of sustainable transport, and as such is contrary to policies TR1, TR14 and TR19 of the Brighton & Hove Local Plan and SPGBH4 Parking Standards.

6) UNI6

The proposal provides insufficient information to demonstrate how construction and demolition waste would be minimised and directed away from landfill sites contrary to policy SU13 of the Brighton & Hove Local Plan and Supplementary Document 3 Construction and Demolition Waste.

BH2008/03273

Flat 5 36 Sussex Square Brighton

Removal of mezzanine and glass screen and other internal features. Internal alterations to create second bedroom, new bathroom and relocated kitchen. Restoration of ceiling and mouldings.

Applicant: Mr John Shrives

Officer: Chris Swain 292178

Approved on 07/05/09 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) BH13.07

No works shall take place until a schedule of all features to be removed, moved, replaced or reinstated has been submitted to and approved in writing by the Local Planning Authority. All replacement and reinstatement features must match exactly the original in materials and detail. Photographs/drawings/sections recording the features to be replicated must be submitted along with 1:1 scale drawings of proposed items for approval by the Local Planning Authority.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

3) UNI

All works to repair and/or replace original ceilings should be carried out using lath and plaster construction to match the existing.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Listed Building Interiors (SPGBH11).

4) UNI

No works shall take place until a schedule of all features to be removed, moved, repaired, replaced or reinstated has been submitted to and approved in writing by the Local Planning Authority. All replacement and reinstatement features must match exactly the original in materials and detail. Photographs/drawings/sections recording the features to be replicated must be submitted along with 1:1 scale drawings of proposed items for approval by the Local Planning Authority.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

BH2008/03479

1 and 3 The Cliff Brighton

Demolition of existing bungalows and construction of 9 no. residential apartments, incorporating solar panels on roof, basement car park and relocation of vehicle access point.

Applicant: Mr Ossman Hassan

Officer: Kate Brocklebank 292175

Refused on 06/05/09 DELEGATED

1) UNI

The proposal by reason of its siting, height, design, bulk and massing would result in the development appearing incongruous and overly dominant in the street scene and in longer views. The retention of garage doors and insertion of an open entrance to the basement parking area provides uninteresting and cluttered appearance to the western elevation at street level. As such the proposal would be of detriment to the character and appearance of the area and is contrary to policies QD1, QD2, QD3, QD4, QD5 and HO4 of the Brighton & Hove Local Plan.

2) UNI2

The proposal, by virtue of its proximity to the neighbouring property to the east, increase in height and bulk on the eastern elevation and introduction of roof terraces would result in an unneighbourly form of development which would have an overbearing impact, result in loss of outlook and privacy for the occupants of number 5 The Cliff. Furthermore the applicant has failed to demonstrate that the proposal would not result in an unacceptable level of overshadowing or loss of light to number 5 The Cliff. As such the proposal is contrary to policy and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The applicant has failed to demonstrate that the proposed development would not have an adverse impact on the biodiversity of the site contrary to policy QD18 of the Brighton & Hove Local Plan.

4) UNI4

The applicant has failed to demonstrate that the internal layout of the proposed residential units would fully comply with Lifetime Homes Standards and therefore the development is contrary to policy HO13 of the Brighton & Hove Local Plan.

5) UNI5

The proposed layout of the development would result in a number of areas being reliant on artificial light and ventilation and insufficient information has been

submitted by the applicant to demonstrate that the development can achieve Code Level 3 of the Code for Sustainable Homes. As such the proposal cannot be fully judged against policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 08 'Sustainable Building Design'.

BH2008/03929

87-89 Lustrells Vale Saltdean Brighton

Proposed new external plant on flat roof at the rear of the store (retrospective).

Applicant: Co-operative

Officer: Helen Hobbs 293335

Refused on 08/05/09 DELEGATED

1) UNI

Insufficient information has been submitted to demonstrate that the use of the condenser units and air conditioning units will not result in a significant loss of amenity to the occupiers of adjacent properties in terms of noise disturbance. The proposal is therefore contrary to policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

BH2008/03957

Flat 1 14 Lewes Crescent Brighton

Installation of central/underfloor heating.

Applicant: Mr & Mrs Cumbers

Officer: Chris Swain 292178

Approved on 07/05/09 DELEGATED

1) BH01.05

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

No existing architectural features, including skirting boards, mouldings and architraves, should be disturbed or altered during the implementation of the works hereby approved without the prior written consent of the Local Planning Authority.

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

3) UNI

The external flue from the boiler should be painted black to match the existing external pipework and should be maintained as such thereafter.

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

BH2009/00411

32 Gorham Avenue Rottingdean Brighton

Single storey rear extension.

Applicant: Mr K Wood

Officer: Helen Hobbs 293335

Approved on 01/05/09 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.

BH2009/00489

14 Lustrells Crescent Brighton

Certificate of Lawfulness for the proposed development of loft conversion incorporating 2 No dormers, 6 No rooflights and 1 No window and conversion of the integrated garage.

Applicant: Mr A Murfett

Officer: Helen Hobbs 293335

Approved on 19/05/09 DELEGATED

BH2009/00505

51-55 Longridge Avenue Saltdean Brighton

Installation of plant equipment and safety barrier on roof to the rear of the property.

Applicant: Co-operative Group (CWS) Ltd

Officer: Sonia Kanwar 292359

Approved on 01/05/09 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

Prior to the development commencing, an acoustic report or detailed acoustic information must be submitted to and approved in writing by the Local Planning Authority. The acoustic report/ information must demonstrate that noise associated with the functioning of the air conditioning condenser units shall be controlled, such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. The development must be implemented in full accordance with the approved details and retained as such.

Reason: As insufficient information has been submitted, to ensure the protection of the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

3) UNI

No works shall take place until full details of the proposed safety barrier 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 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.

BH2009/00546

27 Saltdean Drive Saltdean Brighton

Demolition of front kitchen and conservatory extension. Construction of two storey side extension and front porch. Replacement of existing concrete roof and mansard concrete tiles with grey slate. Front garden levelled out and enclosed by rendered masonry walls.

Applicant: Mr Kevin Ware

Officer: Jonathan Puplett 292525

Refused on 11/05/09 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 side extension by reason of its excessive width, depth, and bulk would represent an addition unsympathetic to the existing dwelling. The resulting building would be of an excessive scale out of keeping with the character of the surrounding street scene. The gable feature to the front of the extension, and the double gable feature to the rear increase the prominence of the proposed extension worsening its impact. The scheme is therefore contrary to the above policy.

2) UNI2

Policies QD14 and QD27 of the Brighton & Hove Local Plan states that Planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to neighbouring residents, and that residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. The bulk of the proposed side extension in close proximity to the shared boundary with no. 25 Saltdean Drive would have an overbearing and enclosing effect on the residents of this neighbouring property. The proposal is therefore contrary to the above policies.

3) UNI3

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. Insufficient information has been submitted to demonstrate how these requirements would be met. The scheme is therefore contrary to the above policy and supplementary planning document.

4) UNI4

Policy QD16 of the Brighton & Hove Local Plan states that applications for new development should accurately identify existing trees, shrubs and hedgerows, and must seek to retain existing trees and hedgerows. There are three trees located along the southern boundary of the site which it appears would have to be removed to enable the construction of the proposed side extension. No information has been submitted to indicate whether the trees would be removed, reduced, or relocated and on that basis the scheme is therefore contrary to the above policy.

BH2009/00557

Ovingdean Hall Farm Ovingdean Road Brighton

Erection of a replacement horse field shelter.

Applicant: Mrs Anne Curwin

Officer: Sonia Kanwar 292359

Approved on 13/05/09 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

Prior to commencement of development, details of the finish and colour of the walls and roof of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD2 and NC6 of the Brighton & Hove Local Plan.

BH2009/00679

41 The Cliff Brighton

Extension to create 2 additional storeys with flat roof over including rooflights, solar panels and roof terrace.

Applicant: Ms Rebecca March-Taylor

Officer: Aidan Thatcher 292265

Approved on 20/05/09 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) BH02.05

The side facing (east and west) windows at first floor levels and side facing (east) windows at second floor level 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.

4) 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.

5) BH05.09

The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the

Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials. The development shall be carried out in strict accordance with the approved details.

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

6) 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.

7) 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.

8) UNI

Notwithstanding the details shown on the approved plans, an obscure glazed screen shall be provided on the side (east and west) of the first floor terrace as an obscure glazed screen second floor level. No development shall commence until full details of the proposed obscure glazed screen 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 maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development, to protect residential amenity and to comply with policies QD1, QD2, QD14 and QD27 of the Brighton & Hove Local Plan.

9) UNI

The development shall be implemented in strict accordance with the Waste Minimisation Statement submitted as part of this application.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of landfill is reduced and to comply with policy SU13 of the Brighton & Hove Local Plan.

10) UNI

The existing side (east and west) boundary treatment to the site shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure there is no detrimental impact on residential amenity and to comply with policy QD27 of the Brighton & Hove Local Plan.

11) UNI

Notwithstanding the details provided on plan no. RN01 07 D submitted, there shall be no terrace, balcony or screen on the east/rear (fronting Roedean Road) elevation.

Reason: For the avoidance of doubt, to protect residential amenity and to comply with policy QD27 of the Brighton & Hove Local Plan.

12) UNI

No development shall take place until details of a green or biodiverse roof have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as part of the development and shall be retained as such thereafter.

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.

BH2009/00682

Coombe Vale Pumping Station, Coombe Vale, Saltdean

Reconductor the existing low voltage (400/240v) overhead line (Circular 14/90 consultation).

Applicant: EDF Energy

Officer: Sonia Kanwar 292359

No objection on 30/04/09 DELEGATED

BH2009/00757

Norton House The Green Rottingdean Brighton

Replacement lead coverings to main roof crown, incorporating installation within flat roof joist void and formation of ventilation gap beneath new decking and lead.

Applicant: Norton House (Rottingdean) Residents Association Ltd

Officer: Chris Swain 292178

Approved on 20/05/09 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.

WOODINGDEAN

BH2009/00449

1-6 Lockwood Close Woodingdean Brighton

Replacement front and rear doors (retrospective).

Applicant: Mr Gordon Stanford

Officer: Helen Hobbs 293335

Approved - no conditions on 05/05/09 DELEGATED

BH2009/00497

5 Crescent Drive South Brighton

Erection of a single storey side extension.

Applicant: Mrs Linda Martin

Officer: Helen Hobbs 293335

Approved on 07/05/09 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.

BH2009/00698

104 Langley Crescent Woodingdean Brighton

Certificate of lawfulness for proposed loft conversion incorporating side dormers and alterations to fenestration to south and west elevations.

Applicant: Mr Philip Harris

Officer: Sonia Kanwar 292359

Approved on 11/05/09 DELEGATED

BRUNSWICK AND ADELAIDE

BH2008/01985

79 to 80 Western Road Hove

Six air conditioning units to the rear of property (retrospective).

Applicant: Mr Essam Shawki

Officer: Guy Everest 293334

Approved on 08/05/09 PLANNING COMMITTEE

1) UNI

Within 1 month, unless otherwise agreed in writing by the Local Planning Authority, of the date of this decision details of soundproofing measures to the installed chiller units shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be installed within 1 month of such written approval, unless otherwise agreed in writing by the Local Planning Authority, in accordance with the agreed details and shall thereafter be retained as such.

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

2) UNI

The units hereby approved shall be serviced and maintained to ensure that noise associated with this units is controlled, such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, does not exceed a level 5dB(A) below the existing LA90 background noise level: rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

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

BH2008/01986

79 to 80 Western Road Hove

Proposed three new rooflights to front and rear (part retrospective).

Applicant: Mr Essam Shawki

Officer: Guy Everest 293334

Approved on 06/05/09 PLANNING COMMITTEE

1) BH12.05

The rooflights in the approved development shall be of 'conservation style' 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.

2) UNI

The hereby approved rear rooflights shall be fixed shut and shall be permanently retained as such.

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

BH2008/02073

64 Western Road Hove

Creation of terrace area to rear of restaurant for outside dining purposes and insertion of patio doors to rear elevation. (Amended Description)

Applicant: Mr Will Murgatroyd

Officer: Ray Hill 293990

Approved on 06/05/09 DELEGATED

1) 01.01AA

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2) UNI

The terrace hereby approved shall not be open to customers except between the hours of 11.00 and 20.00 Mondays to Sundays.

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

3) UNI

Amplified music or other entertainment noise from within the premises shall not be audible at any noise sensitive premises during hours of operation.

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

4) UNI

The patio doors hereby approved shall be painted softwood and shall be retained as such.

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

BH2008/02077

79 to 80 Western Road Hove

Change of use to mixed A3/A4 (Restaurant /Bar) on Ground. First and Second floor levels and variation of Condition 2 of planning permission BH2006/02429 to allow use of premises between the hours of 8.30 & 1.45.

Applicant: Mr Essam Shawki

Officer: Guy Everest 293334

Approved on 06/05/09 PLANNING COMMITTEE

1) UNI

The ground and first floor windows to the rear elevation, as indicated on hereby approved drawing no. 09-01 J, shall be obscurely glazed and fixed shut and shall thereafter be permanently retained as such.

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

2) UNI

The premises shall be in operation only between the hours of 08.30 and 01.45 Monday to Sunday.

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

3) UNI

Amplified music or other entertainment noise from within the premises shall not be audible at any noise sensitive premises during hours of operation.

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

BH2008/02966

43 Brunswick Place Hove

Internal alterations to form self-contained studio flat on second floor.

Applicant: Mr Alex Tasker

Officer: Guy Everest 293334

Approved on 07/05/09 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) BH06.04

No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development provides for the demand for travel it creates and does not put undue pressure on existing on-street car parking in the city and to comply with policies TR1 and SU15 of the Brighton & Hove Local Plan.

3) UNI

The cast iron grill shall be painted the same colour as the external rear wall of the building.

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

BH2008/02969

43 Brunswick Place Hove

Internal alterations to form self-contained studio flat on second floor.

Applicant: Mr Alex Tasker

Officer: Guy Everest 293334

Approved on 07/05/09 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) BH13.12

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.

3) UNI

No works shall take place until 1:1 scale joinery profiles of the proposed 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.

4) UNI

The cast iron grill shall be painted the same colour as the external rear wall of the building.

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

BH2008/03565

38 - 39 Brunswick Terrace Hove

Installation of tiling to existing external stone steps and landing.

Applicant: S. Chakara

Officer: Clare Simpson 292454

Approved on 07/05/09 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 works hereby permitted shall be carried out in their entirety exactly and only in accordance with the drawings, and other particulars, forming part of the Consent, and there shall be no variation there from without the written approval 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.

BH2008/03986

Flat 2 63 Lansdowne Street Hove

Installation of one timber window and replacement of one timber window to rear elevation.

Applicant: M Thompson & H Spencer

Officer: Adrian Smith 01273 290478

Approved on 19/05/09 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

2) UNI

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.

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

3) UNI

The frame and sash joinery dimensions of the full height replacement sash window shall match that of the existing sash window.

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

BH2009/00162

Mews House St Johns Road Hove

Erection of garden room on roof.

Applicant: Aurotos Ltd

Officer: Chris Wright 292097

Approved on 30/04/09 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) BH05.08

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.

3) UNI

No development shall take place until the following details have been submitted to and approved in writing by the local planning authority:

- i) 1:20 scale elevations and sections and 1:1 scale sectional profiles of the new windows, their sills, reveals and method of opening.
- ii) 1:1 scale sectional profiles of the stucco cornice.
- iii) The proposed materials for the roof of the garden room, which shall be lead, zinc or another suitable metal cladding and details of any proposed fascia.
- iv) The proposed colour and finish of the areas of render.

4) UNI

The development hereby permitted shall not commence until the precise details of the heights of the lower sills to the high level windows above finished floor level on the southern and western elevations of the extension have been submitted to and agreed in writing by the local planning authority. The development shall be implemented in accordance with the approved details and retained as such thereafter.

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

5) UNI

The high level windows on the southern elevation of the roof extension hereby permitted, opposite the rear façade of 1-2 Adelaide Mansions, shall be obscure glazed and fixed shut to the satisfaction of the local planning authority and thereafter permanently retained as such.

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

6) UNI

The high level windows on the western elevation of the roof extension hereby permitted, to the southern side of the internal staircase enclosure, shall be obscure glazed and fixed shut to the satisfaction of the local planning authority and thereafter permanently retained as such.

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

7) UNI

Notwithstanding the drawings submitted, the development hereby permitted shall not commence until the precise details of a screen and/or barrier between the proposed front parapet of the building and the south-eastern corner of the roof extension have been submitted to and approved in writing by the local planning authority. The approved screen and/or barrier shall be constructed in accordance with the approved details and retained as such thereafter.

Reason: Because the use of the external roof space to the southern side of the roof extension opposite the rear façade of 1-2 Adelaide Mansions would be harmful to residential amenity by way of activities, noise and disturbance, and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2009/00339

Flat 5 30 Brunswick Terrace Hove

Internal alterations to layout of flat (Retrospective).

Applicant: Location Property Investments

Officer: Jonathan Puplett 292525

Approved on 07/05/09 DELEGATED

1) UNI

The wall which contained the borrowed lights between the kitchen and the adjoining room shall be fully re-instated as a flush wall.

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

BH2009/00414

The Old Market 11A Upper Market Street Hove

Erection of 2no. new penthouse apartments on the roof of the Old Market combined with a new meeting room facility for the Old Market. Extension of existing stair/lift well to south for access to the new apartments, alterations to windows and installation of front canopy.

Applicant: The Old Market Trust

Officer: Jason Hawkes 292153

Refused on 18/05/09 DELEGATED

1) UNI

The proposed development by virtue of its scale, height and design will appear incongruous and overbearing, and thereby harm both the setting of the listed Waterloo Street Arch, the listed terraces within the Upper and Lower Market Street and the architectural and historical character of the Old Market building. The proposal is therefore contrary to policies HE3 and HE1 of the Brighton & Hove Local Plan, and to government guidance in PPG15 Planning and Historic Environment, which seeks to preserve the setting of the listed building.

2) UNI2

The proposed development by virtue of its height, built form, materials and detailing, neither reflects the scale and appearance of the surrounding area, nor is it sympathetic with the character and appearance of the Brunswick Town Conservation Area, having a harmful impact on the townscape and roofscape in

the vicinity of the development. The proposal is therefore contrary to policy HE6 of the Brighton & Hove Local Plan and to PPG15 Planning and Historic Environment, which seeks to ensure that proposals preserve or enhance the character or appearance of conservation areas.

3) UNI3

The proposed development by virtue of its scale height and detailing, neither demonstrates a high quality of design, nor does it enhance the qualities of the local neighbourhood or take into account local characteristics. The proposal is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

BH2009/00415

The Old Market 11A Upper Market Street Hove

Erection of 2no. new penthouse apartments on the roof of the Old Market combined with a new meeting room facility for the Old Market. Extension of existing stair/lift well to south for access to the new apartments, alterations to windows and installation of front canopy.

Applicant: The Old Market Trust

Officer: Jason Hawkes 292153

Refused on 18/05/09 DELEGATED

1) UNI

The proposed development by virtue of its scale, height, design and appearance, will be dominant and uncharacteristic, and thereby cause harm to the external appearance of this grade II listed building. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan and to government guidance in PPG15 Planning and the Historic Environment, which seeks to preserve the character of the listed building.

CENTRAL HOVE

BH2009/00177

57 Sackville Road Hove

Conversion of existing house in multiple occupation (HMO) containing six units & 1 no. 2-bed self contained flat to six self-contained flats comprising 1 no. studio flat, 4 no. 1-bed flats and 1 no. 2-bed flat. Ground floor rear extension to house boiler room.

Applicant: Mr Scott Lunn

Officer: Chris Wright 292097

Approved on 08/05/09 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) BH05.03

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 and a Design Stage Assessment Report showing that the development will achieve an Ecohomes rating for all residential units have been submitted to the Local Planning Authority; and

(b) a BRE issued Design Stage Certificate demonstrating that the development has achieved an Ecohomes rating for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

5) BH05.04

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until an Ecohomes Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved an Ecohomes 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 policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

6) BH05.08

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.

7) 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.

8) UNI

Notwithstanding the approved plans, no development shall take place until revised floor plans which demonstrate how the proposal complies with lifetime home standards have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details and thereafter retained.

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 flat units hereby permitted shall be retained as affordable housing and shall not be sold or rented on the open market without the prior consent of the Local Planning Authority in an application on that behalf. For clarity, affordable housing means residential accommodation that is provided with a subsidy to ensure that rents/prices remain at a level that is genuinely affordable to local people whose income means that they are unable to meet their housing needs through the open housing market.

Reason: To ensure the development complies with policy HO14 of the Brighton & Hove Local Plan in meeting an identified housing need in the city and because release of the flats onto the open market would raise policy and environmental implications.

10) UNI

All new windows on the front elevation of the building shall be painted softwood, double hung vertically sliding sashes with concealed trickle vents and shall be retained as such.

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

11) UNI

No works shall take place until full details of the proposed joinery to the southern flank and rear elevations of the proposed works, including glazing configuration, opening methods and details of obscure glass panes, 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: To ensure a satisfactory appearance to the development and to comply with policies HE6 and QD27 of the Brighton & Hove Local Plan.

12) 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 rear extension, along with precise details of the roof form and finishes of the rear extension 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.

13) UNI

No development shall take place until details of the railings, materials and decorative finishes of the disabled access ramp hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development in the interests of preserving the historic character and appearance of the building and wider Old Hove Conservation Area and to comply with policy HE6 of the Brighton & Hove

Local Plan.

BH2009/00194

7 Hove Manor Hove Street Hove

Conversion of existing office to form an office (B1) to the front and 2no. bedroom flat to the rear (Retrospective)

Applicant: Mark Packwood

Officer: Jason Hawkes 292153

Refused on 06/05/09 DELEGATED

1) UNI

The development has created unreasonably small and cramped accommodation below the standard that the Council would reasonably expect by reason of habitable rooms of an inadequate size; inadequate outlook, natural light and ventilation; a failure to incorporate lifetime home standards in the design; and the absence of cycle parking facilities. The proposal is therefore contrary to policies TR14, SU2, QD27 and HO13 of the Brighton & Hove Local Plan.

2) UNI2

The development has resulted in the significant loss of office accommodation within the application site. There is no information to justify such loss and the proposal is therefore contrary to policy EM6 of the Brighton & Hove Local Plan.

BH2009/00385

37 Sackville Road Hove

Certificate of Lawfulness for proposed development of single storey extensions and chimney to rear.

Applicant: Mrs Andrea Cumming

Officer: Wayne Nee 292132

Approved on 30/04/09 DELEGATED

BH2009/00519

19 Vallance Gardens Hove

Proposed single storey rear extension.

Applicant: c/o agent

Officer: Guy Everest 293334

Approved on 05/05/09 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) BH05.09

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

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

3) 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.

BH2009/00550

1A Victoria Terrace Hove

Change of use from A1 to A2.

Applicant: Heathercrest Ltd

Officer: Chris Wright 292097

Refused on 06/05/09 DELEGATED

1) UNI

Criterion b. of policy SR8 of the Brighton & Hove Local Plan requires applicants to adequately demonstrate that the A1 retail use is no longer economically viable in that particular unit. Indicators affecting economic viability which will be taken into account are the characteristics of the unit; its location within the neighbourhood; the pedestrian activity associated with the unit and the locality as a whole; and the length of time that the unit has been actively marketed on competitive terms. Applicants are expected to submit documentary evidence, including a comparison with units in a similar location, to demonstrate active marketing of the unit on competitive terms in support of their proposal. No documentary evidence to this effect has been submitted with the application. Therefore the proposal fails to meet the requirements of criterion b. of policy SR8, to the detriment of meeting convenience shopping needs of residents in this locality.

BH2009/00560

8 Medina Terrace Hove

Restoration of original first floor sun terrace, including new copper roof covering to replace existing felt covering. Installation of new door and alteration of window position to western elevation. Proposed new layout to ground floor kitchen, with preservation of existing to hall. General internal alterations, to include new pine floor surfaces within property and removal of pine floorboards from ground / first floors for use on second /third floors. Removal of high level fireplace nib to existing third floor bathroom.

Applicant: Mrs Polly Samson

Officer: Clare Simpson 292454

Approved on 01/05/09 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) BH13.05

No works shall take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery 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

Works to the kitchen fireplace must be restricted to the height and width of the original opening. Full details of the onsite investigation and evidence of the original opening dimensions shall be submitted to and approved by the Local Planning Authority before the completion of the this part of the application.

Reason: As insufficient information has been submitted and to ensure the proposal respects the original fabric of the building.

4) UNI

Prior to works commencing on the floor boards, full justification for the replacement floor boards to the ground and first floors shall be submitted to and approved by the Local Planning Authority in writing. If justified, samples of replacement flooring shall be submitted to and approved by the Local Planning Authority in writing prior to works commencing on this part of the scheme.

Reason: As insufficient information has been submitted and to ensure the proposal respects the original fabric of the building.

BH2009/00593

202 Church Road Hove

New shop front.

Applicant: Mr Ramazan Koksal

Officer: Adrian Smith 01273 290478

Approved on 14/05/09 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.

GOLDSMID

BH2009/00269

58 York Avenue Hove

Conversion of house comprising of 6 units, 3 of which are bedsits with shared facilities, to 4 self-contained flats.

Applicant: Mr John Currell

Officer: Chris Wright 292097

Approved on 15/05/09 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) BH05.03

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 and a Design Stage Assessment Report showing that the development will achieve an Ecohomes rating for all residential units have been submitted to the Local Planning Authority; and

(b) a BRE issued Design Stage Certificate demonstrating that the development has achieved an Ecohomes rating for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

5) BH05.04

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until an Ecohomes Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved an Ecohomes 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 policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

6) BH05.08

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.

7) 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.

8) UNI

Notwithstanding the approved plans, no development shall take place until revised floor plans which demonstrate how the proposal complies with lifetime home standards have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details and thereafter retained.

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 flat units hereby permitted shall be retained as affordable housing and shall not be sold or rented on the open market without the prior consent of the Local Planning Authority in an application on that behalf. For clarity, affordable housing means residential accommodation that is provided with a subsidy to ensure that rents/prices remain at a level that is genuinely affordable to local people whose income means that they are unable to meet their housing needs through the open housing market.

Reason: To ensure the development complies with policy HO14 of the Brighton & Hove Local Plan in meeting an identified housing need in the city and because release of the flats onto the open market would raise policy and environmental implications.

BH2009/00321

87A Goldstone Villas Hove

Decking of garden to rear (part retrospective)

Applicant: Mr Richard Geary

Officer: Adrian Smith 01273 290478

Approved on 11/05/09 DELEGATED

1) UNI

The decking and trellis fencing hereby approved shall at all times be finished in a dark brown stain.

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

BH2009/00410

33 Cissbury Road Hove

Proposed two-storey side extension to form a separate two-bedroom dwelling.

Applicant: Mr Sly

Officer: Paul Earp 292193

Refused on 30/04/09 DELEGATED

1) UNI

The proposed extension by virtue of its footprint is considered to be an overdevelopment of the site which results in a lack of amenity space and fails to respect the local context or to enhance the positive qualities of the area. For these reasons the development is contrary to policies QD1, QD2, QD3 and QD14 of the Brighton & Hove Local Plan.

2) UNI

The proposed extension by reason of its form, bulk, height and design fails to relate well to and is out of scale with the existing building. For these reasons the proposal is considered to be of poor design which would appear incongruous and detrimental to the character and appearance of the street scene contrary to policies QD1, QD2, QD3 and QD14 of the Brighton & Hove Local Plan which aim to ensure that new development is of a high quality which would make a positive contribution to the visual quality of the area.

3) UNI

The development by virtue of its siting, footprint and height would form a sense of enclosure to 31 Cissbury Road resulting in a loss of outlook and light. For these reasons the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan which seek to protect residential amenity.

4) UNI

Policy QD16 of the Brighton & Hove Local resists development which would damage or destroy a preserved tree. The proposed building is within close proximity of a preserved copper beech tree. The tree which has a dense, dark canopy will overshadow the building and be under pressure for constant pruning. It is considered that harsh pruning would be to the tree's detriment which could result in its loss. For this reason the proposal is contrary to policy QD16.

BH2009/00491

Sussex County Cricket Club Eaton Road Hove

Change of use of a ground-level Portacabin to a toilet block and replacement first floor Portacabin with a new unit.

Applicant: c/o agent

Officer: Paul Earp 292193

Approved on 07/05/09 DELEGATED

1) UNI

The portacabins hereby permitted shall be removed within 3 years of the date of this approval.

Reason: The buildings are not considered suitable as a permanent form of development to safeguard the visual amenities of the area and to comply with policy QD2 of the Brighton & Hove Local Plan.

BH2009/00515

4 Wilbury Gardens Hove

Demolition of the existing rear garage, and the construction of a single storey side and rear elevation extension, and the installation of a first floor side elevation window and side and rear elevation roof lights.

Applicant: Mr Dan Chester

Officer: Wayne Nee 292132

Refused on 30/04/09 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. It also states that the proposal should take into account the existing space around buildings and the character of the area. The proposed ground floor orangery extension is unduly large and bulky, and does not relate well to the original footprint of the property. The proposed extension, in addition to the existing rear extensions, would result in an over-extended appearance to the dwelling, and an overdevelopment of the site. The character of the parent building would be harmed by this cumulative impact, contrary to the above policy. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2009/00538

3 Chanctonbury Road Hove

Certificate of Lawfulness for a proposed 1 no. rear dormer and 1 no. front rooflight.

Applicant: Dr A Mahony

Officer: Charlotte Hughes 292321

Refused on 06/05/09 DELEGATED

BH2009/00600

12 Richmond Court 38 Osmond Road Hove

Replacement of existing timber windows with uPVC units.

Applicant: Miss Myra Simpson

Officer: Mark Thomas 292336

Approved on 11/05/09 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.

BH2009/00613

20 Avondale Road Hove

Conversion of roof space and raising of line, incorporating porthole window to front, balcony to rear and 4 no. rooflights.

Applicant: Mr Oliver Heath

Officer: Mark Thomas 292336

Refused on 07/05/09 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires extensions and alterations will only be granted if the proposed development would not result in significant loss of amenity to neighbouring properties. The proposed roof extension including raising of roof height, by virtue of its bulk, projection, positioning, and proximity to the neighbouring boundary, forms an inappropriate addition to the property. The development would result in an overbearing and un-neighbourly addition to the property, which would significantly impact the outlook of existing bedroom window, and result in an increased sense of enclosure to this window to the detriment of the amenity of the residents of the property at no. 22 Avondale Road. The proposal therefore leads to a loss of amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

HANGLETON & KNOLL

BH2009/00237

2 Tudor Close Hove

Erection of single storey front and rear extensions, and front dormer.

Applicant: Mr Roy Huntsman

Officer: Mark Thomas 292336

Refused on 30/04/09 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Further advice is contained within supplementary planning guidance on roof alterations and extensions (SPGBHI). The proposed dormer is considered inappropriately large and bulky, and features large areas of tile hung cladding contrary to the above policy and guidance. Further, the property features an existing large front dormer, and the construction of the proposed would represent a significant overdevelopment of the roofspace. The proposed development would harm the character and appearance of the property. The proposal is therefore contrary to the above policy and guidance.

2) UNI2

Policy QD14 of the Brighton & Hove Local Plan states that extensions and alterations will only be granted if the proposed development would not result in significant loss of amenity to neighbouring properties. The proposed single storey rear extension would result in significant overshadowing, increased sense of enclosure, and loss of outlook to the residents of no. 3 Tudor Close. The proposal therefore leads to a loss of amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2009/00345

200 Poplar Avenue Hove

Conversion of loft into self contained flat incorporating dormers and rooflights.

Applicant: Mr Charlie Hickey

Officer: Chris Wright 292097

Refused on 30/04/09 DELEGATED

1) UNI

The proposed conversion of the loft space to form a small self contained residential unit is unacceptable in principle and conflicts with the requirements of policy HO9 of the Brighton & Hove Local Plan. Policy HO9 seeks to resist the conversion of existing properties with internal floor areas less than 115 square metres or with less than 4 bedrooms as originally built, in order to preserve smaller dwelling units and prevent the creation of excessively small units that do not satisfy the standards reasonably expected of the local planning authority.

2) UNI2

Policies HO5 and QD27 of the Brighton & Hove Local Plan require development to provide private and useable amenity space appropriate to the scale and nature of the development and ensure adequate living conditions and amenity for future occupiers respectively. The application neither provides private and useable amenity space nor adequate living space, especially in consideration of the fact the living space accommodated is limited by the pitched roof slopes which create internal skellings reducing the amount of space in which an adult could fully stand up.

3) UNI3

Policy HO13 of the Brighton & Hove Local Plan requires proposals for conversions to provide residential accommodation to demonstrate that wherever it is practicable, Lifetime Homes' criteria have been incorporated into the design. The application and accompanying documents do not have due regard to the requirements of this policy and contain insufficient information as to how Lifetime Homes' standards have been incorporated into the design wherever practicable.

4) UNI4

The proposed cycle storage and bin/recycling storage facility shown on the ground floor of the building is not acceptable owing to its small size and difficulty of access. As such the facility fails to meet the requirements of policies TR1, TR14, TR19 and QD28 of the Brighton & Hove Local Plan and in terms of inconvenience caused to future residents by reason of this below standard provision for both refuse/recycling storage and cycle storage the proposal conflicts with policy QD27 of the Brighton & Hove Local Plan.

BH2009/00393

Former Police Box Between No 20 & 22 Margery Road Hove

Demolition of former police box and construction of a new two-bedroom house.

Applicant: Mr Patrick Glasser

Officer: Clare Simpson 292454

Approved on 15/05/09 PLANNING COMMITTEE

1) UNI

Due to the chronic housing situation and the need for this type of development, the Committee believes that this application is appropriate for this site. The Committee did not agree that marketing information was necessary to demonstrate lack of viability for a commercial unit on this site and were satisfied that there was adequate amenity space and the application did not unduly overlook neighbouring properties or affect their amenity space.

BH2009/00394

Former Police Box Between No 20 & 22 Margery Road Hove

Conversion of former Police Box (B1) to a one bedroom Studio Dwelling (C3) with side conservatory extension.

Applicant: Mr Patrick Glasser

Officer: Clare Simpson 292454

Refused on 15/05/09 PLANNING COMMITTEE

1) UNI

The proposal would be contrary to policies EM5 and EM6 of the Brighton & Hove Local Plan which seeks to restrict the loss of industrial/office uses unless it has been demonstrated that the use is no longer viable. Applicants are expected to demonstrate active marketing of the unit on competitive terms for a period of twelve months or more. Insufficient information has been submitted with the application to demonstrate that the use of the office space is no longer viable. Furthermore the applicant has failed to demonstrate that specially built or converted starter business units are available elsewhere in the neighbourhood at a comparable rental. As such the principle of residential, development of this site is considered to be unacceptable.

2) UNI2

The existing building is a utilitarian structure which detracts from the appearance and character of the street scene. If the police box is redundant it should be removed and replaced by a building of much higher design standard and more appropriate scale and detailing. The proposal to convert the existing building to residential use, with the proposed external alterations, is inappropriate and would give this building an undue degree of permanence. Consequently it is considered that the proposal would fail to make a positive contribution to the visual amenity and character of the area and would compound the harm to the street scene caused by the existing building. The proposal is therefore contrary to policies QD1, QD2, and QD14 of the Brighton & Hove Local Plan.

BH2009/00412

Hangleton Service Station 237 Hangleton Road Hove

Formation of 1 no. external doorway to the north elevation, blocking up of 3 no. windows and relocation of 1 no. air conditioning unit to south elevation.

Applicant: Bawa Forecourts Ltd

Officer: Mark Thomas 292336

Approved on 30/04/09 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 plant and machinery (including the proposed the air conditioning unit) 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(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

Reason: To safeguard the amenity of the occupiers of neighbouring properties and to comply with planning policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

BH2009/00543

5 Godwin Road Hove

Demolition of existing timber store and erection of new two-storey side extension. Construction of new detached flat roof garage.

Applicant: Mr N. Simmonds

Officer: Mark Thomas 292336

Approved on 11/05/09 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.

BH2009/00553

100 Boundary Road Hove

Replacement of existing windows with UPVC double glazing.

Applicant: Hot Flibby Ltd

Officer: Clare Simpson 292454

Approved on 11/05/09 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.

BH2009/00556

4 Florence Avenue Hove

Erection of a single storey rear extension incorporating 2 No. rooflights. The replacement of a door with a window to the west elevation and new window to the north elevation.

Applicant: Mr A Keeffe

Officer: Charlotte Hughes 292321

Refused on 05/05/09 DELEGATED

1) UNI

The proposed single storey rear extension, by reason of its excessive depth, bulk and proximity to the adjoining neighbouring property would result in an increased sense of enclosure for the occupiers of No.2 Florence Avenue and have an overbearing and unneighbourly impact on their existing residential amenities. The proposed development is therefore considered to be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2009/00584

44 Poplar Avenue Hove

Demolition of existing conservatory and erection of single storey extension to rear.

Applicant: Mr & Mrs Billan

Officer: Mark Thomas 292336

Refused on 01/05/09 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires extensions and alterations will only be granted if the proposed development would not result in significant loss of amenity to neighbouring properties. The proposed single storey rear extension, by virtue of its bulk, projection, positioning, and proximity to the neighbouring boundary, forms an inappropriate addition to the property. The development would result in an overbearing and un-neighbourly addition to the property to the detriment of the amenity of the residents of the property at no. 42 Poplar Avenue. The proposal therefore leads to a loss of amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

NORTH PORTSLADE

BH2009/00136

49 Stanley Avenue Mileoak Portslade

Single storey rear extension.

Applicant: Mr W Hilton

Officer: Charlotte Hughes 292321

Approved on 30/04/09 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.

BH2009/00614

Peter Gladwin School Drove Road Portslade

Extension to primary school to increase size of two classrooms, create a new Pre-School Classroom with toilets and entrance, covered canopy area for nursery and extended classrooms, new entrance from street with DDA compliant access.

Applicant: Ms Caroline Parker

Officer: Clare Simpson 292454

Approved on 14/05/09 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) BH11.01

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall

include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

3) 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.

4) BH12.01

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 HE6 of the Brighton & Hove Local Plan.

5) UNI

Prior to development commencing an Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority in writing. The statement shall demonstrate that trees to be retained are protected in accordance with BS 5837 - 2005 - Trees on Development Sites and shall also show how the new path shall be constructed to comply with this standard.

Reason: to protect the existing trees on site and in accordance with policy QD16 of the Brighton & Hove Local Plan.

6) UNI

The applicant shall draft and submit a travel plan in consultation with the council's Schools Travel Plans team, indicating the measures to be applied to assure the council of the applicant's sustainable travel proposals for staff and students, within 6 months of occupation of the building hereby approved. The travel plan shall thereafter be adhered to for the duration of the use hereby permitted and be resubmitted for the council's written approval every 12 months thereafter.

Reason: To ensure that traffic generation is adequately managed by encouraging the use of walking, cycling and public transport, in compliance with policies TR1, TR2, TR4 TR7 and TR14 of the Brighton & Hove Local Plan.

7) UNI

Within 6 months of the occupation of the building, three bird nesting boxes shall be erected in suitable locations on trees within the school site. The bird nesting boxes shall be retained in place thereafter.

Reason: To ensure the integration of nature conservation features and in accordance with policy QD17 of the Brighton & Hove Local Plan.

8) UNI

Prior to the pre-school being brought into use, the proposed pedestrian passing point shall be constructed in accordance with the approved Manual for Estate Roads and under license from the Highway Operations Manager.

Reason: In the interested of highway safety and in compliance with TR7 of the Brighton & Hove Local Plan

SOUTH PORTSLADE

BH2008/03731

Compass House 7 East Street Portslade

Ground and first floor rear extension incorporating dust extract system and revised extracts at front roof level.

Applicant: Ebony Designs

Officer: Jason Hawkes 292153

Refused on 11/05/09 PLANNING COMMITTEE

1) UNI

The proposed extension by reason of its design and close proximity to the properties to the rear would result in a development having an adverse impact on the amenities of nearby properties. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2009/00303

18 Benfield Crescent Portslade Brighton

Addition of second storey rear extension on top of existing rear single storey extension and roof dormer incorporating Juliet balcony and 2 No. rooflights.

Applicant: Mr Stephen Doe

Officer: Clare Simpson 292454

Approved on 05/05/09 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) BH02.09

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.

5) 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.

BH2009/00615

15 Burlington Gardens Brighton

Single storey rear extension with pitched roof and rooflights.

Applicant: Mr Lee Appleby

Officer: Charlotte Hughes 292321

Approved on 07/05/09 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 using the materials specified in the submitted plans and no variation shall be made without the prior written consent of the Local Planning Authority.

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

STANFORD

BH2008/02196

1A Tredcroft Road Hove

Demolition of existing garage and rear extension and construction of a new two-storey rear and side extension.

Applicant: Mr L & C Salter

Officer: Jonathan Puplett 292525

Approved on 18/05/09 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 or re-enacting that Order with or without modification), no window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed to the extensions 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 side (east) facing first floor bathroom windows of the extension hereby approved shall not be glazed other than with obscure glass and shall be thereafter permanently retained as such.

Reason: To safeguard the privacy of neighbouring residents in compliance with policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/03381

71 Benett Drive Hove

Roof conversion including front dormer.

Applicant: Mr Tsz Lee

Officer: Guy Everest 293334

Approved on 06/05/09 DELEGATED

1) 01.01AA

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990

2) 03.02A

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.

BH2009/00093

71 Benett Drive Hove

Certificate of lawfulness for a proposed rear dormer and rooflight, side dormer, and window to north elevation.

Applicant: Mr T Lee

Officer: Guy Everest 293334

Approved on 06/05/09 DELEGATED

BH2009/00272

24 Benett Drive Hove

Erection of a side and rear extension with raised patio to rear, roof extension to form first floor accommodation including raising roof height. 2 no.dormers to front elevation and 4 no.rooflights.

Applicant: Mr & Mrs A Brewster

Officer: Mark Thomas 292336

Refused on 30/04/09 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Further advice is

contained within supplementary planning guidance on roof alterations and extensions (SPGBHI). The proposed roof extensions, including increased height of the roof ridge, represent an overdevelopment of the roofspace that would result in an unbalanced top heavy appearance to the property. Further, the proposal to finish the roof in slate tiles, is at odds with the clay tiles characteristic of the existing property and the properties in the vicinity of the site and on Bennett Drive. The proposed glazing at ground and first floor level of the rear elevation of the recipient property features units out of keeping with the scale of units to the host property. The number of units and their cumulative scale would result in an uncharacteristic predominance of glass to the rear elevation, and further, would give the rear elevation a cluttered appearance. The proposed development would harm the character and appearance of the property. The proposal is therefore contrary to the above policy and guidance.

2) UNI2

Policy QD14 of the Brighton & Hove Local Plan states that extensions and alterations will only be granted if the proposed development would not result in significant loss of amenity to neighbouring properties. The proposed first floor rear doors represent an inappropriate addition to the property. The development would result in an increased sense of overlooking and loss of privacy for the residents of the properties at nos. 22 and 26 Bennett Drive. The proposal therefore leads to a loss of amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2009/00383

8 Hill Drive Hove

Erection of single storey rear extension loft conversion raising existing roof height by 900mm incorporating 2.no velux roof lights.

Applicant: Mr Lee Gars

Officer: Charlotte Hughes 292321

Refused on 30/04/09 DELEGATED

1) UNI

The proposed dormer window, by virtue of its excessive size and inappropriate design, would result in a bulky and incongruous addition to the roof, detrimental to the appearance of the building and the surrounding area. The proposal is therefore considered to be contrary to the aims and objective of the policies QD1 and QD14 of the Brighton & Hove Local Plan and to Supplementary Planning Guidance Note 1: Roof Extensions and Alterations.

BH2009/00384

6 Hill Drive Hove

Loft conversion incorporating raising of roof height & 2 No. rooflights to front.

Applicant: Mr Tam Ghasemi

Officer: Charlotte Hughes 292321

Refused on 06/05/09 DELEGATED

1) UNI

The proposed dormer window, by virtue of its excessive size and inappropriate design, would result in a bulky and incongruous addition to the roof, detrimental to the appearance of the building and the surrounding area. The proposal is therefore considered to be contrary to the aims and objectives of the policies QD1 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 1: Roof Extensions and Alterations.

BH2009/00398

62 Bennett Drive Hove

Erection of external staircase to side of garden terrace. Relocation of window from side elevation to lower ground floor studio. (Part Retrospective).

Applicant: Mrs M F Rawlinson

Officer: Clare Simpson 292454

Refused on 11/05/09 DELEGATED

1) UNI

The proposal to locate external access to the north of the terrace prevents the opportunity for effective screening to this side of the terrace. As a result the terrace currently under construction would be un-neighbourly, intrusive and would cause loss of privacy to the occupiers of 64 Bennett Drive. The proposal is therefore contrary to policy QD14 and QD27 of the Brighton & Hove Local Plan.

BH2009/00472

1 Tudor Barn 30 Radinden Manor Road Hove

Loft conversion incorporating dormer and 2 No. rooflights to rear roofslope and dormer to front roofslope.

Applicant: Mr & Mrs Lewis Power

Officer: Chris Wright 292097

Refused on 05/05/09 DELEGATED

1) UNI

The proposed dormer roof extensions are poorly designed in relation to the form, character and appearance of the host dwelling and by virtue of their proportions, siting and massing, would unduly dominate the original roof and alter its basic shape in an inappropriate fashion that is both detrimental to visual amenity and harmful to the street scene. As such the development proposal is contrary to the requirements of policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and the design guidance published in Supplementary Planning Guidance SPGBH1: Roof alterations and extensions.

BH2009/00501

30 Goldstone Way Hove

Front extension to match existing elevation and porch infill. New external access stairs, landing and approach.

Applicant: Mr Ignacy Lechowicz

Officer: Chris Wright 292097

Refused on 11/05/09 DELEGATED

1) UNI

Policies QD1 and QD2 of the Brighton & Hove Local Plan require development to achieve a high standard of design and seek to enhance the positive qualities of the local area by taking into account characteristics including the scale, form and design of existing development. Policy QD14 of the local plan requires that alterations and extensions are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The proposed front projection is, by reason of the design, scale, eaves and window detailing, neither distinctly subordinate nor sufficiently identical to the original front projection and as such would unbalance the appearance and composition of the dwelling façade, to the detriment of visual amenity and the wider street scene. As such the proposal is contrary to the aims and objectives of the above policies.

2) UNI2

Insufficient detail has been submitted in relation to the proposed porch/lobby enclosure for determination as to its relationship with the front projections of the dwelling and its impact on the character and appearance of the property.

Therefore the proposal is contrary to the requirements of policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2009/00504

Flat 1 255 Dyke Road Hove

Erection of a single storey rear extension with raised patio deck, alterations and replacement of 2 no. windows.

Applicant: Mr M J & Mrs J Blunt

Officer: Adrian Smith 01273 290478

Approved on 06/05/09 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.

BH2009/00511

Cardinal Newman School The Upper Drive Hove

Replacement of existing windows and glazing to rear of link block.

Applicant: The Governors

Officer: Chris Wright 292097

Approved on 01/05/09 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) BH05.08

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.

3) UNI

The development hereby permitted shall not commence until samples of the materials to be used 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 policies QD1, QD14 and HE10 of the Brighton & Hove Local Plan.

BH2009/00516

11 Orchard Road Hove

Erection of a single storey rear extension

Applicant: Mr Carl Marten

Officer: Charlotte Hughes 292321

Approved on 11/05/09 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.

BH2009/00587

7 Orchard Road Hove

Erection of a two storey side extension incorporating existing garage and first floor side extension.

Applicant: Mr Camps-Linney

Officer: Charlotte Hughes 292321

Refused on 14/05/09 DELEGATED

1) UNI

The proposed two storey side extension would not relate sympathetically to the existing building by reason of its scale, form and design and it would result in an unduly obtrusive and incongruous form of development detrimental to the visual amenities of the locality and character and appearance of the existing property. The proposal is therefore considered to the contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

2) UNI2

The proposed two storey side extension by reason of its siting, height and scale would be overbearing and create an undue sense of enclosure for the neighbouring properties to the east. The proposal is therefore considered to be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2009/00643

28 Hill Brow Hove

First Floor rear extension to incorporate pitched roof and 2no juliet balconies.

Applicant: Mr Christopher Cowen

Officer: Wayne Nee 292132

Approved on 11/05/09 DELEGATED

1) 01.01AA

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990

2) 03.02A

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.

BH2009/00691

15 Orchard Avenue Hove

Certificate of Lawfulness for a proposed development of a loft conversion incorporating barn hip roof extension, rear dormer and front and rear roof lights.

Applicant: Mr Russell Muschamp

Officer: Wayne Nee 292132

Approved on 18/05/09 DELEGATED

WESTBOURNE

BH2009/00506

47 Pembroke Crescent Hove

Erection of a single storey rear extension, part retrospective.

Applicant: Mr P Seaton

Officer: Charlotte Hughes 292321

Approved on 05/05/09 DELEGATED

1) 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.

BH2009/00526

14 Princes Square Hove

Single storey rear extension and re-cladding to existing pool building.

Applicant: Mr Andy Rose

Officer: Charlotte Hughes 292321

Refused on 07/05/09 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 ground floor extensions are considered to be inappropriate in terms of their scale and they do not relate well to the footprint of the original property. Cumulatively the proposed extensions, in addition to the existing rear extension, would result in an over-extended appearance to the dwelling, further diluting its original form and character and leading to overdevelopment of the site. Consequently the proposal would neither preserve nor enhance the character and appearance of the Pembroke & Princess Conservation Area and is considered to be contrary to the aims and objective of policies QD14 and HE6 of the Brighton & Hove Local Plan.

BH2009/00695

Ground Floor Flat 45 Rutland Gardens Hove

Erection of single storey rear extension.

Applicant: Mr Raj Nathan

Officer: Mark Thomas 292336

Refused on 19/05/09 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan states extensions and alterations will only be granted if the proposed development would not result in significant

loss of amenity to the proposed, existing and/or adjacent residents. The proposed single storey rear extension, by virtue of its bulk, projection, and positioning, forms an inappropriate addition to the property. The development would result in increased overshadowing, sense of enclosure, and loss of outlook to the property at no. 43 Rutland Gardens. Further, the development would result in increased overshadowing, loss of outlook and increased sense of enclosure for the existing and future residents of the host property Ground Floor Flat, no. 45 Rutland Gardens. The proposal therefore leads to a loss of amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

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. It is considered that the proposed extension is unduly large, and represents a bulky and incongruous addition to the rear of the recipient property. The proposed extension would result in an overextended appearance to the rear elevation to the detriment of the character and appearance of no. 45 Rutland Gardens. As such the proposed development is contrary to policy QD14 of the Brighton & Hove Local Plan.

3) UNI3

Policy HO5 of the Brighton & Hove local plan seeks to provide adequate private amenity space for occupants. It is considered that the significant reduction in size of the usable private amenity space to the rear of the no. 45 Rutland Gardens is contrary to this policy and is therefore unacceptable.

WISH

BH2009/00333

North side, West end, 14 Kingsthorpe Road Hove

Installation of new door to front elevation.

Applicant: Mr Geoffrey Harris

Officer: Chris Wright 292097

Approved on 14/05/09 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) BH05.08

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.

BH2009/00528

34 Portland Villas Hove

Certificate of Lawfulness for proposed conversion and extension of existing single storey garage to side of property, including rooflights.

Applicant: Mr Gary South

Officer: Charlotte Hughes 292321

Approved on 15/05/09 DELEGATED

BH2009/00621

17 Wish Road Hove

Certificate of lawfulness for proposed partial hip to gable roof conversion with rooflights and rear dormer.

Applicant: Mr Jon Lidgard

Officer: Mark Thomas 292336

Approved on 12/05/09 DELEGATED

