



**Brighton & Hove  
City Council**

# Plans List

## **PLANNING COMMITTEE**

**2.00PM, WEDNESDAY, 13 OCTOBER 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**



**BRIGHTON & HOVE CITY COUNCIL  
ENVIRONMENT**

**PLANS LIST  
PLANNING COMMITTEE  
Date: 13<sup>th</sup> October 2010**

**TREES - Recommendations**

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**TREES**

**Delegated Powers or implementation of a previous Committee Decision**

**Page 5**

**SUBSTANTIAL OR CONTROVERSIAL DEVELOPMENT OR DEPARTURES FROM POLICY**

	<b>Application Number</b>	<b>Area</b>	<b>Ward</b>	<b>Address</b>	<b>Proposal</b>	<b>Recommendation</b>	<b>Page</b>
<b>A</b>	BH2010/01824	East	Hanover & Elm Grove	112-113 Lewes Road	Erection of four storey building providing retail floor space on ground and first floors and student halls of residence (39 units) on ground and upper floors.	Minded to Grant	<b>13</b>
<b>B</b>	BH2010/02012	East	Queens Park	25-28 St James's Street	Redevelopment of first floor and airspace above to form residential development of 33 flats (including 13 affordable flats) over four floors above existing retail.	Minded to Grant	<b>43</b>
<b>C</b>	BH2010/02344	East	St Peters & North Laine	Royal Pavilion, 4-5 Pavilion Buildings	Temporary ice rink on the Royal Pavilion Eastern lawns. Structure to include ancillary buildings for a restaurant, crèche, café, toilet facilities and skate hire. Proposed dates are 26th October 2010 to 23rd January 2011 including set up and break down, with resurfacing to be completed by 23rd February 2011.	Grant	<b>61</b>
<b>D</b>	BH2010/02400	West	Goldsmid	2 Montefiore Road	Change of use of office building (B1) to Clinical Diagnostic and Treatment Centre with overnight patient	Grant	<b>77</b>

					accommodation (C2).		
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### MINOR APPLICATIONS

	Application Number	Area	Ward	Address	Proposal	Recommendation	Page
<b>E</b>	BH2010/02005	West	Hove Park	30 Hove Park Road	Installation of part pitched and part flat roof to rear extension with ridge skylights, rooflight to rear elevation and alterations to patio doors and windows. Installation of raised deck.	Grant	<b>92</b>
<b>F</b>	BH2010/00391	West	Withdean	37-41 Withdean Road	Demolition of three existing detached houses and construction of three new detached dwellings	Grant	<b>99</b>
<b>G</b>	BH2010/00584	West	Withdean	227 Preston Road	Change of Use of car showroom / workshop (SG04) to 2 No. Retail Units (A1) incorporating installation of external condenser unit, air conditioning units and an ATM Cash Machine.	Refuse	<b>112</b>
<b>H</b>	BH2009/02847	West	Withdean	85 Tivoli Crescent North	Single storey side extensions to north and south elevations and swimming pool and enclosure extension to rear.	Grant	<b>139</b>
<b>I</b>	BH2008/02546	East	Hanover & Elm Grove	Sainsbury's Supermarket, Lewes Road	Application to vary condition 2 (delivery hours) of planning permission 92/0916/FP dated 15 July 1993, to allow deliveries from between 7am to 10pm Monday to Saturday, and increase delivery vehicles to 4 daily, on Sundays and Bank Holidays with delivery hours remaining as existing.	Grant	<b>146</b>
<b>J</b>	BH2010/02328	East	Patcham	Land Adjacent to 20 Old London Road	Erection of a two storey 4no bedroom detached house with external works and landscaping to create one new vehicular access road.	Grant	<b>160</b>

<b>K</b>	BH2010/02093	East	Rottingdean Coastal	63 Marine Drive	Conversion of existing rear ground and first floor maisonette to create 3no two bedroom maisonettes and 1no two bedroom flat, incorporating erection of rear extension and additional storey with pitched roof with front, rear and side dormers and rooflights to side.	Grant	<b>180</b>
<b>L</b>	BH2010/02009	West	Central Hove	13-14 George Street	Installation of 4 No. Air Conditioning Units (Part Retrospective).	Grant	<b>189</b>
<b>M</b>	BH2010/01782	West	Brunswick & Adelaide	39 Salisbury Road	Application for removal and variation of conditions of application BH2009/00696. Variation of condition 2 to allow unrestricted D1 use of ground floor. Removal of condition 11 to allow rear access doors to be open or in use within unrestricted hours. Removal of condition 12 to allow occupation of the ground floor without submitting details of the management of the rear outdoor space.	Grant	<b>195</b>

**Determined Applications:**

**Page 207**

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



**PLANS LIST 13 October 2010**

**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: BH2010/02655**  
**Beech Croft, Church Hill, Patcham**

4 x Beech - prune back to maximum 40% current lateral crown growth over gardens of 135 and 137 Vale Avenue.

Applicant: Mr Gary Anderson  
**Approved on 24 Sep 2010**

**Application No: BH2010/02730**  
**The Vicarage 12 Church Hill**

Fell 1 x Leylandii (Inappropriate species).

Applicant: Mr David Sutlieff  
**Approved on 15 Sep 2010**

**Application No: BH2010/02731**  
**The Vicarage 12 Church Hill**

1 x Horse Chestnut - remove limb over road, 1 x Horse Chestnut - reduce by a third and reshape. 1 x Lime – Prune back from house to give 1 - 2 metres clearance. One branch - remove regrowth back to stub.

Applicant: Mr David Sutlieff  
**Approved on 15 Sep 2010**

**PRESTON PARK**

**Application No: BH2010/02562**  
**26 Chester Terrace**

1 x Oak - crown reduction by approximately 20-25%

Applicant: Mr Alister Peters  
**Approved on 10 Sep 2010**

**Application No: BH2010/02639**  
**75 Beaconsfield Villas**

Fell 1 x Sycamore - no public amenity value

Applicant: Mr Mike Majendie  
**Approved on 16 Sep 2010**

**Application No: BH2010/02640**  
**75 Beaconsfield Villas**

1 x Pear - reduce and reshape by 30% and crown clean, 1 x Cherry - reduce and reshape by 30% and crown clean, 1 x Apple - reduce and reshape by 20% and crown clean, 1 x Sycamore - reduce and reshape by 20% and reduce crown, 2 x Sycamore - reduce and reshape by 25% and reduce crown, 2 x Ash - reduce and reshape by 25% and reduce crown, various Damson seedlings - tidy up.

Applicant: Mr Mike Majendie  
**Approved on 16 Sep 2010**

**Application No: BH2010/02788**  
**1 Cleveland Road, Brighton**

Sycamore - reduce by 25%

Applicant: J Hatch  
**Approved on 10 Sep 2010**

**REGENCY**

**Application No: BH2010/02636**  
**2 Sillwood Mews**

1 x Acacia - reduce back to boundary

Applicant: Mr J Hatch  
**Approved on 24 Sep 2010**



## **ST. PETER'S & NORTH LAINE**

**Application No: BH2010/02450**  
**White Lodge, 60 Compton Avenue**

1 x Horse chestnut - repollard to previous points, 1 x Lime - repollard to previous points,  
1 x Sycamore - reduce and reshape old pollard

Applicant: Mr Ben McWalter  
**Approved on 08 Sep 2010**

**Application No: BH2010/03030**  
**10 Richmond Road**

Fell 6 x Sycamore - no public amenity value, Fell 2 x Leyland Cypress - no public amenity value,  
Fell 8 x Sycamore - dead/dying

Applicant: Mr Richard Green  
**Approved on 23 Sep 2010**

**Application No: BH2010/03031**  
**10 Richmond Road**

7 x Sycamore - crown lift and remove deadwood

Applicant: Mr Richard Green  
**Approved on 23 Sep 2010**

## **WITHDEAN**

**Application No: BH2010/02588**  
**54 Harrington Road**

Fell 16 x Leylandii - no public amenity value, inappropriate species for TPO

Applicant: Mr Nyall Thompson  
**Approved on 10 Sep 2010**

**Application No: BH2010/02735**  
**14 Cornwall Gardens**

Fell 1 x Elm (Insignificant specimen, no public amenity value), Fell 1 x Cotoneaster (No public amenity value),  
Fell 1 x Lawson Cypress (Inappropriate species, causing actual structural damage).

Applicant: Mr Seaton  
**Approved on 16 Sep 2010**

**Application No: BH2010/02736**  
**14 Cornwall Gardens**

1 x Leylandii - face up all round as hard as possible whilst retaining foliage into neat conical shape, 1 x Yew – raise canopy by 1-1.5 ft, secondary and tertiary branches only, 1 x Bay Laurel - reduce in height by approx 40%

Applicant: Mr Seaton  
**Approved on 16 Sep 2010**

**Application No: BH2010/02738**  
**10 Cornwall Gardens**

1 x Holm Oak - cut back lateral branches to boundary clearing summer house roof

Applicant: Mr Seaton  
**Approved on 15 Sep 2010**

**Application No: BH2010/02952**  
**13 Friar Road**

1 x Ailanthus altissima - 30% crown lift and 30% crown thin

Applicant: Mr D M Sayers  
**Approved on 24 Sep 2010**

**EAST BRIGHTON**

**Application No: BH2010/02643**  
**Hamilton Lodge School, Walpole Road**

Fell 2 x Sycamore (poor form, little public amenity value).

Applicant: Charles Irving  
**Approved on 09 Sep 2010**

**MOULSECOOMB & BEVENDEAN**

**Application No: BH2010/02631**  
**St Andrews Rectory, Hillside**

1 x Holm Oak - reduce overall by 30%

Applicant: Chaffin Tree Surgery  
**Approved on 10 Sep 2010**

**QUEEN'S PARK**

**Application No: BH2010/02825**

## **24 East Drive**

Fell 1 x Eucalyptus - limited public amenity value and causing actual structural damage

Applicant: Mr Peter Durgerian  
**Approved on 10 Sep 2010**

## **BRUNSWICK AND ADELAIDE**

**Application No: BH2010/02462**  
**39 Brunswick Road**

Fell 1 x Sycamore - no public amenity value

Applicant: Mr Seaton  
**Approved on 09 Sep 2010**

**Application No: BH2010/02468**  
**39 Brunswick Road**

1 x Elder - cut back to boundary

Applicant: Mr Seaton  
**Approved on 09 Sep 2010**

**Application No: BH2010/02748**  
**Flat 4, 45 Brunswick Road**

1 x Sycamore - 30-40% crown reduction

Applicant: Mr Stephen Thompson  
**Approved on 16 Sep 2010**

## **CENTRAL HOVE**

**Application No: BH2010/02472**  
**84a Osborne Villas**

Fell 1 x Sycamore (causing actual structural damage).

Applicant: Mr James Cox  
**Approved on 15 Sep 2010**

**Application No: BH2010/02551**  
**9 Third Avenue**

2 x Elm - 30% canopy reduction and lift to 5m

Applicant: Mr Peter Fuller

**Approved on 16 Sep 2010**

**NORTH PORTSLADE**

**Application No: BH2010/02479**  
**20 Crest Way, Benfield Heights, Portslade**

3 x Sycamore - maximum 20% crown reduction including 2m clearance of house, maximum 30% crown thin, crown lift by removal of selective lower branches

Applicant: Mr Graham May  
**Approved on 16 Sep 2010**

**HOVE PARK**

**Application No: BH2010/02478**  
**28 Cranmer Avenue**

2 x Eucalyptus - reduce by 30%

Applicant: Tom Fellows  
**Approved on 10 Sep 2010**

**Application No: BH2010/02729**  
**8 Greyfriars**

1 x Holm Oak (T.1) 40% crown reduction of overhang only. 1 x Elm (T.3) 30% crown reduction, 30% crown thin, 5 m clean stem of light growth. 1 x Elm (T.4) deadwood, crown reduction and shape remainder. 1 x Elm - 30% crown reduction, 30% crown thin, 5m clean stem of light growth.

Applicant: J Hatch  
**Approved on 16 Sep 2010**

**Application No: BH2010/02814**  
**49 Tongdean Road**

1 x Walnut - reduce and reshape crown by 25%, lift to 3m and gently prune BT line free of any rubbing branches

Applicant: Mr Seaton  
**Approved on 16 Sep 2010**

**WESTBOURNE**

**Application No: BH2010/02637**  
**13 Princes Crescent**

Fell 1 x Pine - small stature, no public amenity value.

Applicant: Andrew Gale  
**Approved on 16 Sep 2010**

**Application No: BH2010/02638**  
**13 Princes Crescent**

1 x Sycamore - lightly reduce, lateral prune to shape and crown thin by 10%. 1 x Holm Oak - reduce top bobble to shape

Applicant: Andrew Gale  
**Approved on 16 Sep 2010**

**Application No: BH2010/02739**  
**38 Pembroke Crescent**

1 x Prunus purpureum - remove limbs over neighbour's path and reduce and rebalance tree by 40-50%. 1 x Pittosporum tenuifolium - remove most of shrub to below window sill and reduce by 75%

Applicant: Mr Cemlyn Rogers  
**Approved on 10 Sep 2010**

**Application No: BH2010/02943**  
**5 Princes Crescent**

1 x Poplar - reduce to counteract basal decay and shape tree

Applicant: Mr Charlie Layfield  
**Approved on 16 Sep 2010**



**SUBSTANTIAL OR CONTROVERSIAL DEVELOPMENT OR DEPARTURES  
FROM POLICY**

<b><u>No:</u></b>	<b>BH2010/01824</b>	<b><u>Ward:</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>112-113 Lewes Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of four storey building providing retail floor space on ground and first floors and student halls of residence (39 units) on ground and upper floors.</b>		
<b><u>Officer:</u></b>	<b>Aidan Thatcher, tel: 292265</b>	<b><u>Valid Date:</u></b>	<b>20/07/2010</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>19 October 2010</b>
<b><u>Agent:</u></b>	<b>Lewis &amp; Co Planning, Paxton Business Centre, Portland Road, Hove</b>		
<b><u>Applicant:</u></b>	<b>WP Properties, Mr Bill Packham, 25 Berriedale Avenue, Hove</b>		

**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 that it is **MINDED TO GRANT** planning permission subject to the applicant entering into a Section 106 Obligation and to the following Conditions and Informatives:

**S106:**

- £6,932.54 towards off-site open space to be used at Saunders Park;
- £2,310.85 towards the maintenance of the open space at Saunders Park;
- £12,500 towards the provision of public art;
- A Site Management Plan including Student Arrival and Departure Strategy;
- The rescinding of the existing Traffic Regulation Order for the motorcycle parking bay on Newmarket Road.; and
- The residential units shall be used as student accommodation only for use by The University of Brighton and their partners.

**Conditions:**

1. BH01.01 Full Planning.
2. BH02.06 No cables, aerials, flues and meter boxes.
3. The student accommodation hereby approved shall not be occupied until the refuse and recycling facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. No development shall take place until a scheme for the storage of refuse and recycling in association with the retail unit hereby approved 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 retail unit and the facilities shall be thereafter 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 SR1 of the Brighton & Hove Local Plan.

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

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

6. The commercial unit on the ground and first floors shall be used as Class A1 retail only.

**Reason:** To maintain the vitality and viability of the Lewes Road District Centre and to comply with Policy SR5 of the Brighton & Hove Local Plan.

7. BH05.05 BREEAM – Pre-Commencement (New build non-residential) – [60% in energy and water and overall Excellent] x2.

8. BH05.06 BREEAM – Pre-occupation (New build non-residential) – [60% in energy and water and overall Excellent]

9. Unless otherwise agreed in writing by the Local Planning Authority, none of the student accommodation hereby approved shall commence until:

- a) evidence that the development is registered with the Building Research Establishment (BRE) BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve a Multi Residential BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for the development have been submitted to the Local Planning Authority; and

- b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a Multi Residential BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for the 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.

10. Unless otherwise agreed in writing by the Local Planning Authority, none of the student accommodation hereby approved shall be occupied until a Multi Residential BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a Multi Residential



BREEAM rating of 60% in energy and water sections of relevant Multi Residential 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.

11. BH05.10 Hardsurfaces.
12. BH06.03 Cycle parking facilities to be implemented.
13. The use of the retail unit hereby permitted shall not be open to customers except between the hours of 07.00 and 23.00.

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

14. BH07.02 Soundproofing of building.
15. BH07.11 External lighting.
16. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
  - (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and, unless otherwise agreed in writing by the local planning authority,
  - (b) 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.

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of part (b) above that any remediation scheme required and approved under the provisions of part (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under part (b) above.

**Reason:** To ensure that there is no risk to people, animals or the surrounding environment and to comply with policy SU11 of the Brighton & Hove Local Plan.

17. If, during development, contaminated land not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be

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

**Reason:** To ensure that there is no risk to people, animals or the surrounding environment and to comply with policy SU11 of the Brighton & Hove Local Plan.

18. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

**Reason:** To safeguard the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

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

**Reason:** To ensure that there is no risk to people, animals or the surrounding environment and to comply with policy SU11 of the Brighton & Hove Local Plan.

20. BH07.07 Soundproofing plant/machinery.

21. No development shall commence until a scheme detailing the glazing methods for the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in strict accordance with the approved details.

**Reason:** To protect the amenities of the future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

22. No development shall commence until a scheme detailing additional sound insulation measures to the noise sensitive areas of the building, those being the party wall with no. 6 Newmarket Road, and between the retail units, above the entrance, refuse and cycle stores and the laundry room, have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in strict accordance with the approved details.

**Reason:** To protect the amenities of the future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

23. The retail unit hereby approved shall not be occupied until a full deliveries management plan for the retail premises has been submitted to and approved in writing by the Local Planning Authority. The Plan must include full details of the proposed delivery times, delivery method, route and location. Deliveries shall be undertaken in full compliance with the approved document in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to protect the amenities of the neighbouring residential

occupiers and to ensure there is no increased risk to the users of the local highway network and to comply with policies QD27 and TR7 of the Brighton & Hove Local Plan.

24. Prior to first occupation of the development, or any subsequent change of use hereby permitted by this permission a Travel Plan (a document setting out a package of measures tailored to the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on the car) for the student accommodation shall be submitted to the Local Planning Authority. The Travel Plan shall be approved in writing prior to first occupation of the development and shall be implemented as approved thereafter. The Travel Plan shall include a process of annual monitoring and reports to quantify if the specified targets are being met, and the council shall be able to require proportionate and reasonable additional measures for the promotion of sustainable modes if it is show that monitoring targets are not being met.  
**Reason:** To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policy TR4 of the Brighton & Hove Local Plan.
25. No servicing or deliveries to or from the retail premises hereby approved shall occur outside of business hours or on Sundays or Bank Holidays.  
**Reason:** To safeguard the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
26. Prior to the commencement of development, detailed drawings, including levels, sections and construction details of improvements to the surrounding pavement including reinstatement of the existing dropped kerbs on Newmarket Road and Lewes Road which directly adjoin the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.  
**Reason:** In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.
27. Prior to the commencement of development, full details of the proposed ventilation system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details and retained as such thereafter and the passive ventilation shall be fully operational prior to the first occupation of any of the flats hereby approved.  
**Reason:** To ensure the occupants of the units do not suffer from adverse air quality and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
28. The development hereby permitted shall be carried out in accordance with the approved drawing nos. site location plan (unreferenced), 52B, 05, 13 submitted on 14.06.10, drawing no. 56C submitted on 07.07.10 and drawing no. 55A (mechanical ventilation details only) submitted on 20.07.10.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Informatives:

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

(i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods.
QD4	Design – strategic impact.
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design.
QD15	Landscape Design
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR5	Town and district shopping centres

Supplementary Planning Documents

SPD 03	Construction and Demolition Waste
SPD 08	Sustainable Building Design

Supplementary Planning Guidance Notes

SPG BH4	Parking Standards
SPG BH9	A guide for residential developers on the provision of recreational space.

Planning Advisory Notes

PAN03 Accessible Housing and Lifetime Homes; and

(ii) for the following reasons:-

The proposed development would cause no undue loss of light or privacy to adjacent occupiers, would be of an appropriate design and materials to ensure that it would integrate effectively with the wider area. The units would achieve acceptable levels of living conditions for the future occupiers in relation to air quality, levels of natural light and ventilation and amenity space. Subject to condition, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.

3. The applicant is advised that details of the BREEAM assessment and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org) and [www.breeam.org/ecohomes](http://www.breeam.org/ecohomes)). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
4. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
5. The applicant is advised to contact Southern Water to agree the measures to be taken to protect/divert the public water supply main. Southern Water can be contacted via Atkins Limited, Southern House, Capstone Road, Chatham, Kent, ME5 7QA, 01634 824103, [www.atkinsglobal.com](http://www.atkinsglobal.com).
6. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: [www.netregs.gov.uk/netregs/businesses/construction/62359.aspx](http://www.netregs.gov.uk/netregs/businesses/construction/62359.aspx) and [www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_2.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html)

## **2 THE SITE**

The site is situated to the east of the Lewes Road gyratory, to the south of Newmarket Road and to the north of the access to the crematorium. The surrounding development is a mix of commercial and residential uses, with

the commercial uses focused around the Lewes Road area. The surrounding residential development is characterised predominantly by terraced properties, those on Newmarket Road - two storey dwellings with basement level accommodation, there is a large flatted development to the north of the site, sited around The Bear public house, on Bear Road known as Bear Cottages. The surrounding development is predominantly two and three storeys in height, however there are some anomalies, namely Bear Cottages which has a 5 storey frontage onto Lewes Road and the Sainsbury's supermarket building.

The site is currently occupied by a two storey warehouse style building with a pitched roof. The elevations are clad with blue metal weatherboarding and render. The building is currently vacant and there is a small service yard to the eastern end accessed via Newmarket Road, adjacent to the residential accommodation.

### 3 RELEVANT HISTORY

**BH2009/01811:** Erection of 4 storey building providing retail on ground and first floors and 12 self contained flats on ground and upper floors. Resolution Minded to Grant subject to signing of a s106 agreement at Planning Committee on 16/12/2009.

**BH2009/00036:** 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. Refused on 07/05/2009 on the following grounds:

- Overdevelopment, poor design, lack of integration with the surrounding area and inadequate accommodation for future residents, including lifetime homes;
- Inadequate private amenity space;
- Failure to demonstrate the viability of the retail units;
- Failure demonstrate adequate air quality;
- Lack of information in relation to contaminated land;
- Inadequate sustainability information; and
- Inadequate cycle parking provision.

**BH2008/01612:** Demolition of existing building with redevelopment to provide for replacement retail unit on ground floor and lower ground floor and 17 self contained flats on first, second, third and fourth floors. Refuse and recycling at ground floor level. Withdrawn by the applicant on 07/10/2008.

**BH1999/00319/FP:** Change of use to sale of motorcycles and accessories with repairs/servicing of motorcycles (variation to condition 2 of permission BH1998/02429/FP to allow the shop to be opened on Sundays and Bank Holidays). Approved 28/04/1999.

**BH1998/02428/FP:** Change of use of motorcycles and accessories with repairs/servicing of motorcycles. Elevational Alterations. Approved 28/01/1999.

**95/1202/FP:** Erection of garage in rear yard. Approved 27/11/1995.

#### 4 THE APPLICATION

The proposed building comprises a part three/part four storey building which would accommodate 1 commercial unit and 39 en-suite bedrooms and ancillary facilities to be used as a student halls of residence. The following accommodation would be provided over the different floors:

##### Ground floor

- Part of the retail unit fronting Lewes Road (182 sq metres);
- Bin/recycle storage and cycle store;
- Laundry room;
- 3 no. en-suite bedrooms;
- 1 no. communal kitchen/dining room.

##### First floor

- Remainder of retail unit (55 sq metres);
- 11 no. en-suite bedrooms;
- 1 no. communal kitchen/dining room.

##### Second floor

- 14 no. en-suite bedrooms;
- 2 no. communal kitchen/dining rooms.

##### Third floor

- 11 no. en-suite bedrooms;
- 1 no. communal kitchen/dining room.

The building would be four storeys at the corner of Lewes Road and Newmarket Road decreasing to three storeys in an eastern direction along Newmarket Road. The building would mainly consist of render materials with limited brick detailing.

The building would have the same ridge height adjoining No. 8 Newmarket Road following the eaves height of the existing terrace, with the eaves and ridge stepping upwards towards the main 4 storey element of the building. This part of the building also includes projecting bays on the first and second floors.

The next section of the building fronting Newmarket and Lewes Roads would be four storeys with a 'wraparound' shopfront at the ground floor. This element of the building would have the appearance of a residential block.

The west elevation which fronts Lewes Road would be four storeys in height with a retail shopfront at the ground and first floors and a mixture of recessed balconies and windows above.

The south elevation would consist of a brick façade at ground floor with the

upper sections being mainly render and glazing with a number of recessed balconies.

The overall footprint of the development would measure approximately 32.5m deep x 11.5m wide. The development has varying heights, the lowest where it meets the existing residential terrace being 7.3m to eaves (9.9m to ridge), then stepping up to 8.9m to eaves (10.6m to ridge), up to a main height of 11.2m to the flat roofed 4 storey element where it fronts Lewes Road. There is an additional element measuring an additional 0.9m in height above the flat roof which allows for the enclosure of the lift equipment.

## 5 CONSULTATIONS

### External

**Neighbours:** 10 letters of objection have been received from the occupiers of **3, 23, 38, 42, 44, 47, 49, 57, 58A and Flat 2 72 Newmarket Road**, on the following grounds:

- Increase in parking stress;
- Public safety regarding emergency vehicle access being blocking by increased parking;
- Threat of a new fast food premises;
- Loss of privacy;
- Overlooking;
- Loss of sunlight;
- The area is already heavily polluted;
- Access for emergency vehicles is inadequate;
- Inadequate cycle parking;
- Inadequate refuse and recycling provision;
- Would create a 'student ghetto';
- Additional noise and disturbance;
- Additional litter; and
- Loss of light.

**Councillors Georgia Wrighton & Vicky Wakefield-Jarrett** support the proposal but have some significant concerns (copy of comments attached).

**Sussex Police:** No objections to the scheme, make recommendations with regard to the standard of external glazing and entrance doors.

**East Sussex Fire and Rescue Service:** No objections to the proposal.

**EDF Energy:** No objections to the proposal.

**Southern Water:** All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 3 metres of the public water main without consent from Southern Water.



In order to protect water supply apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission.

**Southern Gas Networks:** No objections to the proposal.

**Environment Agency:**

We consider that planning permission should only be granted to the proposed development as submitted if the following 3 planning conditions relating to the following matters are imposed:

1. Site investigation;
2. Unsuspected contamination;
3. Piling.

**Internal**

**Sustainable Transport:** We would not wish to restrict grant of consent of this Planning Application. Subject to the inclusion of the following conditions or similarly worded informative;

1. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road works, any 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
2. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have to be 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 cycles.
3. The Applicant enters into a legal agreement with the Council to contribute towards the rescinding of the existing Traffic Regulation Order for the motorcycle parking bay.

This proposal will significantly reduce the overall traffic impacts of the site, based on the extant permission. It therefore does not generate any concerns for the Highway Authority. It is recommended that the Student Arrival Strategy is secured by a section 106 agreement so that an effective fining system can be included so that action can be taken if the final occupiers fail to comply with the strategy. Please note a condition is not appropriate to secure such a strategy.

**Planning Policy:** The premises lie within the secondary retail frontage of the Lewes Road shopping centre where policy SR5 applies which permits change within the A uses class provided that A1 uses predominate but states that 'a change of use at ground floor level to residential in a shopping frontage will not be permitted. This application proposes the loss of 100 sq m of retail floorspace although there is no evidence to demonstrate that there is no demand for full ground floor retail premises. Currently the premises have an open storage delivery area. Under the new proposals not only is there no

delivery area but neither is there any parking for the shop's employees or customers to collect goods or under cover cycle parking for the retail unit's employees. If the evidence to be submitted demonstrates that the current shop with a dedicated loading area is hard to let, then the reconfiguration should be making it a more lettable unit since the policy priority for this site is that pedestrians should be attracted to the retail area.

*Student Housing*

Reference is made to working with Brighton University and that the University has made comments on the design but these comments do not appear to have been submitted in support of the application. Any consent should be conditioned to ensure that the University partner(s) will have 100% nomination rights for the rooms and that the premises can not be let on the open market. It is noted that reference is made to stewards during the beginning or end of term but no administrative staff /wc facilities etc office or warden accommodation is being provided.

Policy HO5 seeks usable private amenity space but not all of the rooms have private space and the communal space on the roof will have a very limited use and is situated where neighbouring residential amenity could be affected by noise or overlooking from this lively age group. The 'garden' area for the adapted rooms on the ground floor should be fully accessible by wheelchair users.

Policy HO6 This group is likely to use existing open spaces for sports and if no active recreation space is to be provided on site, a contribution should be sought on an occupancy basis of at least one per unit – to cater for the 39 students proposed. In particular if there is no active recreation space on site, disabled access should be ensured for the students in the adapted rooms to the most suitable nearby open sports space.

*SU10 – noise nuisance/QD27*

The current layout, buffers the adjacent residential properties because of the open storage yard. This development appears to directly adjoin residential premises and places the potentially noisy communal spaces - the dining/kitchens on the first and second floors adjacent to the existing houses where bedrooms may be sited. The relocation of these communal spaces to a more central location could address this issue.

*Policy TR1*

No provision at all has been made for the needs of the retail unit. TR14 The proposal for 14 cycle spaces is minimal (how could it be rationed without causing overspill into the street?) and will not address the potential need for one cycle space per bed for 36 units and the demand for parking for the shop's employees.

*Policy TR18*

There is a need to provide dedicated disability parking spaces for the three

mobility adapted units.

The views of the access officer should be sought since it appears that not all the bathrooms are large enough to be accessible.

*Policies WLP11/SU13*

Insufficient evidence has been submitted to demonstrate how the proposals will address the requirements a – d of policy SU13 or a-d of policy WLP11.

**Environmental Health:** Having inspected the plans and in particular the drawing 07092 marked 55A detailing mechanical ventilation I understand that commercial premises will be located at the ground floor and first floor Westerly elevations facing Lewes Road. I note that the development proposal is effectively a shell and core development and that if the new occupiers of the commercial units, wished to have plant and machinery to feed air handling plant for example, then they would need to apply for separate planning consent, as at present, nothing is proposed. I note from the plans some potential noise issues which require addressing and these are as follows:

1. I note a number of bedrooms above commercial units. As a new build, I appreciate that Part E of the Building Regulations would come into effect, however, I would wish to see sound insulation in advance of such proposals.
2. I also noted a bedroom located above the laundry on the first floor.
3. Similarly, a bedroom is also proposed above the bins and recycling areas, which by their design may be inherently noisy.

I also note that as a commercial unit, there are no proposed hours of use or details regarding servicing of the site. These would both need to be considered and addressed.

I would also raise an issue with regards to road traffic noise. I note a development at 58-62 Lewes Road, whilst on the other side of the highway as part of the planning application it had an unattended noise survey carried out. This PPG24 assessment identified that triple acoustic glazing was necessary for the residents facing Lewes Road and that normal thermal double glazing was necessary for properties at the rear. The applicant should consider this, given the closer proximity to the Vogue Gyrotory and potentially different traffic movements.

I also noted the mechanical ventilation submission identifying air extracts and fresh air intakes at the roof level (fourth level). No data is apparent on how any plant within the build will affect either residents within the development or indeed adjacent residents. This might include boilers, heating/cooling plant, plant serving the laundry and as above, the plant required for fresh air intake and air extracts.

At present, there is insufficient information on which to comment. I am happy to revisit this decision should further information be forthcoming.

**Air Quality:** We would like the developer to comment on information that has come to light since the previous air quality assessment at 112-113 Lewes Road (August 2009). Notably:

- There are new traffic surveys at four distinct road links; north, south, east and west around the Vogue Gyratory
- The Council has produced an air quality Further Review and Assessment utilising the ADMS-Urban dispersion model that estimates concentrations of Nitrogen Dioxide at ground level for a typical year throughout the AQMA. I will inform you as soon as this information is on our website.

Some commentary is also welcome regarding the change of occupation from private residential to student accommodation and how this may influence potential continuous exposure and relevance to the AQO (Air Quality Objective).

#### Informative

It has been common place for air quality forecasts at development sites to predict considerable reduction in pollution concentrations by the year of completion. Recent monitoring evidence suggests former air quality assessments in London and other UK cities were over optimistic. Vehicle emission data assumed that cleaner vehicle technologies would be adopted readily during the period 2005 to 2010. In practice uptake of cleaner low-emission technology and best available techniques has slowed since the economic downturn in late-2007. However declines in Nitrogen Dioxide levels continue to be recorded in Brighton as traffic flows have declined (from a peak in 2007) and cycling walking and running are becoming more popular. At the same time Government car and boiler replacement schemes have helped consumers reduce their emissions of Oxides of Nitrogen.

#### Recommendation

Air Quality mitigation measures are put forward in light of all the available information.

**Economic Development:** The Economic Development team's comments on this application remain unchanged from the previous applications on this site (08/01612 and 09/00036 refer) and has no adverse comments to make.

The proposal will provide a modern retail unit together with residential development to help meet the needs of the city and will contribute to the aims and objectives of the LR2 regeneration study.

The applicant is also recommended to discuss the scheme with the Councils Local Labour Scheme Officer as this is a major application and one where the Local Labour Scheme should be involved with encouraging the developer to use local labour where appropriate and available and agree a determined percentage of the development labour will be provided from the local available source.

The developers agent has already met with the Local Labour Scheme Officer and is fully supportive of the scheme.

**Open Space Officer:** This is assuming the student rooms will be single occupancy and will not cater for families. On this basis the number of units should be dealt with as bedsits/studios because this calculates single occupancy and does not include a contribution towards children's equipped play. The total open space contribution figure would be £9,243.

**Parks and Open Space:** There doesn't look to be any provision for outdoor recreation and youth sport, so I presume we are looking to contributions for spending at the nearby Saunders Park possible spend on improvements to ball court, provision of outdoor gym equipment, contribution to community facilities e.g. provision of kiosk/café.

**Public Art:** It was disappointing to find that the applicant does not acknowledge Local Plan policy QD6 (Public art) as relevant for this application. Particularly considering there seems to be opportunities for incorporating public art into the scheme.

The agent has suggested student accommodation does not meet the definition of residential units. However, in terms of QD6 the council has been consistent in applying this policy. I would call to your attention for the following APPROVED applications involving halls of residence:

BH2003/03698/OA - Land adj Falmer Goods Yard, Station Approach  
BH2006/00276 - East slope carpark Refectory Road and west carpark (behind Arts D), University of Sussex, Lewes Road, Brighton  
BH2008/01992 - Northfield University of Sussex Brighton  
BH2010/00235 - Varley Halls of Residence Coldean Lane Coldean

In terms of the level of the contribution for this application, it is suggested that the public art element for this application is to the value of £12,500.

The level of contribution to meet QD6 requirements is reached after the internal gross area of the development (approx 1,418sqm) is multiplied by a baseline value per square meter of construction arrived at from past records of public art contributions for this type of development in this part of the city.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development
TR13	Pedestrian network
TR14	Cycle access and parking

## PLANS LIST – 13 OCTOBER 2010

TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods.
QD4	Design – strategic impact.
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design.
QD15	Landscape Design
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR5	Town and district shopping centres

### Supplementary Planning Documents

SPD 03	Construction and Demolition Waste
SPD 08	Sustainable Building Design

### Supplementary Planning Guidance Notes

SPG BH4	Parking Standards
SPG BH9	A guide for residential developers on the provision of recreational space.

### Planning Advisory Notes

PAN03	Accessible Housing and Lifetime Homes
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## 7 **CONSIDERATIONS**

The main considerations of the proposal are:

- Planning history
- Principle of development
- Visual impact
- Impact on neighbouring amenity

- Standard of accommodation to be provided
- Highway impacts
- Sustainability
- Contaminated land
- Air Quality
- Infrastructure

Following the resolution to grant permission on the previous application, pre-application advice was given by officers prior to the submission of this application.

#### Planning History

Planning application BH2009/01811 has recently received a resolution to grant consent, subject to the signing of a s106 agreement (as detailed in section 4 of this report).

This application was for the erection of 4 storey building providing retail on ground and first floors and 12 self contained flats on ground and upper floors

This application was identical in terms of the main building, height, massing and design of the building. Therefore the principle of the design, height, scale, bulk, massing and other associated impacts have been considered acceptable in the previous application.

As such, this scheme primarily raises the issues arising from the change to the use of the main part of the building from 12 residential units to 39 self contained rooms for use as student halls of residence by Brighton University.

#### Principle of development

The application site falls within the secondary frontage of the District Shopping Centre of Lewes Road. Policy SR5 will permit the loss of retail only when it can be provided that a healthy balance and mix of uses (including A1 retail) is retained and concentrations of uses other than A1 use are avoided. The proposed use should still attract pedestrian activity to the centre and should not have a significantly harmful impact on the amenity of the area. Residential uses should not be permitted as such uses would not draw pedestrian activity to the centre.

A commercial unit with a floor area comprising 231 sq. metres is proposed on the ground and first floors wrapping around the Lewes and Newmarket Road frontages. The existing unit has a total floorspace of 504 sq. metres with a retail floorspace of 323 sq. metres, thus the proposal represents a loss of 92 sq. metres of retail floorspace. In reality, the loss is likely to be greater than this, as there are no storage or ancillary staff facilities shown on the proposed plans.

Appendix 1 of the Planning Statement contains a letter from Graves Son and

Pilcher regarding provision of retail units on the site, contained within the statement in support of the application. The letter however fails to justify the reduction in retail floor area and instead raises concerns over the letting of the site as either a large or small unit and in fact further discourages the viability of two smaller units stating that, '...one or two smaller units would be far more difficult to let than a larger unit...the smaller units would be virtually impossible to let...'.

The plans fail to provide any commercial refuse/recycling storage, and thus the proposal fails to comply with criterion g of policy SR1 which requires new retail development to provide facilities for refuse and recycling.

On balance, it is considered that the development confirms to the requirements of Policy SR5 as it will retain a Class A1 retail frontage to both Lewes and Newmarket Roads. Whilst the scheme does not provide for any refuse or recycling facilities for the proposed retail unit, it is considered that this could be dealt with by condition and thus does not warrant a reason for refusal on these grounds.

The previous application BH2009/01811 also had a retail element to the proposal identical to that proposed as part of this application, and thus the principle of the reduction in retail floorspace has already been accepted in any event.

The principle of the use of the remainder of the building as student accommodation is also a valid consideration.

The student housing use would help to meet an identified housing need and may help to free up family housing in the surrounding area. However, the current Local Plan has no policies relating to student accommodation. Therefore, as the application re-provides the retail floorspace to an acceptable degree (as detailed above) the student accommodation is considered to be acceptable in principle, subject to conforming the usual development control considerations, as detailed below.

The applicant is in discussion with the University of Brighton for its students to occupy the accommodation. This is reflected in the S106 Heads of Terms. An element of affordable housing would be required if the accommodation was not to be occupied by students.

#### Visual impact

Although PPS1 and PPS3 seeks to ensure the more effective and efficient use of land, the guidance also seeks to ensure that developments are not viewed in isolation and do not compromise the quality of the environment. PPS3 states that considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. PPS1 seeks amongst other things to protect and enhance the quality, character and amenity value



of urban areas including the historic environment.

Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, however, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.

In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.

As well as securing the effective and efficient use of a site, policy QD3 also seeks to ensure that proposals will be expected to incorporate an intensity of development appropriate to the locality and/or prevailing townscape. Higher development densities will be particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities. Policy HO4 relates to the acceptability of higher dwelling densities in areas where it can be demonstrated that the proposal exhibits high standards of design and architecture.

When applying this policy, in order to avoid town cramming, the planning authority will seek to secure the retention of existing and the provision of new open space, trees, grassed areas, nature conservation features and recreational facilities within the urban area.

To the north of the site is 110 – 111 Lewes Road which is two storeys in height with a pitched roof and accommodation within the roofspace.

To the east of the site on Newmarket Road are two storey traditional terraces with basement floors. To the south of the site is the entrance to the Cemetery/Crematorium and the caretaker's dwelling which is two storeys.

The site has a narrow frontage to Lewes Road and the width of the building would be 11.4 metres with a height of 11.1 metres above pavement level. This elevation is mainly render at the first, second and third floors with a glazed shop front at the ground floor with large glazed areas to the first floor element of the retail unit. Recessed balconies are present at the corners of the building.

It is noted that the site is in close proximity to the two storey caretakers dwelling to the south, however it is considered that this building does not read as being prominent within the main street scene as it is significantly set back within the grounds of the crematorium (approximately 30m from the rear of the pavement) with substantial landscaped grounds between. It is also worth noting that this building sits in line with the rear boundary of the application site, and thus would be to the rear of the proposed building in any event.

Number 110-111 Lewes Road to the north is a two storey development also, however it has a substantial pitched roof, with a maximum height of approximately 10m, and thus the increase of height to 11.1m to the proposed development is not considered to detract from the street scene or wider area.

It is also noted that there is a five storey apartment block to the north within 60 metres of the application (Bear Cottages). This is adjacent to The Bear public house which is also two storeys with a high pitched roof (similar to that at 110-111 Lewes Road). These two buildings are in extremely close proximity to the each other and thus the distance between 110-111 and 112-113 Lewes Road would create, if approved, a better relationship than that between Bear Cottages and The Bear Pub house.

The Newmarket Road frontage (northern elevation) is approximately 32 metres in width. The building would have the appearance of a three storey bay fronted dwelling adjacent to 8 Newmarket Road with a width of 4.8 metres and a height of 7.3m to eaves (9.9m to ridge). The building would then appear as a more modern terrace with a higher eaves height of 8.9m (10.6 to ridge) and a width of 5.8m. The upper floors of both these parts of the building includes projecting bay windows, some of which exceed the eaves height which is not in keeping with the adjoining terrace. In addition, the proportions of the proposed bay windows are not the same as the existing Victorian buildings fronting onto Newmarket Road, however it is considered that an objection could not be sustained on this matter.

The next section of the building fronting Newmarket Road would be four storeys with a shopfront at the ground floor and the main access to the residential units above, with recessed balconies within the western corners at second and third floors. This element is flat roofed with a height of 11.1m. This section also houses the lift shaft enclosure, which projects an additional 0.9m in height for a width of 2.0m. This integrates with the remainder of the building by utilising a brick construction from ground floor to the top of the column.

It is considered that significant regard has been paid to the transition between the two storey plus basement buildings present on Newmarket Road and the taller part of the building fronting Lewes Road.

The proposed building incorporates a number of differing styles, ranging from traditional bays, pitched and flat roofs and recessed balconies. The use of these differing design features ensure that the main Lewes Road frontage creates a modern attractive building improving the street scene and longer views of the site, whilst maintaining an adequate relationship with the existing Victorian dwellings fronting onto Newmarket Road itself.

The Lewes Road frontage has a symmetrical elevation with well proportioned openings. The southern elevation overlooking the grounds of the crematorium again is well proportioned with a number of recessed balconies. The overall

result is a simple well designed building which pays regard to its surroundings. The window design achieves a sufficient architectural rhythm relate well to one another.

For the reason stated above the design of the scheme is considered satisfactory and will result in an acceptable impact on the character of the street scene and will not appear overly dominant in the area.

In addition, it is noted that the previous application with a resolution to grant (BH2009/01811) has been accepted, with a height, build, form and massing the same as the current proposal, with the exception of some minor fenestration detailing.

Impact on neighbouring amenity

Policy QD27 of the Local Plan will not permit development which would cause a loss of amenity to adjacent residents/occupiers.

No.116 Lewes Road is located to the south of the application site which is the caretaker's house to the Crematorium. Half the north facing elevation of the caretaker's house would be 7 metres from the south elevation of the three storey section of the building, with the other half of the elevation faces towards 8 Newmarket Road. The caretaker's house has a number of smaller windows on the north elevation which appear to be secondary and are obscure glazed. With regard to privacy, the relationship between the proposed scheme and the existing dwelling would be similar to the existing interface distance between 8 Newmarket Road and the caretaker's house and is therefore considered acceptable. The proposed building then comes right up to the boundary and rises up to 3 storeys in height, which is similar in height to the eaves and ridge to that of the existing building. It is likely that some oblique overlooking will occur to the Caretaker's house and garden area. However the garden area most likely to be overlooked is a very narrow side garden area which is not the main amenity space, the windows on the north elevation which are obscure glazed and those on the west elevation which are readily visible from the public highway and access into the crematorium, and as such the impact is considered acceptable.

It is not considered that the proposed building would cause any loss of sunlight or overshadowing to the caretaker's building, as the proposed building is sited due north. Nor is it considered likely to have an overbearing impact as, where the building neighbours the Caretaker's house, it is of a similar scale and siting to the existing building. It is not considered that the proposed building will have an adverse impact on the neighbouring dwellings to the east of the site by way of overshadowing, loss of light, overlooking or causing an overbearing impact.

To the north of the proposed building on the other side of Newmarket Road are 110-112 Lewes Road which is a funeral directors at the ground floor with residential above at the first and second floors and 1 – 3 Newmarket Road

which are two storey residential terraced properties the majority of which have basement accommodation. These properties would be a distance of between 12 and 15 metres from the proposed building, in addition to this shadow path studies have been submitted with the application and it is considered that this distance is sufficient and would not result in a significant loss of light or aspect and there would be no significant loss of privacy.

The adjoining property to the east, no. 6 Newmarket Road is not considered to suffer any undue impact on amenity as the scale of the building is significantly reduced where they join. There are no windows facing the proposed development and thus there would be no overlooking or overshadowing caused.

It is noted that there is a communal roof terrace at top floor level proposed close to the boundary with this building, however it is not considered that there would be any undue overlooking due to there being a separation distance from this to the boundary of the site. In addition, no. 6 Newmarket Road has a large single storey extension projecting the length of the rear garden which further reduces any impact.

It is noted that the proposed use may give rise to additional noise and disturbance over and above the existing use through the use of part of the building as student accommodation.

In order to protect the amenities of neighbouring properties, a condition is recommended to ensure that all party walls are adequately acoustically insulated, over and above that required by Building Regulations, likewise for units above noise sensitive areas, such as the laundry, refuse/recycling and cycle storage areas.

The previous application with a resolution to grant is also noted, in that the principle of residential accommodation on the site was acceptable. The proposed use is considered to be more intensive, but not to a degree that would warrant a refusal of the scheme on amenity grounds.

#### Standard of residential accommodation to be provided

Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers. Local Plan policy HO5 requires that new residential development provides adequate private and usable amenity space for future occupiers, appropriate to the scale and character of the development. HO6 relates to provision of outdoor recreation space in housing schemes.

The scheme provides for an element of on site amenity space, being part private and part communal. Given the nature of the proposed residential accommodation, being student accommodation, it is not considered essential for each of the bedspaces to have dedicated private amenity space.

Brighton & Hove Local Plan policy HO6 requires that new residential

development provides outdoor recreational space, specifying that 2.4 hectares per 1000 population accommodated within the development should be provided. This is not provided within the site. In recognition that development schemes will seldom be capable of addressing the whole requirement on a development site, the policy allows for contributions towards the provision of the required space on a suitable alternative site.

The Council's Policy Officer has confirmed that a contribution should be provided towards the nearest suitable local open space. The submitted Planning Statement states that the site is too small and would therefore not accommodate provision and recommends a contribution towards Saunders Park to address HO6.

Saunders Park is situated on the west side of Lewes Road and is the closest site that could provide for improvements to off site recreation space and it is considered that the financial contribution should be provided towards the facilities and maintenance at Saunders Park. In these circumstances a contribution can be accepted and is requested by a legal agreement which forms part of this recommendation.

#### Highway impacts

Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.

#### *Car parking*

Policy HO7 will grant permission for car free housing in locations with good access to public transport and local services and where there are complementary on-street parking controls and where it can be demonstrated that the development will remain genuinely car-free over the long term. The most practical way of achieving this is to restrict residents parking permits within Controlled Parking Zones. No vehicular parking spaces are proposed. However, the site is not within a Controlled Parking Zone, so residents would therefore be able to park on the surrounding residential streets.

The Council's Highway Officer does not consider that the proposal would lead to an increase in on street parking demand to an extent that public safety would be affected, especially given as the proposal will also remove some under used solo cycle bays creating an additional 3 to 4 car parking spaces. It is therefore considered that the proposal would comply with policy TR7 of the Local Plan.

#### *Cycle Parking*

Policy TR19 requires development to meet the maximum parking levels set out within Supplementary Planning Guidance Note 4 'Parking Standards'. A small area is shown for cycle parking within the building at the ground floor

which would create parking for 14 cycles. This is in accordance with the cycle parking standards as set out in SPG04. Whilst it is disappointing that the applicants have only provided the minimum level of cycle parking, particularly as a large proportion of students are likely to own cycles, the level provided is in accordance with policy and thus no objection can be raised on this matter. No cycle parking is provided for customers of the retail units.

It is considered that the size of the designated cycle store would be sufficient for this number of cycles and that the applicant has successfully demonstrated that they could be successfully accommodated within this space.

Although the Transport Statement suggests that “no other highway improvements are required or proposed” the Highway Authority disagree. The pavement materials surrounding the site are in poor condition and detract from the quality of the street scene. There are a number of different materials that make the immediate surrounding look unattractive and in need some upgrading. Also there are historic dropped kerbs that are no longer on use so should be reinstated as footway as a part of this proposal. The highway Authority recommend that to improve the quality of the surfacing materials surrounding the site a condition should be included requiring the applicant to submit a plan showing the areas to be repaved and kerbed, and for the applicant to carry out this work. A condition in this respect is recommended.

#### Sustainability

Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

SPD08 – Sustainable Building Design requires the scheme to meet ‘Excellent’ BREEAM for the commercial element achieving 60% in the energy and water sections, be Lifetime Homes compliant and submit a Sustainability Checklist. It also recommends a commitment to join the Considerate Constructors Scheme, ensure zero net annual Carbon Dioxide from energy use, and a feasibility study on rainwater harvesting and grey water recycling systems. There are no standards in SPD08 for student accommodation, however the comments from the Sustainability Officer are noted, in that BREEAM multi residential would be required. These is recommended by condition.

The Council would like to see that energy demand has been minimised by reducing heat loss by using an energy efficient building envelope with efficient building services. Passive means should be used where possible to heat ventilate and cool the building. The envelope should be designed beyond the requirements of building regulations (U values, airtightness and thermal bridging) to reduce energy demand. Further improvements to the building fabric (walls, roof, floors, windows and doors) and building services will reduce running costs (fuel bills) for occupants and improve thermal comfort

levels for the occupants. There is no indication of improved building fabric beyond building regulations in the application.

The final energy demand should be minimised before low or zero carbon technologies are assessed to meet the remaining energy demand. An assessment of different technologies that could be used to meet remaining energy demand should be submitted along with reasons why some have been discounted and others chosen. The inclusion of PV as mentioned in the Planning Statement and solar thermal as mentioned in the checklist is welcomed, as is future proofing to allow more solar technology to be added in the future. A roof plan has been submitted confirming the location of the solar panels and PV cells.

Solar shading may be required to prevent overheating on the south facing windows on the end of the south elevation where there are no overhangs from balconies.

#### Contaminated land

PPS23 states that Local Planning Authorities should pay particular attention to development proposals for sites where there is a reason to suspect contamination, such as the existence of former industrial uses, or other indications of potential contamination, and to those for particularly sensitive use such as a day nursery or housing likely to be used by families with children. In such cases, the Local Planning Authority should normally require at least a desk study of the readily-available records assessing the previous uses of the site and their potential for contamination in relation to the proposed development. If the potential for contamination is confirmed, further studies by the developer to assess the risks and identify and appraise the options for remediation should be required.

Policy SU11 will permit the development of known or suspected polluted land where the application is accompanied by a site assessment and detailed proposals for the treatment, containments an/or removal of the source of contamination, appropriate to the proposed future use and surrounding land uses and to prevent leaching of pollutants. Permission will not be granted for the development of polluted land where the nature and extent of contamination is such that even with current methods of remediation as a result of the proposed development people, animals and/or the surrounding environment would be put at risk. Where the suspected contamination is not felt to be significant or not high risk, permission may be granted subject to conditions requiring a site investigation and any necessary remedial measures.

A contamination desk study has been submitted, and no objection to the proposal has been received from the Council's Contaminated Land Officer, subject to a condition which would be attached were the application to be approved. Previous historic uses on the site include a coal and coke merchants and a sawmill, both of which have the potential to cause contamination. It is considered that there is no conflict with policy SU11 of the

Local Plan.

Air Quality

Local Plan policy SU9 permits developments within an air quality 'hotspot' where the effect on the development's occupants and users will not be detrimental and will not make the pollution situation worse and where practical helps to alleviate the existing problems.

An air quality assessment has been submitted by the applicant which recommends that there are no openings on the Lewes Road frontage at first floor due to the poor air quality in the vicinity of the Lewes Road gyratory and additional air quality modelling work has now been carried out and submitted.

The assumptions made in the air quality report with the previous application (BH2009/01811) have now been proven incorrect through additional modelling work done by the Council in the past 12 months. Therefore a response is currently awaited from the applicants on this matter once they have had the opportunity to review the Council's modelling figures. This will be reported on the late list or at the Planning Committee meeting itself.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

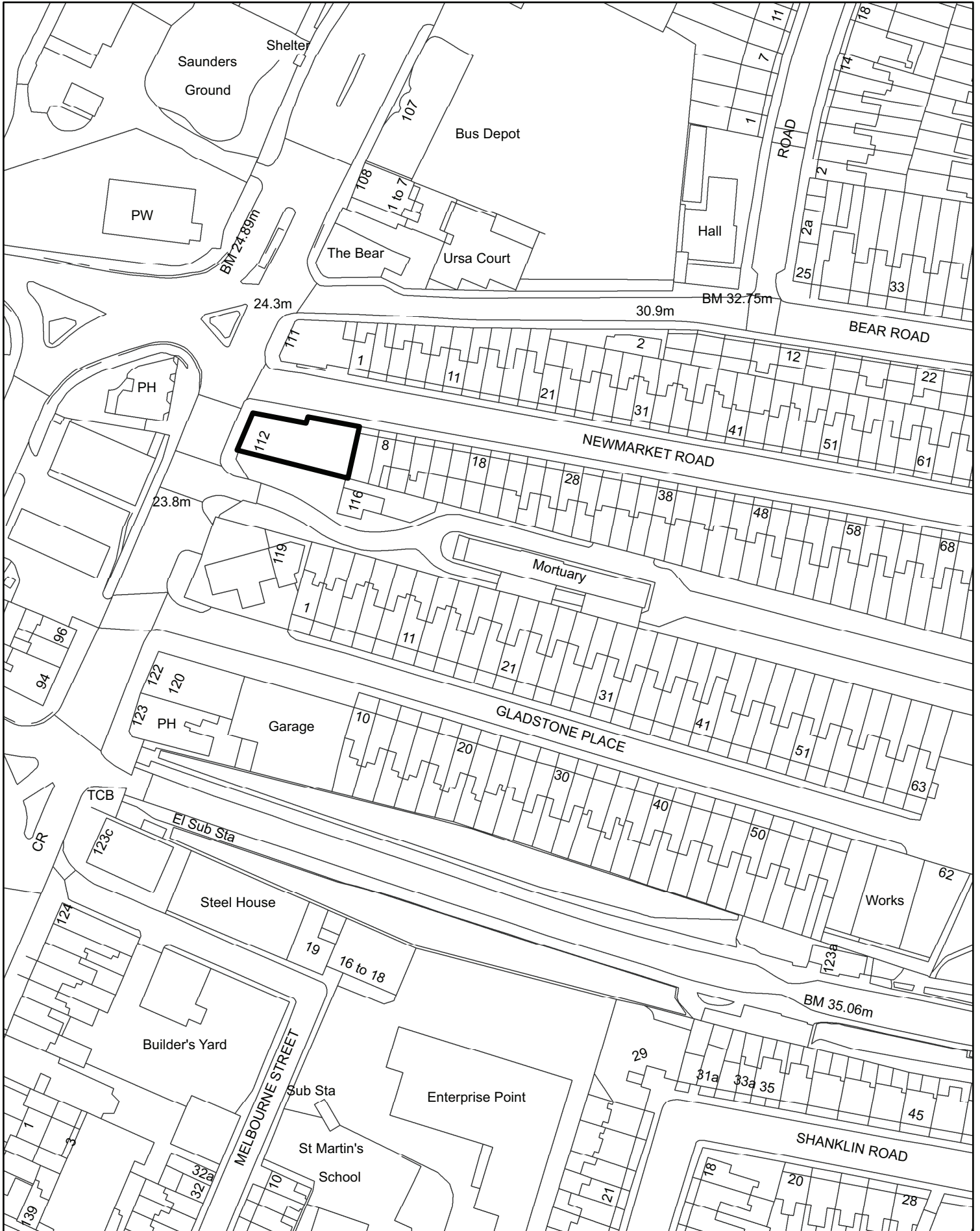
The proposed development would cause no undue loss of light or privacy to adjacent occupiers, would be of an appropriate design and materials to ensure that it would integrate effectively with the wider area. The units would achieve acceptable levels of living conditions for the future occupiers in relation to air quality, levels of natural light and ventilation and amenity space. Subject to condition, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.

**9 EQUALITIES IMPLICATIONS**

The development would need to accord with current Building Regulation standards.



# BH2010/01824 112-113 Lewes Road



**Brighton & Hove  
City Council**

N

**Scale: 1:1,250**





PLANS LIST – 13 OCTOBER 2010

COUNCILLOR REPRESENTATION

**From:** Georgia Wrighton [mailto:Georgia.Wrighton@brighton-hove.gcsx.gov.uk]  
**Sent:** 17 August 2010 19:42  
**To:** Aidan Thatcher  
**Cc:** Vicky.Wakefield-Jarrett@brighton-hove.gov.uk.; Bill Randall; Lianne DeMello  
**Subject:** Proposed student halls, 112-113 Lewes Road

Dear Aidan,

Many thanks for briefing us last week.

Please see below our Ward Councillors' response to the application for a proposed student Halls at 112-112 Lewes Road no. BH2010/01824 :

Whilst we support the provision of new dedicated student accommodation in the City, particularly as this site would be managed by the University and is in an accessible central location, we have some significant concerns about the likely impact on neighbouring residents, the quality of the accommodation for students and the impact of the future occupier of the retail unit.

Impact on residents:

The experience of residents living close to the Phoenix Halls on Southover Street has shown that noise from student parties/get togethers in communal kitchen/living areas is likely to have a major impact on residents living nearby, who may be regularly woken up throughout the night into the early hours of the morning.

Even with windows fitted with opening restrictors, this has been a problem on a regular basis.

The proposed communal kitchens and open space appear to be accessible by all 39 rooms in the Halls, and taken together with visitors who are invited back (likely in this town centre location) this could result in many more congregating there.

The proposed location of the communal kitchen/living areas adjoining the existing house and so close to other neighbouring residents in this densely packed street is a particular cause for concern. Noise resulting from groups of students and their friends congregating/partying in communal areas is likely to emanate through the party wall into the neighbouring house and also via open windows out into the rest of the street.

Whilst we support the provision of open space for students living in the halls, the proposed open space at rear ground floor level is a cause for concern. The experience of Phoenix Halls has shown that noise and disturbance is likely where communal space exists, resulting from groups of students understandably enjoying the freedom of living away from home for the first time, getting together and having parties.



PLANS LIST – 13 OCTOBER 2010

### COUNCILLOR REPRESENTATION

The open space would immediately adjoin the neighbouring residential properties both on Newmarket Street and the caretaker's house in the adjoining crematorium which has windows hard up to the boundary.

To the rear of the terrace of houses on Newmarket Street are bedrooms and habitable room windows which are likely to be adversely affected by high noise levels.

As a suggestion, perhaps this rear ground floor area could instead be considered as a bike store area, with a 'port style' covering/roof?

Again, whilst the provision of open space is supported in principle, we are concerned that the proposed roof terrace could cause unacceptable noise and disturbance if used on a regular basis for get togethers and parties, especially in the Summer months.

We would ask that the University look again at the design and management issues associated with these aspects of the proposal and demonstrate as far as possible that noise and disturbance problems are designed out from the start.

Quality and accessibility of accommodation for students:

We are concerned that poor air quality and traffic noise will be harmful to those occupying bedrooms towards the front of the building, another reason to consider moving the communal areas to the front and the bedroom space towards the rear of the building.

We would also ask that the space provided by the student study rooms is adequate- this will be a densely packed Halls and we are concerned that the students' bedroom space will be adequate for their needs.

We are keen to ensure that the proposed accommodation is affordable to the vast majority of students, although we appreciate that this cannot be taken into account as part of the planning decision. We have heard through the Students in the Community Scrutiny Panel that many new Halls in the City are priced out of the range of most ordinary students living on low incomes.

We would ask that students accommodated in the building are discouraged from bringing cars to the City and that public transport/bus routes/cycle routes are promoted within the building. We would request that use of local Car Clubs by students is promoted through the allocation of a Car Club parking space outside the building and possibly incentives through Section 106 agreement monies.



PLANS LIST – 13 OCTOBER 2010

COUNCILLOR REPRESENTATION

Impact of the retail unit:

Regarding the retail unit, we appreciate that the unit has A1 shop use and therefore there can be no control over the final occupier. However we would like to highlight that the experience of the Lewes Road community garden site has shown that the local community want to see independent shops, not more supermarket chains which can exacerbate traffic and pollution problems, result in money leaving the community and can stifle local character and vibrancy.

We would be grateful if you could keep us informed of the likely Committee date.

Best wishes, Cllr Georgia Wrighton and Cllr Vicky Wakefield-Jarrett

Cllr Georgia Wrighton

Green Party Councillor Hanover and Elm Grove Ward  
Deputy Chair Adult Social Care and Housing Overview and Scrutiny Committee  
Member of Licensing Committee

<b><u>No:</u></b>	<b>BH2010/02012</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>25-28 St James's Street, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Redevelopment of first floor and airspace above to form residential development of 33 flats (including 13 affordable flats) over four floors above existing retail at 25-28 St James's Street Brighton</b>		
<b><u>Officer:</u></b>	Aidan Thatcher, tel: 292265	<b><u>Valid Date:</u></b>	16/07/2010
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	15 October 2010
<b><u>Agent:</u></b>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<b><u>Applicant:</u></b>	Dicotest LDA, c/o Lewis & Co Planning		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 9 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to the applicant entering into a Section 106 Obligation and to the following Conditions and Informatives:

### S106:

- £41,643 towards off-site open space;
- £13,881 towards the maintenance of the open space;
- £46,080 towards education contributions (£19,314 primary and £26,766 secondary);
- £16,500 towards sustainable transport infrastructure within the vicinity of the site;
- 13 of the units shall be affordable housing (39.4%);
- £24,500 toward the provision of public art, or implementation of public art along Dorset Gardens frontage;
- 9 of the units shall be fully wheelchair accessible (27.3%); and
- An undertaking to ensure an amendment to the Traffic Regulation Order to prevent all residents from becoming eligible for a residents' parking permit for the zone in which the Proposed Development is situated.

### Conditions

1. BH01.01 Full Planning.
2. No development shall take place until samples of the materials (including colour of render, paintwork and colour wash) 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.
3. BH02.07 Refuse and recycling storage (facilities).
  4. BH04.01 Lifetime Homes.
  5. BH05.01B Code for Sustainable Homes – Pre-Commencement (New build residential). Code level 4
  6. BH05.02B Code for Sustainable Homes – Pre-Occupation (New build residential). Code level 4
  7. Prior to the commencement of development, full details of the proposed rainwater recycling scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first occupation of the development hereby approved and maintained as such thereafter.  
**Reason:** In the interests of the efficient use of water and in order to comply with policy SU2 of the Brighton & Hove Local Plan.
  8. BH06.03 Cycling parking facilities to be implemented
  9. No development shall commence until a scheme for soundproofing between the ground floor commercial unit and the first floor residential accommodation has been submitted and approved in writing by the Local Planning Authority. The soundproofing 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. Prior to the commencement of development, detailed drawings including levels to OS Datum, sections and constructional details the proposed building and neighbouring buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details.  
**Reason:** In order to ensure the accuracy of the development and to comply with policy QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
  11. No development shall commence until full details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing the Local Planning Authority. The works shall be completed in strict accordance with the approved details.  
**Reason:** In order to ensure adequate water disposal from the site and to comply with policies SU4 and SU5 of the Brighton & Hove Local Plan.
  12. No works shall take place until full details of the proposed windows, doors, balconies, guttering and all other fenestration details at a scale of 1:20 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 of the building, an adequate integration with the conservation area and to comply with policies QD1, QD2, QD5 and HE6 of the Brighton & Hove Local Plan.
  13. The development hereby permitted shall be carried out in accordance with the approved drawing nos. A.01, A.02 A, A.04, A.05, A.06, A.07,

A.08, A.09, A.10 A, A.11, D.01 A, D.02, D.03 B, D.04 B, D.05 B, D.06 A, D.07 A, D.08 C and D.25 B submitted on 01.07.10 and drawing no. D.21 submitted on 21.07.10.

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

Informatives:

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

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

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public Art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD 20	Urban open space
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
SR20	Protection of public and private outdoor recreation space
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance Documents:

SPGBH 4: Parking Standards

Supplementary Planning Documents:

SPD03: Construction & Demolition Waste

SPD08: Sustainable Building Design; and

ii) for the following reasons:

The proposed scheme is a car free development which will provide 33 new flats in a central location which would limit the need for car borne travel therefore it would be beneficial to the environment and as such should be welcome.

In addition the development would provide much needed investment at the site which has been underutilised and in a poor state of repair for a number of years.

The development would not result in any significant adverse effects on residential amenity and would enhance the character of the Conservation Area.

2. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://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](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
4. The East Sussex Fire & Rescue Service Safety Office has recommended the installation of sprinkler systems for the building. Information concerning guidance and standards for domestic and commercial sprinkler systems is available by reference to British Standard Codes of Practice. For further information, please contact the Safety Officer on (01323) 462130.
5. IN05.07A Informative - Site Waste Management Plans (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build))  
The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq



m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: [www.netregs.gov.uk/netregs/businesses/construction/62359.aspx](http://www.netregs.gov.uk/netregs/businesses/construction/62359.aspx) and [www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_2.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html).

### 3 THE SITE

The application relates to a two storey building in retail use on the ground floor and storage on the first floor. The site is along two frontages the main frontage is to St. James Street, with the secondary, although longer, frontage being to Dorset Gardens. The St. James Street frontage is generally commercial with storage and residential uses on the upper floors. Buildings along St James's Street include three and four storeys.

Dorset Gardens is mainly residential with large three and four storey period terraced houses along the east side of the road. A public park is located to the west side of the road. To the southern end of Dorset Gardens along the western side there is a Methodist church and a two storey block of flats.

The site is identified in the Brighton & Hove Local Plan as part of the St. James's Street district shopping centre with protection being afforded to the retail unit. The whole site lies within the East Cliff Conservation Area.

### 4 RELEVANT HISTORY

**BH2008/03124:** Installation of 1 x refrigeration condenser and 3 x air-conditioning units at first floor level at 27-28 St. James Street and minor alterations - withdrawn 19/03/2009.

**BH2008/03123:** Installation of 2 x internally illuminated fascia box signs and 1 x internally illuminated projecting sign – approved 03/06/09.

**BH2008/03122:** Installation of new shopfront to front and side elevations and alterations to the Dorset Street façade – approved 08/07/2009.

**BH2008/03121:** Redevelopment of first floor and airspace above to form residential development of 34 flats including 13 affordable flats over 4 floors above existing retail at 25-28 St James's Street, along with the erection of an additional storey of accommodation at 24 Dorset Gardens. (Amended description) – approved 05/02/2010.

**BH2008/03120:** Installation of automatic telling machine and access door – approved 03/06/2009.

**BH2005/01965/FP:** Retention of external shopfront shutter – refused 18/08/2005.

**BH2003/03579/FP:** Conversion of first floor from storage use to 8 no. 2 bed flats and 1 no. 1 bed flat. External alterations including new windows, rendered elevations and a green roof – approved 14/07/2004.

### 5 THE APPLICATION

This application seeks permission for the redevelopment of the first floor and airspace above to erect 4 storeys of residential accommodation (comprising 33 residential units) above the existing ground floor retail units, including 13

affordable units.

The first to third floors cover the same footprint as the ground floor (with the exception of a small area to the rear (north) and a narrow section to the east to accommodate balcony/terrace areas to the first floor units). Thus the overall footprint of these units is approximately 21.8m wide x 41.7m deep. The proposed fourth floor is set in from the south, east and west boundaries of the lower floors and is to measure approximately 17.8m wide x 37.3m deep.

The heights of the buildings are stepped to denote the sloping nature of St James's Street, and it steps at the point between the two ground floor retail units to give the appearance of 2 no. separate buildings.

To the west (at the corner with Dorset Gardens) the height from pavement level to third floor level is approximately 14.8m, and to the top of the fourth floor is 16.9m. The eastern side of the building (where this steps up) the height to third floor level is approximately 14.9m, and to the top of the fourth floor is 16.9m. The heights are approximately the same, due to the rise of the street level.

Each flat would have access to independent internal cycle storage space with an electric charger (with a lift large enough to accommodate cycles to all floors). All flats would also have balconies with units at the penthouse level having access to a roof terrace.

The scheme includes communal refuse storage facilities on the ground floor along with a communal room that would be available for use by residents and for community purposes including meetings. This community facility would be situated on the first floor of the building. The applicant's have confirmed that this community facility would be for the exclusive use of residents and would not be available for any private/commercial use.

## 6 CONSULTATIONS

**External:**

**Neighbours:** One letter has been received from owner/occupiers of number **22a St James's Street** objecting to the proposal for the following reasons:-

- Loss of light;
- Overshadowing;
- Overlooking/loss of privacy;
- Overdevelopment of the site;
- Increased parking stress;
- Design not appropriate for the location in the conservation area; and
- Increased littering.

**Crime Prevention Officer (Sussex Police):** No objection subject to the incorporation of Secured by Design and other Security measures in the scheme.

**Fire Safety Officer:** Recommends the installation of sprinkler systems.

**Southern Water:** Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development and request that an informative reminding the applicants to submit a formal request.

There is currently inadequate capacity in the local network to provide surface water disposal. The public sewer is a combined system, receiving both foul and surface water flows and no flows greater than currently received can be accommodated in this system. A condition is requested dealing to confirm full details of foul and surface water disposal be submitted prior to commencement of development.

**Conservation Advisory Group:** The group were concerned with the multi colour tone and felt it should be quieter and blend in more with the street scene. The group requested details of the design of the mural be brought to them for consideration before the application is submitted.

**Internal:**

**Capital Strategy and Development Planning (Education):** Seeks a contribution towards education infrastructure should this development proceed as it will impact on the provision of school places in the city. The proposed development contains 33 units in total (20 market and 13 affordable) in a mixture of 1, 2 and 3 bed sizes. The reason for seeking a financial contribution is the impact that this development will have on the need for school places in the primary and secondary sectors. The contribution required to mitigate the impact from this proposal is £19,314 for primary education and £26,766 for secondary.

Will not be separating out the contributions on the basis of tenure even though it is well documented that affordable housing generates considerably more school age children than equivalent market housing.

This figure is higher than previously requested (despite the loss of 1 unit) due to the cost of providing one school place having increased according to the DCSF (now DfE).

**Conservation and Design:** The building on this site is poorly designed and is not well maintained. It has a negative impact on the character of the conservation area. The shop fronts are modern and of little historic character, the blank ground floor to Dorset Gardens is inactive, and the prefabricated first floor has few architectural qualities.

This application is largely a resubmission of the previous scheme BH2008/03121, which was approved. The difference with this scheme is the omission of the increase in height to 24 Dorset Gardens, and it is considered that this change does not alter the acceptability of the rest of the scheme.

Further large scale details of the windows, doors, balconies etc are required for approval, and samples of the proposed materials should also be required by condition.

Details are also required for prior approval of the public art proposed as part of this scheme, therefore please add a condition accordingly.

**Sustainable Transport:** We would not wish to restrict grant of consent of this Planning Application. Subject to the inclusion of the following condition[s] and/or informative[s]:

1. The development shall not be occupied until cycle 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 cycles

**Reason:** In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

2. The Applicant enters into a legal agreement with the Council to contribute towards improving accessibility to bus stops, pedestrian facilities, and cycling infrastructure in the area of the site;

**Reason:** In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

No information has been provided that indicates the potential transport impact of the proposal. The following assessment is based on my analysis of relevant software & research papers.

#### Parking Demand

The Department for Communities and Local Government research paper published in May 2007 shows that the average demand for car parking for city centre flats is up to 0.6 spaces per flat. This is for flats with up to 3 bedrooms. This would suggest that the overall demand for car parking, without associated controls, would be for 20 spaces. The site is located within the city's CPZ zone C, which current has no waiting list and 136 permits available out of the total of 1477 permits.

Planning Policy Guidance 13 (Transport) notes that when implementing policies on parking local authorities should not require developers to provide more [car parking] spaces than they themselves with, unless in exceptional circumstances, which might include significant implications for highway safety. There are no significant circumstances in the surrounding area that would be exacerbated by this proposal. It would therefore not be reasonable or supportable at an Appeal to make a recommendation for refusal based upon the reduced level of car parking.

The Applicant is providing 48 cycle parking spaces, this averages at 1.5 spaces per flat. The parking is provided within the flats, which is not an ideal situation. However, they are also providing a large lift & wide corridors to

accommodate cyclists who would wish to keep their bikes in the proposed storage facilities. Given the restricted nature of the street scene around the site it is unlikely that on street spaces could be provided without significantly affecting road capacity by constructing 'build outs'. This would not be welcomed, on balance the proposed cycle parking is considered acceptable.

#### Traffic Impact

TRICS 2010(B) 1 vehicle trip per day for privately owned flats in town centre locations flats for rent less than 1 (0.8 per flat). This would suggest that the site would create an increase in vehicle movements to and from the site of roughly 33 per day. This is not considered material given the fact that the Applicant is offering to site to be car free, which would inevitably reduce the daily vehicle movements to & from the site. Deliveries etc would be served via the Loading Bay in St James's St, which is located roughly 60m from the entrance to the flats off Dorset Gardens.

For this proposal the contribution should be: 33 new units \* 5person-trips \* £200 \* 50% = £16,500

There are five bus stops within the vicinity of the site that would benefit from being upgrades, one in Lower Rock Gardens, two on Marine Parade, & a further two on St James's Street past the junction with Lower Rock Gardens. This contribution could be spent of upgrading any of these stops.

**Planning Policy:** The general principle of this proposal was accepted when BH2008/03121 was granted. Whilst the current proposal is for one less residential unit it is not felt to significantly alter the planning policy issues. There are therefore no further comments.

**Open Space:** No objection subject to a contribution of £55,524.25 for the improvement of children's equipped play, casual/informal play and adult/youth outdoor sports within the vicinity of the site including £13,881.06 for its subsequent maintenance.

#### **Access Consultant:**

##### General

There is a line outside the 8 person lift at Ground Floor level that looks alarmingly like a step. Clarification required. This is important because the wheelchair accessible units need access to two lifts to allow for temporary down time such as servicing etc.

##### Lifetime Homes

In these units, the basins can project a maximum of 200mm into the space beside the WCs. (Currently appears more)

Confirm whether it would be possible to move the WC to one side to leave an effective transfer space in Unit 32. (i.e. 1m from centre line of bowl to any obstruction.)

Wheelchair accessible housing

The wheelchair accessible units should preferably have a level entry shower fitted rather than a bath, but in any event, should be able to accommodate floor falls and drainage for a level entry shower.

In these units, the basin should not project into the transfer space beside the WC at all.

The wheelchair storage space needs to be 1700mm x 1100mm open on the long side. (unit 17, unit 18, unit 26 & unit 27)

Confirm that access threshold to balconies is level.

**Environmental Health:** Note that the application site has had a number of previous applications. However comment that with regards to noise, it would appear that the first floor plan drawing number D.03 of job 1600/08 identifies a two bedroom dwelling with windows looking directly onto existing plant which serves the current Tesco's site below at 25-26 St James's Street. This plant runs continuously and suggest that this be looked into with sufficient mitigation measures to protect future residents.

**Housing Strategy:** Housing Strategy support this scheme for the provision of much need affordable housing.

The scheme will provide 33 flats of which 13 will be for affordable housing. Across the City the required tenure split for affordable housing will be 55% social rented and 45% intermediate: shared ownership/intermediate rent. For individual the exact tenure split will be guided by up to date assessments of local housing need and site/ neighbourhood characteristics. In the event that social housing grant is not available the registered provider will need to deliver the affordable rented units as shared ownership/ intermediate rent. The provider would need to demonstrate that public subsidy is not available for this scheme.

The affordable housing units should be owned and managed by a Registered Social Landlord who has entered into a nomination agreement with the City Council and provide us with 100% nomination rights in the first instance and 75% thereafter.

Design

To ensure the creation of mixed and integrated communities the affordable housing should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy.

The affordable housing should be tenure blind and fully integrated with the market housing. It should be distributed evenly across the site or in the case of flats, in small clusters distributed evenly throughout the development.

All new schemes should be built to meet or exceed the Homes & Communities Agency's current Design & Quality Standards (April 2007) incorporating the Building for Life Criteria and Code for Sustainable Homes Level 3 as a minimum.

Meets Secure by Design principles as agreed by Police Architectural Liaison Officer.

Private outdoor amenity space provided in the form of balconies and terraces, plus ideally access to ground floor space including play areas.

At least 10% of the affordable units should be built to the Council's wheelchair accessible standard as set out in the Planning advice note- Lifetime Homes & Accessible Housing (PAN 03). We would recommend that the Access Officer is consulted to ensure the scheme complies with Policy HO13.

#### Affordable Units Sizes

Locally to ensure the development of new homes are of a good standard, that are flexible and adaptable and fit for purpose all new affordable homes must be built to the following minimum internal space standards

1 Bedroom / 2 person homes	51 <sup>2</sup> m
2 Bedroom / 3 person homes	66 <sup>2</sup> m
2 Bedroom / 4 person homes	76 <sup>2</sup> m
3 Bedroom / 5 person homes	86 <sup>2</sup> m

These minimum internal space standards are based on the English

Partnership's space standards ( revised from November 2007)

#### Affordable housing mix

For the City as a whole the preferred affordable housing mix in terms of unit size and type to be achieved is 40% one bedroom units, 50% two bedroom units and 10% three bedroom and or larger. Up to date assessments of housing needs ( for example, the Strategic Housing Market assessment April 2008) show that although the greatest need ( numerically) is for smaller one and two bedroom properties, there is significant pressure on larger family sized homes. For this reason we welcome proposals that include higher proportions of family sized homes.

A local lettings plan will be drawn up with Housing Strategy to ensure that the scheme is appropriately managed Some of the units will be targeted at people downsizing from larger family homes.

**Public Art:** In line with the previous application (BH2008/03121) for this site, it is suggested that the public art element for this application be to the value of £24.500.

The level of contribution to meet QD6 requirements is reached after the

internal gross area of the development (approx 3,570sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of public art contributions for this type of development in this part of the city.

## 7 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public Art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD 20	Urban open space
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
SR20	Protection of public and private outdoor recreation space
HE6	Development within or affecting the setting of conservation areas

### Supplementary Planning Guidance Documents:

SPGBH 4: Parking Standards

### Supplementary Planning Documents:

SPD03: Construction & Demolition Waste

SPD08: Sustainable Building Design

## 8 CONSIDERATIONS

The main considerations in the determination of this application are the planning history, impact on street scene and wider area, amenity issues, transport issues, affordable housing, education contributions and



sustainability issues.

Planning history

As can be seen in section 4 of this report, application BH2008/03121 has recently been approved on the site, following the completion of a section 106 agreement.

This application was for the redevelopment of the first floor and airspace above to form residential development of 34 flats including 13 affordable flats over 4 floors above existing retail at 25-28 St James's Street, along with the erection of an additional storey of accommodation at 24 Dorset Gardens.

This application was identical to the current scheme in terms of the main build, height, massing and design of the building where it is above nos. 25-28 St James's Street. The difference arising is that the scheme no longer includes an additional storey of accommodation at 24 Dorset Gardens.

Therefore the principle of the design, height, scale, bulk, massing, use and other associated impacts have been considered acceptable in the previous application. There have been no significant changes to material planning considerations since the decision earlier this year. As such, this scheme only considers the issues arising from the removal of this element of the scheme, which reduces the number of units by 1 to 33.

Impact on street scene and conservation area

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

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

- a. Height, scale, bulk and design of existing buildings;
- b. Topography and impact on skyline;
- c. Natural and developed background or framework against which the development will be set;
- d. Natural and built landmarks;
- e. Layout of street and spaces;
- f. Linkages with surrounding areas;
- g. Patterns of movement within the neighbourhood; and
- h. Natural landscaping.

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

The visual appearance of the site would be fundamentally altered to accommodate the proposed development.

Policy HE6 confirms that proposals within or affecting the setting of a conservation area should preserve or enhance its character and appearance.

As noted above, the principle of the scheme has already been accepted in terms of the wider issues of height, scale, bulk and massing.

Application BH2008/03121 involves the erection of an additional storey and front dormer at no. 24 Dorset Gardens. The additional storey would raise the height of the building to match that of the adjoining building no. 23 Dorset Gardens. This would be consistent with the existing terrace and would preserve and enhance the historic character of the conservation area in general.

The removal of this part of the proposal would result in a mixed and less uniform approach to the heights within Dorset Gardens, and would increase the perceived dominance of the proposed development when viewed in context adjacent to the existing height of no. 24. However, on balance, it is not considered that the removal of this part of the scheme would be so significant to warrant the refusal of the scheme and thus is considered to be acceptable.

#### Amenity Issues

##### *For Neighbours*

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

The alterations proposed are not considered to give rise to any detrimental impact to any neighbouring occupier. Due to the removal of part of the scale, bulk and massing, it is considered that if anything the revised scheme represents an improvement from the previously approved scheme.

That said, the comments from Environmental Health are noted in relation to the plant to the Tesco machinery at first floor level. Clarification has been received from the applicant that the residential unit facing these will benefit from triple glazing to address this issue, and this is combined with the fact that the approval for this plant includes conditions to ensure adequate sound attenuation measures.

Therefore it is not considered that there would be any adverse issues arising from this.

##### *For Future Residents*

Again, there are limited alterations to the scheme internally, and the majority

of the units remain as previously approved.

Brighton & Hove Local Plan policy HO13 requires that all new residential units should comply with Lifetime Homes standards, and, on larger schemes such as this proposal, 5% of units are built to a wheelchair accessible standard.

That said, concerns has been raised from the Access Consultant in relation to lifetime homes, and officers are currently awaiting clarification from the applicants on this matter.

The proposal also exceeds the required level of wheelchair accessible housing, and forms part of the legal agreement.

Policy HO5 requires the provision of private usable amenity space in new residential development. Each of the units includes an element of private amenity space and thus is acceptable. This is the same as per the previously approved application.

Brighton & Hove Local Plan policy HO6 requires that new residential development provides outdoor recreational space, specifying that 2.4 hectares per 1000 population accommodated within the development should be provided. This is not provided within the site, although it is noted that there is communal terrace space at third and fourth floor levels.

As per the previous approval, a contribution is sought to ensure adequate provision off-site, with associated maintenance. The s106 contributions have been reduced to reflect the loss of 1 unit.

#### Transport

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

Policy TR2 relates to public transport accessibility and parking and confirms that permission will only be granted where the development proposal has been assessed to determine the level of accessibility to public transport.

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

Likewise, this aspect has previously been considered in the previous approved. The comments from the Sustainable Transport Team are noted, in that a contribution would be required to mitigate the impact. Again, this forms part of the legal agreement and has been reduced to allow for the reduction of units.

Policy HO7 will grant permission for car free housing in locations with good

access to public transport and local services and where there are complementary on-street parking controls and where it can be demonstrated that the development will remain genuinely car-free over the long term. The most practical way of achieving this is to restrict residents parking permits within Controlled Parking Zones.

As per the previous approval, it is proposed to ensure that the scheme is genuinely car free, and such provision is addressed in the proposed legal agreement.

Policy TR19 requires development to meet the maximum parking levels set out within Supplementary Planning Guidance Note 4 'Parking Standards'. As per the previous approval, cycle parking provision is within each unit, with an adequately sized lift to accommodate cycle to all floors of the development. This is therefore considered to be acceptable.

#### Affordable Housing

This is a major development incorporating 33 new flats and as such policy HO3 applies. This policy requires that the Local Planning Authority seeks to negotiate with developers to secure a 40% element of affordable housing.

The proposal would achieve the provision of 39.4% 13 units of affordable housing, 55% to be social rented and 45% intermediate.

As the policy requires negotiation with developers to secure a 40% element of affordable housing. The proposed provision of 39.4% is considered acceptable in this instance.

#### Education contributions

Policy QD28 relates to planning obligations and confirms that obligations will be sought in relation of a variety of issues, including education, when they are necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other aspects.

The comments from Capital Strategy and Development Planning (Education) are noted, in that they are requiring education contributions totalling £40,080 (£19,314 primary and £26,766 secondary) in order to mitigate the impact arising from the development. It is also noted that affordable housing generates a significant need for education places within the city and thus whilst the contribution has been made using private units, the contribution is extremely low compared to the future need.

This represents an increase in education contributions from the previous scheme despite the loss of 1 unit. However this is due to the contributions being index linked, and it being 18 months on from when the previous contribution was initially requested.

Sustainability

Any new residential building upon the site would need to conform to the requirements of SPD08. This means that a fully completed Sustainability Checklist is required, and the building must meet Level 4 of the Code for Sustainable Homes as a minimum.

This was dealt with during the previous application and thus a condition is again recommended to secure the relevant standard and this is considered to be acceptable.

**9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed scheme is a car free development which will provide 33 new flats in a central location which would limit the need for car borne travel therefore it would be beneficial to the environment and as such should be welcome.

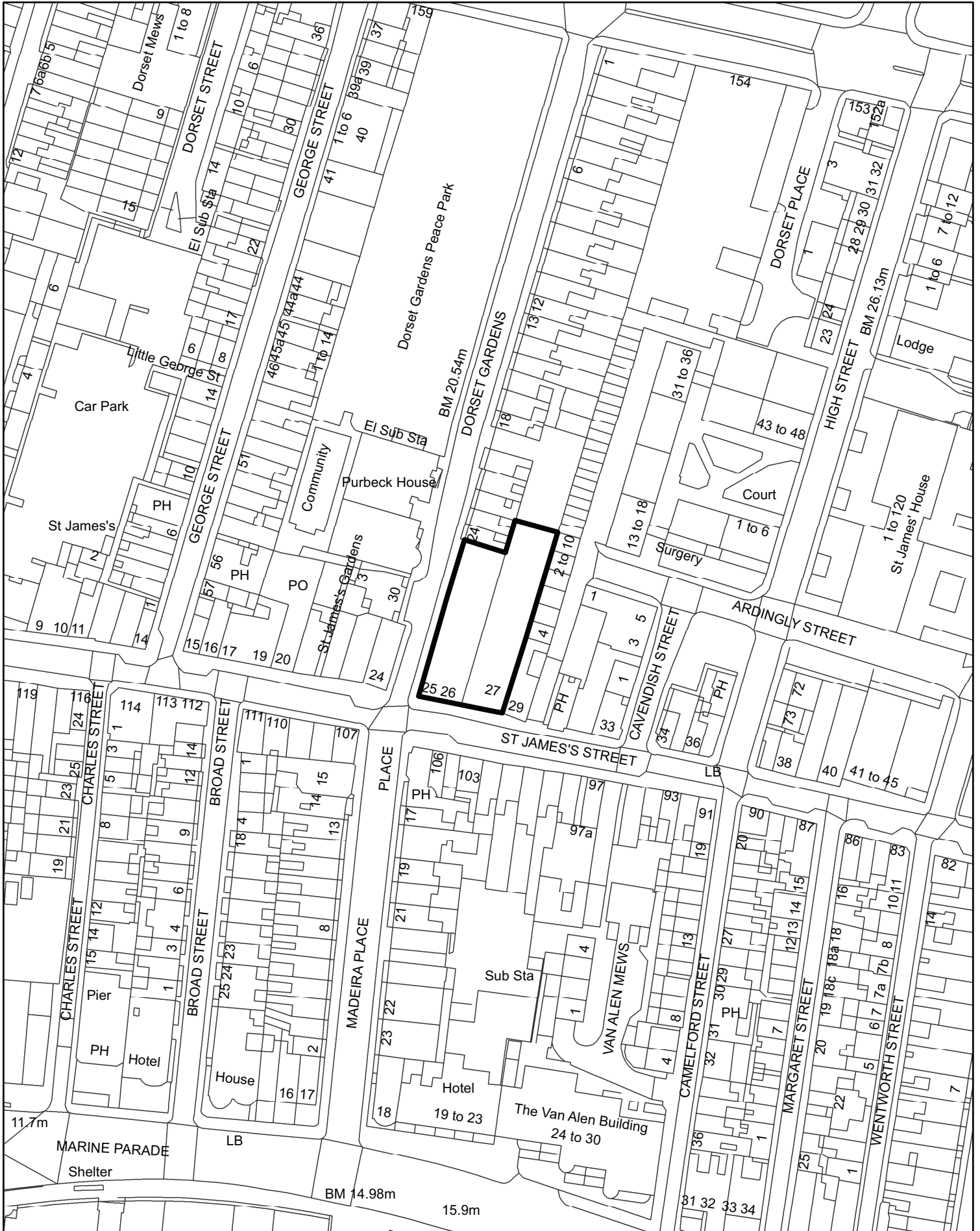
In addition the development would provide much needed investment at the site which has been underutilised and in a poor state of repair for a number of years.

The development would not result in any significant adverse effects on residential amenity and would enhance the character of the Conservation Area.

**10 EQUALITIES IMPLICATIONS**

The development accords with to Lifetime Homes and Wheelchair accessible standards.

# BH2010/02012 25-28 St. James's Street



<b><u>No:</u></b>	<b>BH2010/02344</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type</u></b>	<b>Council Development (Full Planning)</b>		
<b><u>Address:</u></b>	<b>The Royal Pavilion, 4 - 5 Pavilion Buildings, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Temporary ice rink on the Royal Pavilion Eastern lawns. Structure to include ancillary buildings for a restaurant, crèche, café, toilet facilities and skate hire. Proposed dates are 26th October 2010 to 23rd January 2011 including set up and break down, with resurfacing to be completed by 23rd February 2011.</b>		
<b><u>Officer:</u></b>	Sonia Kanwar, tel: 292359	<b><u>Valid Date:</u></b>	01/09/2010
<b><u>Con Area:</u></b>	Valley Gardens	<b><u>Expiry Date:</u></b>	01 December 2010
<b><u>Agent:</u></b>	Laine Ltd, 31 North Road, Brighton		
<b><u>Applicant:</u></b>	Brighton & Hove City Council, Ms Trish Baker, Royal Pavilion, 4-5 Pavilion Buildings, Brighton		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions

1. The use hereby permitted shall be discontinued and the ice rink and associated buildings/structures hereby permitted removed from the site on or before 23 January 2011. The land shall be restored to its condition immediately prior to the buildings being situated on the land within two months of 23 January 2011 in accordance with a scheme of work to be submitted and approved in writing by the Local Planning Authority.  
**Reason:** The use and buildings hereby approved are not considered suitable as a permanent form of development, to safeguard the setting of the Royal Pavilion and its Estate, to protect the character and appearance of the Valley Gardens conservation area and to comply with policies HE3, HE6 and HE11 of the Brighton & Hove Local Plan.
2. The ice rink hereby permitted shall not be open to customers except between the hours of 10.00 and 22.30.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
3. The café hereby permitted shall not be open to customers except between the hours of 09.00 and 24.00 each day.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
4. The total number of people on the ice rink at any one time shall not exceed 200.  
**Reason:** To ensure provision of an appropriate amount of ancillary facilities, and to protect the amenity of its users and neighbouring residents in compliance with policies TR14, SU9 and QD27 of the Brighton & Hove Local Plan.

5. The main floodlighting illuminating the rink hereby permitted, referred to in the Exterior Lighting Specification document received on the 1<sup>st</sup> September 2010, shall be switched off between the hours of 23.00 and 09.00 the following day.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
6. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
7. No development shall commence until a scheme of measures to protect the public water supply has been submitted to and approved in writing by the Local Planning Authority. All existing infrastructure including protective coatings and cathodic protection, shall be protected during the course of construction works. The works shall be completed in accordance with the details and timetable agreed.  
**Reason:** In order to protect water apparatus beneath the site and to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
8. No development shall commence until an Arboricultural Statement regarding the trees / shrubberies / herbaceous borders, including the shrubberies / trees to the south of the proposed development as well as at the proposed entrance, has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Statement shall include details of protection of these trees to BS5837 (2005) Trees on Development Sites during the development, as well as any pruning works that need to be undertaken. All pruning operations shall be carried out to BS 3998 (1989) Tree Pruning Operations. The works shall be implemented fully in accordance with the approved details.  
**Reason:** To safeguard the character and appearance of the area and to ensure the protection of the trees in accordance with Policies QD16 and HE11 of the Brighton & Hove Local Plan.
9. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be open to customers until the measures proposed to protect the steps leading to the eastern elevation of the Royal Pavilion (specified in the Method Statement and the Photo of the De Boer barriers received on the 29th July 2010) have been fully implemented. The steps shall thereafter be protected at all times for the duration of the development including during removal of the ice rink and buildings from the site.  
**Reason:** To ensure the satisfactory preservation of the listed building and



- to comply with policy HE1 of the Brighton & Hove Local Plan.
10. The development hereby permitted shall not be brought into use 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 staff and visitors and shall be removed from the site on or before 23<sup>rd</sup> January 2011 following the cessation of the ice rink use.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
11. Prior to commencement of any works hereby approved, a photographic record of the site and its immediate surroundings, including the east steps to the Royal Pavilion, the eastern boundary wall, the paths and ponds and all affected trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority. All photographs shall be clearly marked or labelled to enable identification.  
**Reason:** To ensure the satisfactory preservation of the listed building and grounds and to comply with policies HE1, HE3 and HE11 of the Brighton & Hove Local Plan.
12. The development hereby permitted shall be carried out in accordance with the approved drawings nos. NL100248D Sheets 4 and 6 and the Method Statement for protecting the stone steps leading up to the Pavilion submitted on 23 July 2010, NL100248D, CRS Technical Data Sheet and the Plant and Equipment Handling Method Statement submitted on 29 July 2010, unnumbered layout drawing submitted on 30 July 2010, Plant Area Blockplan, Plant Area 2 and the 'Trees, shrubbery and herbaceous borders protection measures and pruning works' document submitted on 10 August 2010 and VW001 submitted on 1 September 2010.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Informatives:

1. This decision to grant Planning Permission has been taken:
- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:  
Brighton & Hove Local Plan:
- |      |   |
|------|---|
| TR1  | Development and the demand for travel                 |
| TR2  | Public transport accessibility and parking            |
| TR7  | Safe Development                                      |
| TR14 | Cycle access and parking                              |
| SU9  | Pollution & nuisance control                          |
| SU10 | Noise nuisance  |
| QD1  | Design – quality of development and design statements |
| QD2  | Design – key principles for neighbourhoods            |
| QD4  | Design – strategic impact                             |

QD14	Extensions and alterations
QD16	Trees and hedgerows
QD18	Species protection
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
SR17	Smaller scale sporting and recreational facilities
SR20	Protection of public and private outdoor recreation space
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE11	Historic parks & gardens; and

(ii) for the following reasons:

The proposed development will provide the City with a much needed and welcome ice rink serving residents and visitors to the City, albeit for a limited time period. There would be no physical alterations to the Royal Pavilion. As a temporary facility and subject to conditions, it would not significantly harm the setting of the listed Royal Pavilion and Gardens or the wider conservation area, would generate income to the benefit and future upkeep of the Royal Pavilion and Gardens and would cause no significant harm to the amenity of the surrounding properties.

2. Licensing

It is the applicant's responsibility to submit any necessary applications to the Licensing Authority to ensure compliance with the Licensing Act 2003.

3. Investigations under the Environmental Protection Act 1990

The applicant should be aware that the grant of any planning permission does not prevent the environmental health department initiating an investigation should complaints be received. The department also has powers to deal with statutory nuisances which may include noise or light.

4. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. For further advise, please contact *Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).*

**3 THE SITE**

The application site relates to the eastern lawns within the grounds of the Royal Pavilion. The site is adjacent to the Grade I listed Royal Pavilion and is within the Royal Pavilion Estate, which is a registered Garden of Special Historic Interest.

The site is located within the Valley Gardens Conservation Area. Old Steine/Pavilion Parade, the main north-south vehicular route into the city lies

immediately to the east of the site.

The nearest residential properties are in Palace Place to the south of the site and there are also flats on the opposite side of Pavilion Parade.

#### **4 RELEVANT HISTORY**

**BH2009/02089:** Temporary ice rink on the Royal Pavilion eastern lawns. Structure to include ancillary buildings for a café, toilet facilities and skate hire. Proposed dates are 1st November 2009 to 23rd January 2010 including set up and break down. Approved 11/11/2009. This permission was not implemented.

No other relevant planning history on this site, although there have been many applications over the years affecting the Royal Pavilion Estate.

#### **5 THE APPLICATION**

The application seeks consent for a temporary ice rink on the Royal Pavilion eastern lawns. The structure is to include ancillary buildings for a café, toilet facilities and skate hire. It will consist of :

- 700 square metre ice rink
- 6 no. 4 metre lighting towers surrounding the rink
- Single storey 35 x 8 metre temporary A-frame building housing interior cafe seating
- Single storey 30 x 15 metre temporary A-frame building housing servery, further café seating and skate exchange area
- Adjoining single storey 10 x 15 metre temporary A-frame building housing toilet block, cloakroom and first aid area
- Separate kitchen portacabins external to the A-frame structures serving the cafe
- Plant compound located to north of ice rink with 4 sided acoustic screen in olive steel galvanised steel
- 9 x 3 metre decked area between the rink and Pavilion
- 20 x 5 metre decked area between the rink and the 30 x15 metre structure
- 5 x 7 decked area to the south of the rink for the ice surfacing machine to sit on when parked during sessions.
- 2.5 x5 metre no. viewing balcony to the south of the 8 x 35 metre structure for visitors to photograph the Pavilion
- Associated lighting including floodlights

The rinkside and roadside structures will have aluminium frames and glass walls. There is no cover for the rink. Other than the toilet block, the other areas will have transparent PVC roof sails.

It is proposed that the opening hours of the rink will be 10am to 10.30pm. There will be a maximum of 200 people on the rink at any one time and up to 200 people waiting to go onto the rink. The café will offer seating for up to 220 people.

The application is almost identical to the approved 2009 scheme; there are some minor amendments including the plant located to the north of the rink; the ice machine pad located to the south eastern corner of the rink; the viewing platform to the east reduced in area; changes to the Pavilion lighting; deletion of the ticket booth from the scheme.

## 6 CONSULTATIONS

**External:**

**Neighbours:** None received.

**English Heritage:** No objections to development as a temporary installation for one year. This scheme would do considerable harm to the setting of the grade I listed Royal Pavilion because of its scale, prominence, proximity and the significance and sensitivity to change of the Pavilion and its landscape setting. However, some important improvements have been made to the current proposal which have reduced that harm and increased the wider benefits of the scheme compared with the previous application. The amendments now proposed include the provision of complimentary public access to the Pavilion's eastern lawns and to the ice rink's viewing platforms so that any visitor to Brighton can enjoy a largely unobstructed view of the Pavilion, although views of Pavilion from the Old Steine would remain greatly affected. For this to be effective mitigation, clearly signed routes from the pavement of the Old Steine to the viewing platforms will be required to ensure that the public could benefit from this arrangement. The supporting planning statement also confirms that the Pavilion will now benefit financially from a fixed charge for hire of the venue and a share of any profits, both ring-fenced for maintenance works. These financial arrangements will need to be reviewed after the first event is completed. This nonetheless remains a scheme with damaging anticipated consequences for the setting of the internationally significant, grade I listed Royal Pavilion. However, English Heritage are willing to agree to it on a one-year trial basis, as a means of testing the market for, and practicality of, an ice rink, and thus attracting the investment in future years that would permit a less harmful design whilst maximising future financial benefits for the Pavilion. If the event is financially successful enough to be repeated in subsequent years, radical changes to the design would be necessary, in particular to ensure that views of the Pavilion from the Old Steine could still be obtained.

**East Sussex Fire Brigade:** No objections.

**Brighton & Hove Archaeological Society:** No objections subject to a watching brief.

**County Archaeologist:** No recommendations. Although this application is situated within an Archaeologically Sensitive Area, the fact that it has been confirmed that there will be no below ground impacts of any sort means that any archaeological remains are unlikely to be affected by these proposals.

**CAG:** Refusal recommended on the grounds of the harm caused to the setting of the Royal Pavilion and its grounds. The group noted that an open air winter ice rink would be a welcome addition to the city, and would be appropriate in other public open spaces within the Valley Gardens Conservation Area. It was also noted that the application was for a temporary period, during which time the operation would be monitored and the impact reviewed, and that the operation would provide the Council with additional income. However the group placed considerable weight on the visual impact of the development, concluding that the tented structures are unattractive and would obscure an important view of the Royal Pavilion, causing serious harm to its setting. By a majority vote of 8 to 4, CAG agreed to object to the application, and asked that the application be reported to the Planning Committee for determination.

**Environment Agency:** No objections.

**Sussex Gardens Trust:** No objection in principle to the temporary development provided the safeguards in respect of the Pavilion grounds are secured by condition.

**Southern Water:** No objections subject to conditions. The exact position of the public sewers and water mains must be determined on site by the applicant before the layout of the proposed development is finalised. All existing infrastructure including protective coatings and cathodic protection should be protected during the course of construction works. In order to protect water apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission that states that the developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public water supply main. Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

**Internal:**

**Planning Policy:** The key policy implications for the principle of this proposal would be the same as those considered in respect of the similar application submitted last year (BH2009/02089) which was approved. Consideration of this application therefore depends on the detail (e.g. the variations in the temporary period, hours of use, site area, extent of uses and buildings, numbers of staff etc).

**Conservation & Design:** No objections to development as a temporary installation. This application is a resubmission following last year's application and contains some minor variations. Considering the amount of time available to the applicant to re-submit an application the standard of the application remains disappointingly poor. In particular, whilst there are a number of supporting written statements the basic quality of the plans and the minimal

level of visual information make it difficult to fully assess the scheme.

The position of the ice rink and the layout and design of the supporting structures remains largely unchanged. The ice machine pad has moved to the south-east corner of the rink, from the south-west, and more information on this area would be useful in assessing the impact of this change. It is assumed that the ice machine itself will not remain on the pad outside opening times. A new public viewing platform is also proposed in this corner, in response to issues raised by English Heritage, but no details are given of the height and materials of this platform. A plant area is now proposed to the north of the Pavilion. The ticket office shown on the previous application to the north-east the Pavilion is no longer shown as this is incorporated into the main entrance structure.

The east frontage of the Royal Pavilion is the main set piece of the listed building in terms of its architectural composition and forms the most visually striking and prominent view of the building. The eastern lawns are a much simpler and more formal space than the gardens to the west. They form an integral and highly important part of the setting of the building, allowing the drama of the buildings east elevation and roofline to unfold. This is part of the building's significance. The proposed development would have a substantial impact upon the setting of the listed building, the appearance of the conservation area and the character of the registered historic gardens. That impact will, in the way that it obscures views of the Pavilion and infills its open setting, inevitably be harmful. This harm does not arise from the ice rink itself but from the supporting structures. It is noted that the applicant has considered siting all associated structures to the north of the rink but that this would prove impractical. The arguments in this respect appear to be cogent. A public viewing platform has been provided in response to concerns regarding the loss of views of the east elevation. Whilst this is welcome it would appear to provide a very different and limited viewpoint and access to it is not clear from the plans. (The supporting report states that a representation of the view from this platform would be provided with the application but it appears to have been omitted). The harm arising from the proposal needs to be considered against the wider public benefits of the ice rink, including the use of income generated to maintain the Pavilion and gardens/lawns.

It would have been most helpful for the application to have included a views analysis and/or photomontages to enable the visual impact of the temporary structures to be fully evaluated. Given the height and scale of the Pavilion compared to the proposed structures, however, and given the fact that existing views of the Pavilion itself are already affected to some degree by trees and bus shelters (from the south-east) it is considered that the overall sense of scale and visual dominance of the Pavilion would be likely to remain, particularly in regards to its distinctive onion domes and roofline. Regard should also be had to the fact that the period of operation of the ice rink would be the shorter days of the year. Therefore on a strictly temporary basis the proposal could be considered acceptable and a temporary permission for this period would enable the impact on the setting of the building and on key

views to be better understood. That understanding can then inform decisions on any future similar proposals.

The access and egress arrangements are described in supporting documentation but not marked on any plan. Such a plan should be provided and agreed before any permission is granted. The block plan should also be amended to show the acoustic screening around the plant area because it is currently not clear which sides will be screened.

With regard to the potential physical impact on the Pavilion and the historic gardens through wear and tear and installation etc, the impact on the soft landscaping has been addressed in the application and the timing of the event should allow the grass to recover in the spring. Again, any adverse impacts can be assessed via a temporary permission and used to inform decisions on any future proposals. The method statement for protecting the stone steps is adequate in respect of the Pavilion itself.

It would be appropriate to add a condition requiring submission of an 'as existing' photographic record of the site area and its immediate surrounds to be submitted prior to commencement, which can be used to assess any impacts that arise from the operation of the development and inform any future decisions. Other conditions should require further details of the public viewing platform and details of the exact colour of the acoustic screening to the plant area, to ensure that an appropriate green is used. The 'exterior lighting specification' refers to a scaffold with signage saying 'Royal Pavilion Ice Rink' but there is no information on the proposed location of this. Its visual impact could be significant. It is assumed however that it will require a separate application for Advertisement Consent. An informative to this effect could be added to any permission.

**Sustainable Transport:** No objections subject to cycle parking provision. Given the nature of the proposals and that it is a temporary facility for 13 weeks, it is anticipated that the majority of these person trips will be linked trips associated with visits to Brighton city centre and as such the proposed development would not result in any additional trips to the site and therefore no contribution or additional parking requirements are required.

The proposed application is currently within the city's controlled parking zone Z (CPZ). The proposal does not propose any car parking as part of the application but suggests within the Design and Access Statement that car parking requirements have been taken into consideration: 'Visitors booking online will be advised of the location the nearest NCP car parks and NCP have agreed a 25% discount to all visitors on presentation of a valid ice rink ticket for that day.'

There is inconsistency within the documents provided by the applicant on proposal of cycle parking. It is stated in the application form that there will be no Cycle parking spaces, however it is noted that 'bike racks' are proposed in drawing NL100248D. While there is cycle parking within the immediate area

of the Royal Pavilion it has been observed that this cycle parking is well used and would therefore limit availability for people to park their bicycles nearby in association with the ice rink. The Highway Authority therefore recommends that the applicant, at a minimum, provides the cycle parking facilities detailed in drawing NL100248D.

**Environmental Health:** No objection subject to conditions. Satisfied that the plant is required to run continuously to maintain the ice rink and ice conditions. The plant running in combination with other equipment has been considered within the noise report and the consultant is satisfied that the City Council's noise standard is capable of being met. The 2.5metre acoustic barriers are necessary around the plant located to the North of the ice rink.

**Arboriculturist:** Reiterate comments made last year. Inadequate information has been submitted regarding trees. The proposed tree protection measures are not to BS 5837 (2005) Trees in Relation to Construction and a chestnut paling fence will be inadequate. Request a full tree survey along with relevant protection measures. On the basis of current information, object to the application.

**Economic Development:** Fully supports the application. The proposal will provide an added attraction and facility for the city during the build up and also post festive season which will also provide temporary employment opportunities. The applicant states that up to 130 temporary jobs will be created during the length of time applied for together with 16 full time jobs. The applicant has provided further information with regards to the jobs and the break down of jobs is as follows;

Ice Rink

5 full time jobs (during the lifetime of the project including 2 permanent jobs associated with the company)

30-40 part time jobs ice wardens and skate exchange staff recruited locally

Restaurant

11 full time management and kitchen staff (locally from Due South)

Up to 90 part time staff recruited locally

The economic development team welcomes and supports the employment opportunities that are being created with this proposal.

**City Clean:** No objections.

**Ecologist:** No comments.

## 7 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR7 Safe Development
- TR14 Cycle access and parking



SU9	Pollution & nuisance control
SU10	Noise nuisance
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD18	Species protection
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
SR17	Smaller scale sporting and recreational facilities
SR20	Protection of public and private outdoor recreation space
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE11	Historic parks & gardens

## 8 **CONSIDERATIONS**

### Principle of development

The City has a long history of ice skating facilities. From 1935 to 1965 the Sports Stadium Brighton in West Street had a full size ice rink which was open to the public and held regular Ice Spectaculars. It was also the home of The Brighton Tigers, one of Europe's leading ice hockey teams at the time. It was demolished to make way for the Top Rank Centre which had a much smaller rink and proved to have inadequate provisions. It closed after only five years. Another small rink was created in Queen Square, however this closed in 2003.

Regrettably, at the present time the City has no permanent ice rink. More recently proposals have been drawn up for a multi-purpose arena and international standard public ice rink at the Black Rock site on the seafront. However no planning application has been submitted for that proposal.

Therefore, although public skating has been available at the Brighton Centre for the past few years over the festive period, the skating facilities in the City are not as well-provided as they were even ten years ago.

Policy SR17 promotes the provision of smaller scale new sporting and recreation facilities providing that they are close to the communities they are intended to serve, have good transport links, and that the intensification of facilities would not have a harmful effect on the local environment. The proposal would enhance both sporting and recreation facilities within the City. The site is centrally located and has good pedestrian and cycle links. It is well served by public transport.

Design & impact upon the listed building and grounds and conservation area

The setting of a listed building is often an essential part of the building's character, especially if the gardens or grounds have been laid out to complement its design. The Royal Pavilion grounds are Grade II listed and a designated Registered Park of Special Historic Interest. The Royal Pavilion is a Grade I listed building. The site lies within the Valley Gardens conservation area.

The structures will block clear views of the Royal Pavilion's eastern elevation and the public will be restricted from walking on the Eastern Lawns. English Heritage have raised concerns that the development would substantially obscure a large part of its east elevation, greatly compromising the setting of the grade I listed building and the enjoyment of the many visitors who come to Brighton specifically to see it. However they raise no objection to the scheme on a one-year trial basis.

The Design & Conservation Team acknowledge the particular architectural and historic importance of the Royal Pavilion, its extensive setting and that the significance of views of the main east elevation should not be underestimated. However, given the height and scale of the Pavilion compared to the proposed structures, and given the fact that existing views of the Pavilion are already affected by trees and bus shelters (from the south-east) it is considered that the overall sense of scale and visual dominance of the Pavilion would remain, particularly in regards to its distinctive onion domes and roofline. They also state that regard should also be had to the fact that the period of operation of the ice rink would be the shortest days of the year.

Siting an ice rink and ancillary buildings in this location will inevitably block some views of the Royal Pavilion. However, officers consider that the design of the proposed development, with the open rink, glass walls, and siting of the ancillary structures minimises, as far as possible, the impact on the views of the Grade 1 listed Royal Pavilion and its grounds.

The entrance to the Pavilion and views of its western elevation will be unaffected by the proposal. The western gardens are used far more intensively than the eastern lawns. The scheme now proposes the provision of complimentary public access to the Pavilion's eastern lawns and to the ice rink's viewing platforms so that any visitor to Brighton can enjoy a largely unobstructed view of the Pavilion. Therefore although there will be an impact on people who are visiting the City for a chance to view the Royal Pavilion, it is considered that this is far outweighed by the number of people enjoying skating with views of the Pavilion.

The structure is temporary and there will be no physical harm to the listed building. An acceptable method statement has been submitted in regards to protecting the Pavilion steps to the eastern elevation which is the closest part of the listed building to the rink. A condition can be applied so that the trees

and shrubs are protected. Given the above and that the facility will create jobs and attract many visitors and residents to the area over the Christmas period, it is considered that the positive effects of the development outweigh the temporary negative impact upon some views of the listed building.

The proposed temporary ice rink will generate income both directly through the hire fee and ticket sales and indirectly by increased visitors to the Pavilion which will be of financial benefit to the Royal Pavilion and Gardens and help with upkeep and maintenance of the Pavilion Estate. In addition, the cost of the reinstatement and repair of the eastern lawns will also be provided by the operator.

#### Impact upon neighbouring amenity

With regards to lighting, there will be 6 no. four metre towers around the rink with floodlights and LED lights attached. There will also be floodlights along the entrance path. Other lighting will include LED Christmas lights on the aluminium frames of the structures and on the trees by the entrance, and 18 no. battery powered incandescent stand-alone storm lanterns with spike bases along the entrance pathway to the north of the Pavilion.

The rink is proposed in a noisy, brightly lit city centre location. The Pavilion is already floodlit each night. The rink and lighting structures will be approximately 25 metres from the nearest residential properties, however the submitted Isolux diagram clearly shows that the brightness of the lighting is substantially reduced well before it reaches these adjacent properties.

There is also the potential for noise from the plant equipment to impact upon the amenity of neighbouring properties.

Environmental Health are satisfied with the level of lighting proposed and that the plant running in combination with other equipment has been considered within the noise report and that the City Council's noise standard is capable of being met. The proposal is therefore considered acceptable in terms of impact upon residential amenity.

#### Transport & Access

The application site is currently within the City's controlled parking zone (CPZ) Z. The proposal does not propose any car parking facilities, however the site is very close to public transport links.

Given the nature of the proposals and that it is a temporary facility, Sustainable Transport anticipate that the majority of additional person trips will be linked journeys associated with visits to Brighton city centre. As such the proposed development would not result in many additional trips to the site and therefore no contribution or additional parking requirements are required.

Temporary cycle parking stands are being provided to the north of the structure which is considered adequate to meet any additional cycle parking

demand.

With regard to emergency vehicle access, the Pavilion has existing procedures in place. Vehicles can access the site via the William IV Gate to the north of the site, the Indian Gate to the south, and North Road to the west. Emergency workers can also access the site via the Palace Place gate to the south of the rink.

Visitors and staff will enter the site to the north of the Pavilion. The applicant has stated that the entrance will be clearly signposted. Pedestrian trackway will be laid along the entire entrance path to minimise wear and tear on the grass.

#### Arboriculture

The Arboricultural team has raised concerns about the level of information submitted with the application regarding tree protection and pruning. It is important that vegetation within the Pavilion Gardens, which form a key part of the setting of the Royal Pavilion, is protected during the ice rink use and reinstated afterwards. It is clear that the ice rink is to be sited in a position to minimise impact upon trees. The applicant has already been made aware of the arboriculturist's concerns and has now submitted a tree survey and additional details of tree protection measures.

Further comments are awaited from the Arboriculturists on the additional information, but officers consider that this issue can be satisfactorily resolved by a condition.

#### Other Issues

Southern Water have identified pipework running under the site that will need to be protected. In addition, the development itself will need to connect to the water supply and sewerage networks. The applicant is in discussion with Southern Water to address these issues but, in the absence of details, a condition addressing this issue is recommended.

Although the site is situated within an Archaeologically Sensitive Area, the County Archaeologist has stated that any archaeological remains are likely to be unaffected by these proposals.

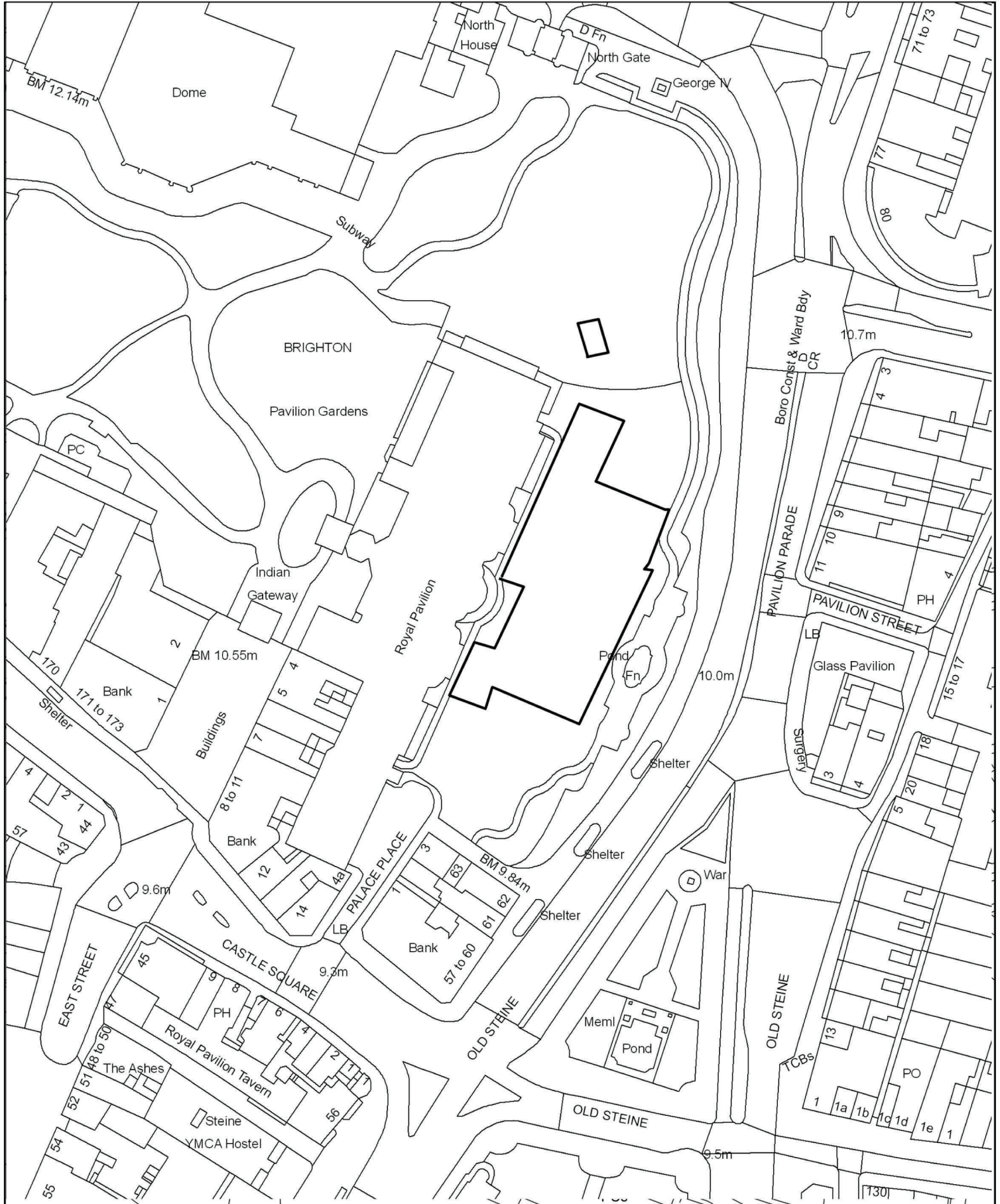
## **9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed development will provide the City with a much needed and welcome ice rink serving residents and visitors to the City, albeit for a limited time period. There would be no physical alterations to the Royal Pavilion. As a temporary facility and subject to conditions, it would not significantly harm the setting of the listed Royal Pavilion and Gardens or the wider conservation area, would generate income to the benefit and future upkeep of the Royal Pavilion and Gardens and would cause no significant harm to the amenity of the surrounding properties.

**10 EQUALITIES IMPLICATIONS**

Wheelchair access will be provided via ramps at the entrance/ exit and users can access the viewing platforms with adequate clearance; all doors will be at least 2 metres in width. A disabled toilet and baby change facilities are also being provided.

# BH2010/02344 Royal Pavilion



<b><u>No:</u></b>	<b>BH2010/02400</b>	<b><u>Ward:</u></b>	<b>GOLDSMID</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>2 Montefiore Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Change of use of office building (B1) to Clinical Diagnostic and Treatment Centre with overnight patient accommodation (C2).</b>		
<b><u>Officer:</u></b>	Jason Hawkes, tel: 292153	<b><u>Valid Date:</u></b>	12/08/2010
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	11 November 2010
<b><u>Agent:</u></b>	Lewis & Co Planning , Paxton Business Centre, Portland Road, Hove		
<b><u>Applicant:</u></b>	BOSIC, c/o Lewis & Co Planning		

- 1 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. The development hereby permitted shall be carried out in accordance with the approved drawings no.PL/100/001(P2), 102(P1), 103(P1), 104(P1), 105(P1), 106(P1), 107(P1), 108(P1), 109(P1), 110(P1), 111(P1), 112(P1), 113(P1) & 114(P1) received on the 2<sup>nd</sup> August 2010.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
3. BH02.08 Satisfactory refuse and recycling storage.
4. BH06.02 Cycle parking details to be submitted.
5. The premises shall only be used as a clinical diagnostic and treatment centre with overnight patient accommodation and for no other purpose (including any other purpose in Class C2) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
**Reason:** To safeguard the amenities enjoyed by neighbouring properties in accordance with policy QD27 of the Brighton & Hove Local Plan.
6. The premises shall not be open to visiting members of the public and there shall be no clinical assessment of patients or admissions of day patients except between the hours of 0700 and 2100 daily.  
**Reason:** To safeguard the amenity of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan.
7. Prior to the occupation of the building, an additional Travel Plan which includes clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

**Reason:** To ensure that the scheme provides sustainable modes of transport for its staff and patients and to comply with policy TR1 of the Brighton & Hove Local Plan.

8. The number of overnight patients at any one time shall not exceed 25 patients.

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

9. At no time shall the proposed use include accident or emergency admissions.

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

Informatives:

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

- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR7	Safe development
TR14	Cycle access and parking
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity
HO19	New community facilities
EM5	Release of redundant office floorspace and conversions to other uses
HE10	Buildings of local interest

Supplementary Planning Document

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design

Supplementary Planning Guidance

SPGBH4: Parking Standards; and

- ii) for the following reasons:

The proposed development would not result in a significant impact on the amenity of any adjacent properties and is considered appropriate in terms of its impact on highway safety and parking. The loss of offices is also deemed acceptable and the scheme would also result in the occupation of an empty building to the advantage of the local economy. The scheme is also in accordance with development plan policies.



2. The applicant is advised that any proposed alterations to the façade of the building, such as air conditioning units, and any new advertisements may require planning permission / advertisement consent. The applicant is advised to refer to the Council's guidance on advertisements in Supplementary Planning Document 8: Advertisements for further assistance.
3. The East Sussex Fire & Rescue Service Safety Office has recommended the installation of sprinkler systems for the building. Information concerning guidance and standards for domestic and commercial sprinkler systems is available by reference to British Standard Codes of Practice. For further information, please contact the Safety Officer on (01323) 462130.
4. The supporting information indicates the provision of a 'keep clear' space on the adjacent highway for the proposed use. This approval of Planning Permission is taken entirely without prejudice to any decision the Council may make with regard to changes to the parking arrangements and traffic orders. Prior to implementing the 'keep clear' space you should ensure that you have the necessary permission and are urged to contact the Parking Strategy Team (address: Parking Strategy, Room 323, Hove Town Hall, Norton Road, Hove, East Sussex, BN3 3BQ; email [signs.lines@brighton-hove.gov.uk](mailto:signs.lines@brighton-hove.gov.uk); tel 01273 293804).

## **2 THE SITE**

The application site relates to a four-storey (over basement) building that was originally constructed in 1890, as a furniture depository for Hanningtons store. The building is located on the corner of Montefiore Road and Davigdor Road. It was built as six separate but connected units. One of the units on the centre west of the site was removed in the 1970's and the buildings were interconnected to provide large floor plates that exist today.

The building is included in Brighton & Hove's list of building of local interest. The list states that the building was a former furniture depository and is a 'solid, confident, exuberant Edwardian brick pile' building, dating from 1899, which was converted to office use in 1974 and is an important landmark.

The last use of the building was as Class B1 offices occupied by Legal and General. The building has been vacant since Legal and General moved to their new headquarters in the City Park development in 2005. The building includes a central enclosed outside amenity area and also has a car parking area to the rear for 25 car parking spaces including one disabled space and 14 cycle parking spaces.

There is a parade of shops directly opposite the main entrance of the building at 1-17 Montefiore Road. Coptic Orthodox Church is immediately opposite the site across Davigdor Road and adjacent to the building to the west is an additional office block.

### 3 RELEVANT HISTORY

Planning permission was originally granted for the change of use of the building to offices in 1958 (M/5475/58). Permission was also granted in 1973 for alterations and additions to provide further office accommodation (M/17176/73). Following this permission was granted for signage and external alterations to the building, most of which relate to the use of the building by Legal & General.

Planning permission was recently granted on the 21<sup>st</sup> May 2010 for the change of use of the basement, ground and second Floors only from offices (Class B1) to specialist orthopaedic and sports injury clinic (Class D1) (ref: **BH2010/00206**). This permission was for the Brighton Orthopaedic and Sports Injury Clinic (BOSIC).

A current application is currently being considered for the variation of condition 5 of BH2010/00206 to allow the use of the basement, ground and second floors for a wider range of clinical/diagnostic/treatment to be carried out and variation of condition 6 to state there shall be no clinical assessment of patients, admissions of day patients or patients visiting hours except between 07.00 and 21.00 hours every day (ref: **BH2010/01955**). The applicant has stated that this application will be withdrawn if the proposal for the use of the whole of building for BOSIC (Class C2) is approved.

### 4 THE APPLICATION

Permission is now sought for the change of use of the whole of the office building (B1) to a Clinical Diagnostic and Treatment Centre with overnight patient accommodation (Class C2). The scheme is again on behalf of BOSIC for a specialist orthopaedic and sports injury clinic. The proposed use will have the use of the rear car parking area (25 spaces) which includes a cycle store. No external alterations are proposed in this application.

### 5 CONSULTATIONS

#### External:

**Neighbours:** One email has been received from **13 Clarendon House, Clarendon Road** in support of the application on the grounds that the proposal is much needed in Brighton & Hove.

**Brighton & Hove Primary Care Trust:** No objection.

**Environment Agency:** No objection.

**East Sussex Fire & Rescue Service:** No objection.

A recommendation is made for the installation of sprinkler systems.

#### Internal:

**Sustainable Transport:** No objection.

No objection is raised subject to conditions requiring the cycle and car parking

areas have been provided in accordance with the approved plans or details to be submitted to the Local Planning Authority in writing and thereafter retained as such.

**Workplace Travel Plan Officer:** No objection.

The submitted Travel Plan requires further amendment.

**Planning Policy:** No objection.

The proposed enlargement of BOSIC to include an element of planned inpatient surgery requires the remaining floorspace of this office building for use for overnight stays and ancillary office accommodation. Whilst the loss of the potentially refurbished remaining office space in the building is regrettable the principle of loss of office accommodation in this building was established with the earlier planning permission approved in May 2010 and similar justifications have been provided to demonstrate compliance with the tests of EM5 and HO19 in relation to the remaining office space.

**Economic Development Team:** No adverse comments.

The supporting information demonstrates the need for this enhanced facility to allow additional services to be provided on site rather than transporting clients / patients to other facilities in the city and beyond. Although the level of jobs provided with the proposal are significantly less than when occupied by Legal & General and will also be less than could have been accommodated with the previously approved application, the quality of jobs will be of a far higher standard and the support industries servicing such a facility will also see added benefits.

**Environmental Health:** No objection.

Any additional plant or machinery will be required to show that these will not cause a noise disturbance to neighbouring premises.

**Planning Projects Team:** No objection.

The Projects Team raise no objection subject to a contribution towards public art in the area of £40,000 to be secured in a Section 106 agreement.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR7	Safe development
TR14	Cycle access and parking
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations

QD27	Protection of amenity
HO19	New community facilities
EM5	Release of redundant office floorspace and conversions to other uses
HE10	Buildings of local interest

Supplementary Planning Document

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design

Supplementary Planning Guidance

SPGBH4: Parking Standards

**7 CONSIDERATIONS**

The main considerations in the determination of this application relate to the principle of the change of use, loss of offices, the impact on neighbouring residential amenity and the local area, transport issues and sustainability. The scheme does not include any external alterations, therefore the impact on the appearance of the building or surrounding area is not a material consideration in the determination of this proposal.

Background & Current Proposal

Brighton Orthopaedic and Sports Injury Clinic (BOSIC) was conceived as a facility to provide excellence in orthopaedic and sports injury diagnosis and management for the population of Brighton & Hove. The founder members consist of the Brighton & Hove Orthopaedic Consultant Surgeons, dedicated musculoskeletal consultant radiologists and specialist musculoskeletal physiotherapists.

Planning permission was granted for the basement, ground and second floor for BOSIC earlier this year for orthopaedic and physiotherapy diagnosis and treatment, including day case surgery. Discussions preceded this approval with a number of potential investors between March and April 2010. During these discussions it was a common view that overnight stay would be an occasional but necessary condition in any day-case facility particularly from a patient safety perspective and to comply with best clinical practise. BOSIC now require a dedicated in-patient 25 bed ward floor within the building as well some additional office space.

Consequently, permission is now sought for the change of use of the whole of the building from offices (Class B1) to a clinic with overnight patient stays (Class C2). The current use of all of the building will allow the clinic to operate more efficiently in terms of number of patients and will also allow the musculoskeletal diagnostic, management and surgical facility to be used to its full potential.

The supporting statement outlines that the proposed use would secure investment of £24 million and would create around 150 full time jobs. These

will be skilled jobs such as nurses, physiotherapists, doctors, anaesthetists and surgeons. There will also be a number of less skilled jobs such as administration staff, secretaries, porters, cleaners and security personnel. The clinic would take private and NHS patients on a referral basis from doctor's surgeries and hospitals within the Brighton & Hove area.

All patients are treated on site, either as day care or as inpatients who will have appointments made in advance and only elective surgery will be carried out. It is proposed to treat approximately 1500 inpatients per year which would equate 10-12 inpatients on any given night. The 25 bed capacity will enable a change over of patients to overlap and to allow for any fluctuations in need brought about by unexpected complications or longer than planned recovery for some patients. The overnight staffing needs would very low, comprising of a resident medical office and 3-4 overnight staff. Patient visiting would finish at 9.00pm.

It should be noted that the proposed use does not provide any trauma or accident and emergency services on site. All patients would have appointments made in advance for diagnosis and treatment. There will be no drop clinics or open surgeries operated from the site.

No external alterations are proposed as part of this application. Indicative layout plans have been submitted for information purposes which indicate that the proposed first floor would be the main floor used for individual overnight patient rooms. The indicative layout plans indicate some external alterations such a store to the rear and a replacement staircase to the rear. The applicant has stated that a future application will be submitted for the external alterations. It is felt that allowing the current application for the use of the building will not prejudice the forthcoming application for external alterations.

Whilst the finished layout of the internal arrangement has not been finalised, the applicant has stated that it is likely to include alterations to the first and second floor levels. This involves realigning the floor levels. The applicant has stated that a structural engineer has been commissioned as well as a report from a fire consultant to determine the fire strategy, which is an important aspect of the conversion. It has also confirmed that the design does not include any internal ducts that will be visible from outside the building.

#### Loss of offices

The scheme results in the loss of 7,920m<sup>2</sup> of office floor space. Policy EM5 of the Brighton & Hove Local Plan states that planning permission will not be granted for the change of use of office premises or office sites to other purposes, unless they are genuinely redundant because the site is unsuitable for redevelopment or the premises are unsuitable and cannot be readily converted to provide different types of office accommodation or where a change of use is the only practicable way of preserving a building of architectural or historic interest.

Montefiore House was formally one of the locations in the city for Legal and General until they consolidated their operations around the city onto one site at City Park in 2005. The commercial agent (Stiles Harold Williams) has provided a detailed letter setting out the campaign that has been undertaken over the past five years. The agent has also provided an up to date assessment of the prevailing vacancy rates over 5,000sq ft in Brighton. This demonstrates that there is an adequate supply of vacant large offices in the city centre and edge of centre locations to ensure that the part change of use of this building would not result in an unacceptable short fall in the supply of office accommodation in the city.

The Economic Development Team also supports the scheme, stating that since the relocation of Legal and General, the building has been actively marketed by local commercial agents and has been the subject of a few potential occupiers where the size of the premises met their initial requirements. However, none of these enquiries resulted in a re-let of the space. The main reasons being cited by the potential occupiers for not considering the space further was the internal layout of the space, the location of the building and the lack of car parking provided for the size of space on offer.

The Economic Development officer responsible for sites and premises previously visited the building with potential occupiers and also the commercial agents and has confirmed that the space, in its current layout, is not best suited to modern B1 office requirements. The floors are set out with 5 offices, each totalling in the region of 2,500ft<sup>2</sup>. However, there is little if any possibility of opening these out to create larger space because of the difference in levels through the building from the north to the south. Significant amounts of useable space would be lost to open up the floors with the need for ramped access between the offices etc.

The building in its current form provides 27 car parking spaces for some 58,997ft<sup>2</sup> of B1 office space equating to 1 space per 2,185ft<sup>2</sup>. Other similar style offices currently on offer in the city centre are providing 1 space per 750ft<sup>2</sup> and out of town 1 space per 350ft<sup>2</sup> making this site less attractive to potential occupiers.

The location of the building is another key factor that has influenced potential occupier's decision making process as although it is well served by buses, the building is almost equidistant from Brighton & Hove train stations with employees and visitors having a long walk to get to the building.

Taking all the above into consideration the commercial agents marketing the site has introduced over the marketing campaign levels of flexibility to encourage potential occupiers ranging from the whole building, a floor by floor basis and also individual units on each of the floors. There have also been significant reductions in the rental income being sought for the space resulting in the office space being offered at £10 - £12 per ft<sup>2</sup> which is more akin to

modern warehousing style rental levels. There has been some limited interest in the building for alternative uses which has included elements of residential because of the location however both the Economic Development Team and Planning Policy have emphasised the need to retain employment on the site.

The Economic Development Team has stated support for the scheme. Although the total employment levels in the whole building will be less than previously provided when occupied by Legal and General, the added benefits that the application will bring in the form of higher value jobs associated with the orthopaedic sports injury clinic compared to office based jobs and bringing a redundant building back into operational use far outweigh the reduction in employment levels in the building when previously fully occupied.

The Policy Team have also stated that whilst the loss of potentially refurbished office space in this building is regrettable, the principle of loss of office accommodation in this building was established with the earlier planning permission and similar justifications have been provided to demonstrate compliance with the tests of EM5 in relation to the remaining office space.

It is therefore considered that in economic development terms the premises have been actively marketed for some considerable time and flexibility in tenure and space has been introduced and it also confirmed that the site has been marketed on the city councils commercial property database for the full period it has been marketed. The scheme is therefore in accordance with policy EM5.

#### Community Facilities

Policy HO19 states that planning permission will be granted for community facilities, which includes health centres where it can be demonstrated that:

- a. the design and use of the facility will ensure its accessibility to all members of the community;
- b. there is no unacceptable impact on residential amenity or on the amenities of the surrounding area;
- c. the location is readily accessible by walking, cycling and public transport; and
- d. adequate car and cycle parking, including provision for people with disabilities, is provided.

The proposal would provide a state of the art medical facility which would improve the provision of orthopaedic care in the city for all residents and would be available to both NHS and private patients. The scheme is therefore deemed in accordance with the above policy. Matters relating to impact of amenity will be addressed later in the report.

BOSIC consider the vacant building at 2 Montefiore Road as the ideal solution to compensate for a shortfall in accommodation for a musculoskeletal

outpatient's clinic in the city. The supporting information states that in 2007, the Department of Health produced a musculoskeletal framework document, which outlines the direction of travel for musculoskeletal outpatient care with communities across the United Kingdom. The Department of Health's view is the musculoskeletal outpatient clinics need to occur in a more community setting and not within the hospital Trusts. Ideally, these should be in buildings where all healthcare professionals can work simultaneously and seamlessly to provide an effective service for the assessment and treatment of these patients. No such facility exists within Brighton & Hove.

Amongst the larger healthcare community, clinics have already been set up at Mid-Sussex Healthcare to treat patients. There is no dedicated clinic or building for this service to take place within the city of Brighton & Hove. A bespoke building dedicated to the treatment of these patients is widely recognised within the healthcare community as the ideal solution for the problems faced by this large patient population group within the city.

BOSIC consider that the vacant building at 2 Montefiore Road is the ideal solution to this accommodation shortfall. It is a modern building which will be designed specifically for multidisciplinary clinical assessment and treatment. The proposed use would provide specialist orthopaedic medical service for both private and NHS patients on a referral basis from doctor's surgeries. The proposal would provide x-ray, C-arm (x-ray image equipment) and MRI scanner facilities as well as a physiotherapy gymnasium and ancillary staff room, training / meeting room and the main reception and waiting area.

#### Impact on amenity

Brighton & Hove Local Plan policy QD27 requires new development to respect the existing amenity of neighbouring properties. It is felt that the proposed C2 medical use will not result in a significant impact on the amenity of any adjacent premises. Noise and disturbance from the C2 use of the building would arguably be less intrusive than that which is associated with the currently consented B1 use of the building which allows offices, light industrial or research or development.

Additionally, this scheme does not include any external alterations or additional plant or machinery which would result in an impact on the amenity of adjacent properties. The applicant is considering minor external alterations to the building and these would be considered in a separate application to be submitted.

The proposed activity on the first floor (the ward accommodation) would predominately involve rest and recuperation for patients of the clinic. As such the use of the first floor for overnight patient care would not result in a significant impact on the amenity of adjacent properties. The supporting statement indicates that the visiting hours would be restricted to 8am to 9pm and the relatively low number of overnight patients expected (usually 10-12) would mean that coming and going from visitors would be minimal.



In the absence of the ability to provide overnight patient stays, patients for major procedures would either have to be operated and cared for at the Princes Royal Hospital or the Treatment Centre, which are both in Haywards Heath, or would have to be transferred to an overnight facility (probably the Royal Sussex County Hospital in Eastern Road, Kemp Town) in 'blue light' vehicles which would result in some disturbance to residents between the sites and add to traffic in the city.

As stated above, it should be noted that the scheme does not include emergency admissions, no blue light vehicles will be bringing patients to the site and there is no accident and emergency or out of hours admissions. It is therefore felt that the proposed C2 medical use will not result in a significant impact on the amenity of any adjacent premises.

#### Transport issues

Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.

The site is located at the junction of Montefiore Road and Davigdor Road. Montefiore Road is an unclassified road and Davigdor Road is classified as the B2120. Davigdor Road is well served by public transport with east and west bound bus stops being both within 50m of the site. Hove and Brighton railway stations are both approximately in 1.3km of the site.

The existing office space use includes 25 car parking spaces which are located in a parking court to the north of the building, with one space for disabled use. It is not proposed to change the parking layout and disabled parking requirement will be monitored through the Travel Plan and additional parking spaces will be converted for disabled use if required. There will also be 14 cycling parking spaces provided in the parking court area. On Montefiore Road there is also pay and display parking spaces available.

The scheme includes a Transport Assessment and Travel Plan which has been prepared in support of the application. As agreed with Sustainable Transport the scope of the assessment is primarily focussed on the trip generation of the proposed C2 use and patient parking demand that could be generated by the scheme.

The Transport Assessment states that the perspective patients of the clinic currently receive treatments from BOSIC at the Nuffield Hospital in Woodingdean. Post code distribution of prospective patients was conducted based on existing patients at Nuffield Hospital using patient data from 2008-2009. This found that 53.3% of patients reside within BN1, BN2 and BN3 post codes with other patients coming from a variety of post codes in and surrounding Brighton & Hove.

It is therefore considered that by providing a new clinic at Montefiore Road

patients will be served more locally than the current facility in Woodingdean. This will in turn reduce patient trips across the city from destinations within Brighton, Hove and Portslade.

As well as being a more central location, public transport provision is far better at Montefiore Road than in Woodingdean with numerous bus services and rail services accessible from the site. The offices on site previously catered for 800-1000 members of staff. The impact on local parking will be substantially less of the staff and patients under the current proposal. The trip generation exercise undertaken using the TRICS database found that the change of use to Class C2 would result in a decrease in total vehicle trips when compared to the former B1 office use. The trip generation exercise found that the total vehicle trips generated by the site will decrease by approximately 20% (147 trips per day).

The assessment explores the trip generation with surveys undertaken of parking occupancy and the utilisation of parking and space parking capacity on Montefiore Road and other surrounding roads. Parking on the surrounding roads is within Controlled Parking Zone Area O and there are also pay and display parking and shared use bays. The car parking occupancy surveys conducted assessed whether there is sufficient parking capacity to accommodate potential parking caused by patients of the proposed clinic. The survey determined that there are a total of 211 shared use and pay & display parking bays or roads surrounding the site and that parking utilisation was 60% with a residual capacity of 84 spaces. The level of residual capacity can easily accommodate potential patient parking, even if total parking was to occur at the same time, an unlikely scenario as appointments are dispersed throughout the day.

In summary, the report demonstrates that the proposed development will involve a net decrease in the number of vehicle trips to and from the site, that patient trips are likely to be more localised than existing clinics in Brighton & Hove and that parking capacity is able to cater for any potential patient demand.

The Travel Plan submitted also outlines a long term strategy for the C2 use which aims at promoting the use of sustainable modes of transport and providing choice for the use with the end objective of reducing dependency on the private car and its use for single occupancy trips. The Travel Plan includes a variety of measures aimed at both staff and patients to promote sustainable transport use such as:

- Travel packs containing pedestrian, cycling and public transport maps.
- Setting up a travel information point.
- Promoting health benefits of walking and cycling to the site.
- Providing secure cycle parking.
- Promoting car sharing for staff, and
- Promoting the use of taxi services for patients requiring a car.

The Council's Workplace Travel Plan Officer and the Sustainable Transport Manager have stated that Travel Plan and Transport Assessment are acceptable, subject to the provision of cycle parking and the implementation of the Travel Plan. It is therefore felt that the scheme will not result in an unacceptable demand on traffic or parking in the area.

The supporting information refers to a 'keep clear' space for the proposed use. This area is outside the ownership of the site on the adjacent highway and is likely to be directly outside the front entrance on Montefiore Road. The area will have to be implemented with the agreement of the Council's Parking Strategy Team. No plans of the area have been submitted and for this reason, the due to the lack of detail the Parking Strategy have been unable to comment on the acceptability of the space. As the acceptability of the area cannot be guaranteed it would be unfeasible to condition the implementation of the area. Additionally, the implementation of the area is not pivotal to the approval of the scheme. An informative is to be added to the decision stating that, prior to implementing the 'keep clear' space, the applicants should ensure that they have the necessary permission and are urged to contact the Parking Strategy Team. This approval of Planning Permission is taken entirely without prejudice to any decision the Council may make with regard to changes to the parking arrangements and traffic orders.

#### Art contribution

The Projects Team have commented that, in accordance with policy QD6, the scheme requires a contribution of approximately £40,000 to incorporate public art into the scheme. Temporary measures were introduced by the Council in May 2010 in order to assist the development industry. The temporary measures state that a flexible approach is to be taken on major applications with respect to S106 contributions and the approach to the implementation of policy. In this instance, it is not felt that an art contribution is appropriate particularly since a contribution wasn't sought on the original scheme. Furthermore there is an issue that the contribution may affect the viability of the scheme. Consequently, having regard to the temporary measures, an art contribution is not sought for this application.

#### Sustainability

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. A suitable statement has been submitted with the application.

Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Supplementary Planning Document 08 on Sustainable Building Design also requires major applications for non-residential conversions to indicate no additional net annual CO2 emissions from new development, a

reduction in water consumption and a minimisation of surface water run-off. As part of the application, an Energy Efficiency Statement has been submitted. The statement outlines that the total energy consumption of the development will be reduced due to the proposed change of use of the building. The building was previously used as a densely occupied office building with extensive IT systems. The change of use would result in a clinic with a much lower occupation density consuming less energy from IT equipment due to the nature of the business. The existing building services will be retained, therefore there will be no increase from the building services.

The water fittings shall be replaced with low consuming sanitaryware. These include dual flush toilets with clear instructions on how to use, low flow taps and reduced flow showers. These measures shall minimise the water consumption for the development.

As part of the application, a BREEAM pre-assessment has also been submitted indicating that the scheme will meet a BREEAM 'very good' rating. Having regard to the BREEAM statement and Energy Efficiency Statement, the scheme is deemed in accordance with policy SU2 and SPD8.

#### Conclusion

The proposed use by Brighton Orthopaedic Sports Injury Clinic would result in the occupation of a large building which has been empty for a number of years and the use will revitalise the economy of the local area. The scheme has also justified the loss of the office space and will provide a community facility for the whole of the city. The submitted Travel Plan and Sustainability details have also demonstrated that the scheme is appropriate in terms of the impact on demand for travel and sustainability and the scheme will not result in a detrimental impact on the amenities of any adjacent properties.

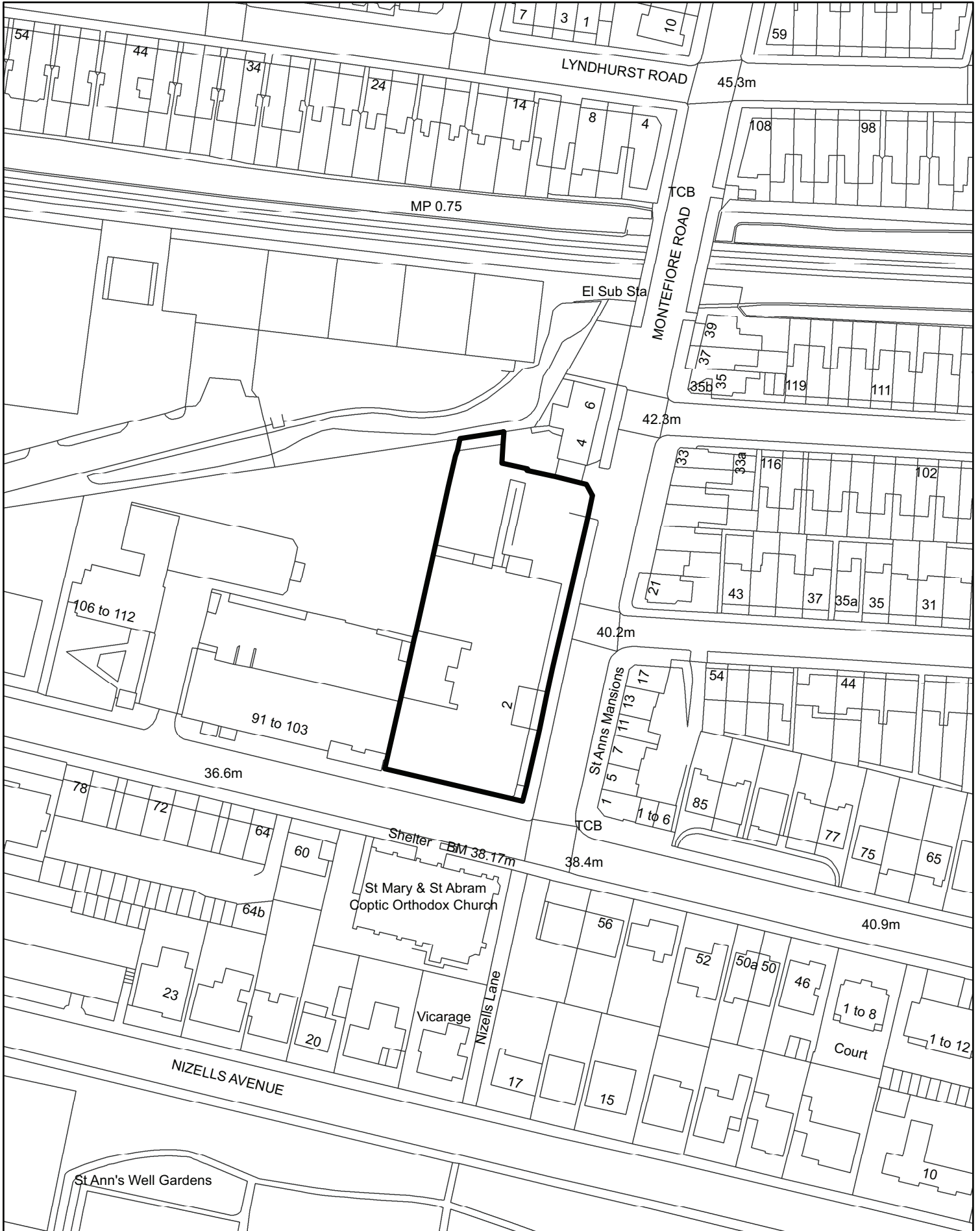
### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed development would not result in a significant impact on the amenity of any adjacent properties and is considered appropriate in terms of its impact on highway safety. The loss of offices is also deemed acceptable and the scheme would also result in the occupation of an empty building to the advantage of the local economy. The scheme is also in accordance with development plan policies.

### **9 EQUALITIES IMPLICATIONS**

The proposal provides suitable access for people with disabilities.

# BH2010/02400 2 Montefiore Road



**LIST OF MINOR APPLICATIONS**

<b><u>No:</u></b>	<b>BH2010/02005</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>30 Hove Park Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Installation of part pitched and part flat roof to rear extension with ridge skylights, rooflight to rear elevation and alterations to patio doors and windows. Installation of raised deck. (Part Retrospective).</b>		
<b><u>Officer:</u></b>	<b>Guy Everest, tel: 293334</b>	<b><u>Valid Date:</u></b>	<b>01/07/2010</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>26 August 2010</b>
<b><u>Agent:</u></b>	<b>ADC Ltd, 72A Beaconsfield Road, Brighton</b>		
<b><u>Applicant:</u></b>	<b>Mr &amp; Mrs Murray, 30 Hove Park Road, Hove</b>		

This application was deferred at the last meeting on 22<sup>nd</sup> September 2010 for a Planning Committee site visit.

**1 RECOMMENDATION**

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

**Conditions:**

1. BH03.03 Materials to match Non-Cons Area.
2. Access to the flat roof over the single-storey rear extension shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed to the eastern elevation of the building 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. The development hereby permitted shall be carried out in accordance with the approved drawings no. ADC 349/, ADC 349/05 A, ADC 349/06 A & ADC 349/07 submitted 30<sup>th</sup> June 2010.  
**Reason:** For the avoidance of doubt and in the interests of proper

planning.

Informatives:

1) This decision to grant planning permission has been taken:-

i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below;

QD1 Design - quality of development and design statements

QD2 Design - key principles for neighbourhoods

QD14 Extensions and alterations

QD27 Protection of amenity; and

ii) for the following reasons:-

The development, in the context of planning permission BH2004/01238/FP, has not harmed the appearance of the building or wider surrounding area and no significant harm to neighbouring amenity through loss of light, outlook, privacy or increased noise or disturbance has resulted.

## 2 THE SITE

The application site relates to a two storey detached property on the southern side of Hove Park Road. The surrounding area is residential with detached two-storey dwellings being the predominant built form.

## 3 RELEVANT HISTORY

**BH2010/01494:** Non-material amendment to BH2004/01238/FP to pitched roof over ground floor rear extension altered to part pitched with two ridge skylights and part flat roof, enlarged rear elevation first floor window, two east elevation windows omitted, roof light to rear elevation, patio doors and window configuration altered and raised deck added. Split decision:-

- The amendments to the ground floor door and window configuration to the single-storey rear extension and the omission of side (east) facing window openings were accepted as non-material amendments.
- The amendment for an enlarged first floor rear window opening, new raised decking, the omitted section of pitched roof and new roof lights to the rear extension were considered material changes that warranted the submission of an application for planning permission to assess the impact on the design and appearance of the host building and the wider setting; and the impact on neighbouring properties.

**BH2004/01238/FP:** Two storey side and rear extension. Refused. A subsequent appeal against this decision was allowed. In allowing the appeal the Inspector considered:-

- 'The two-storey extension would be set 500mm from the boundary, resulting in an overall gap between the two properties at first floor level

and above, of about 2.5m. In my view this is sufficient to maintain the visual separation between the two properties and to prevent the extension from being overpowering on no. 28 or creating a terracing effect in the street scene;

- There are no windows to any habitable rooms of 38 Hove Park Road that would face the two-storey extension, the only windows being a landing window and a bathroom window with obscure glazed. In my opinion there would be no undue loss of light to these windows'; and
- 'On the east side, the single storey extension would have no windows, whilst the two-storey extension would have a high level study window and bedroom window above. Both would be obscure glazed and therefore there would be no overlooking of no. 28'.

#### 4 THE APPLICATION

The application seeks consent for the enlargement of a rear first floor bedroom window; a reconfigured roof form and new roof lights to the single-storey rear section; and the addition of decking to the western (side) elevation of the single-storey rear section.

The application has been submitted for the alterations that were not accepted as non-material amendments as part of application ref: BH2010/01494 (see section 3).

#### 5 CONSULTATIONS

##### External:

**Neighbours: Four (4) letters** have been received from **28 Hove Park Road, 38 Shirley Drive, 29 Stanford Road** and **1 letter of no address** objecting to the proposal for the following reasons:-

- On all approved plans there is a sizeable and distinct gap that separates the new extension from the boundary wall. Nothing has been done about installing this gap and there is little detail on the drawings to show how the gap will be treated. The absence of a gap means maintenance of flank elevations is not possible;
- The new garage is so small it will be impossible to park any car inside. The argument of needing a access to and from the garage was a key argument at appeal;
- Windows to the rear elevation directly overlook adjoining garden areas and provide oblique views into neighbouring living areas. Other properties in the area have been made to obscurely glaze windows;
- The skylight windows to the single-storey rear extension will allow light and noise to spill into bedroom windows. There is no need for the windows as the structure is glazed on two elevations;
- The work sets a precedent for future builds which radically change the character of an area;
- Planning permission should be adhered to.



**Cllr Brown** objects, letter attached.

## **6 PLANNING POLICIES**

Brighton & Hove Local Plan:

QD1 Design - quality of development and design statements

QD2 Design - key principles for neighbourhoods

QD14 Extensions and alterations

QD27 Protection of amenity

## **7 CONSIDERATIONS**

The key issues of consideration in the determination of this application relate to the impact of the alterations on the character and appearance of the building and wider surrounding area, and the impact on amenity for occupiers of adjoining properties.

Two storey side extension

The two-storey side extension was granted planning permission on the basis of separation from the shared side boundary of 0.5 metres at ground floor level. However, the visual separation appears less as a result of a retained boundary wall structure from a now demolished garage. A previous site visit by the Planning Investigations Team confirmed that the side extension has been sited 0.5 metres from the boundary and on this basis this aspect of the development is in accordance with the approved plans.

It is appreciated that the retention of a wall abutting the side boundary has reduced the visual separation at ground floor level between the extended application property and no. 28. However, in this instance it is considered that the visual separation at first floor level is of primary importance in preventing the extended property appearing overpowering in relation to no. 28 and to avoid a terracing effect in this section of Hove Park Road. There remains separation of approximately 2.5 metres at first floor level between the buildings and the Inspectors findings in this regard remain applicable to the extension as built.

For the reasons outlined whilst the representations from occupiers of adjoining properties are noted it is considered that the siting of the two-storey side extension is in accordance with the previously approved plans.

Rear window opening

There is no objection in design terms to an enlarged bedroom window at first floor level which is well sited in relation to the two-storey extension. There is though potential for increased overlooking of adjoining properties and representations have been received on this basis.

It was apparent on a site visit that whilst additional views have been created over no. 28 in reality they are only available at acute sight lines from extremely close proximity to the window itself. From a mid-point in the bedroom no views are available over the adjoining property and outlook is

restricted towards the hipped roof of the rear extension and vegetation beyond. Whilst appreciated that there may be an increased perception of overlooking the window is not excessively sized in relation to the main building and the resulting relationship with no. 28 is not uncommon between detached buildings in areas such as this.

A condition is recommended to remove the permitted development right to insert windows to the eastern elevation of the building. This is considered sufficient to prevent future loss of privacy to the adjoining property.

#### Single-storey rear extension

The existing planning permission allows for a hipped roof over the single-storey rear section of the property. The application proposes a section of flat roof linking the main property and a hipped roof to the rear section of the extension. Whilst this has altered the appearance of the rear extension the impact on the wider area is limited and no additional harm from this arrangement (which has not increased the bulk of the structure) has resulted for the adjoining property.

A double rooflight feature has been added to the ridge of the hipped roof. Whilst the rooflights project above the ridge of the extension this is not uncommon for lantern style rooflights and their addition has not compromised the appearance of the development or of the wider area. The rooflights have not resulted in any downward overlooking of adjoining properties and whilst appreciated that there is some potential for light spillage having regard to the domestic use of the property and its location in a built up area the impact of this is not considered of such significance to justify refusal of the application.

#### Raised decking

The decking abuts the side (western) elevation of the single-storey rear extension overlooking the rear garden of the application site. This siting ensures no overlooking of adjoining properties and the decking would not appear incongruous in relation to the main building. It should be noted that the revised window and door arrangement at ground floor to the single-storey extension were accepted as non-material amendments as part of application ref: BH2010/01494.

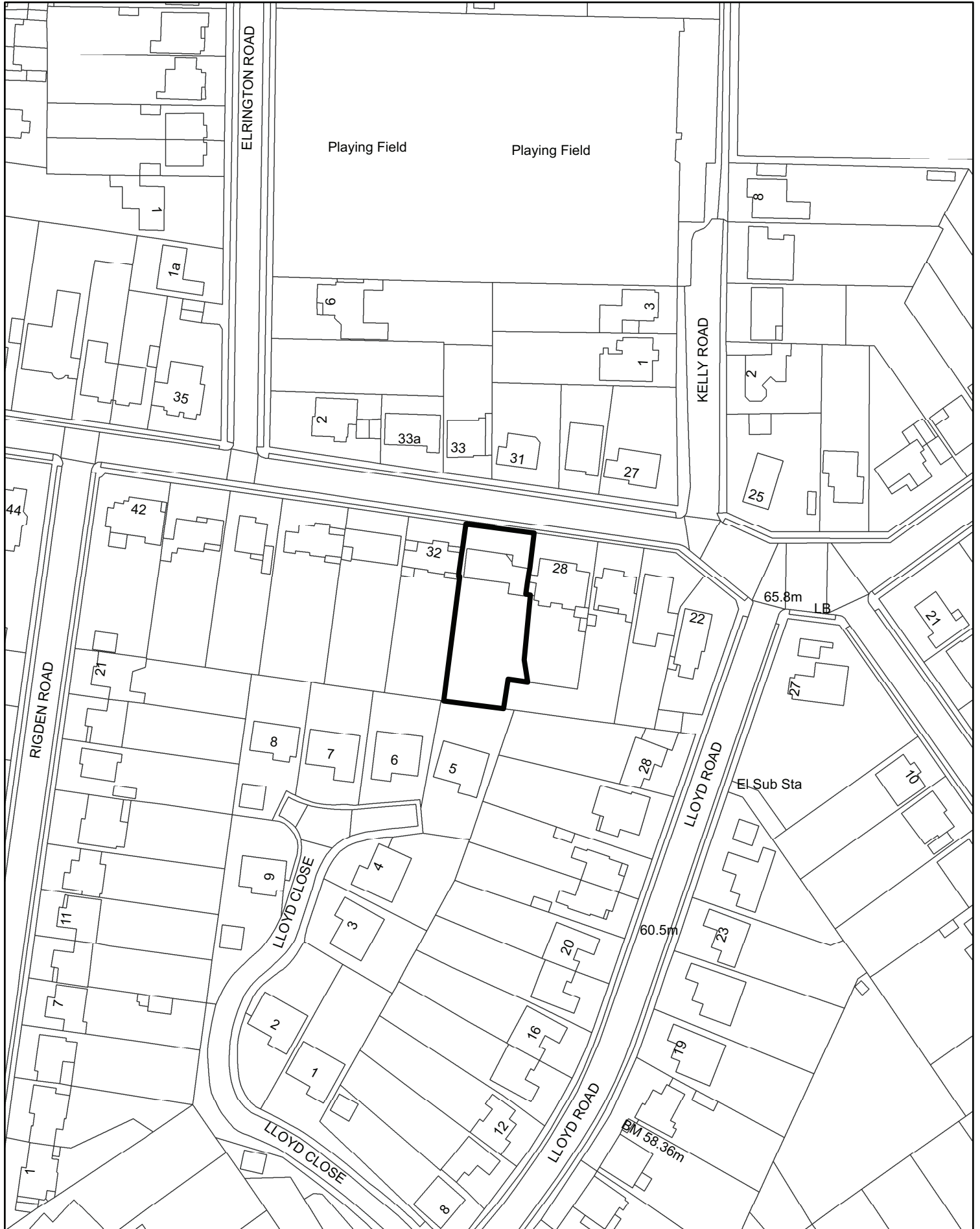
### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The development, in the context of planning permission BH2004/01238/FP, has not harmed the appearance of the building or wider surrounding area and no significant harm to neighbouring amenity through loss of light, outlook, privacy or increased noise or disturbance has resulted.

### **9 EQUALITIES IMPLICATIONS**

None identified.

# BH2010/02005 30 Hove Park Road





**Brighton & Hove  
City Council**

PLANS LIST – 13 OCTOBER 2010

COUNCILLOR REPRESENTATION

Mr Guy Everest  
Planning Officer  
West Area Team  
First Floor  
Hove Town Hall

**Date:** 30 July 2010

**Our Ref:** VB/AN

**Your Ref:**

**Dear Mr Everest**

**Ref: BH2010/02005 – 30 Hove Park Road**

As a Councillor for Hove Park Ward I am writing to object to this revised planning application.

My greatest concern is the lack of a distinct gap between this extension and No. 28 Hove Park Road. It is at present built so close that there is no access to the side elevations of either house. The residents of No. 28 Hove Park Road have no way of getting to their porch windows to maintain them.

Also the large windows to the rear of the extension directly overlook the rear patio and garden of No. 28. This is an invasion of their privacy.

A skylight window has also been put into the roof of the single storey extension which is a breach of the planning appeal conditions.

Because of these very serious concerns I would request that these revised plans are determined by the Planning Committee.

Yours sincerely

Councillor Vanessa Brown

<b><u>No:</u></b>	<b>BH2010/00391</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>37- 41 Withdean Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of three existing detached houses and construction of 3 no new detached dwellings.</b>		
<b><u>Officer:</u></b>	Paul Earp, tel: 292193	<b><u>Valid Date:</u></b>	01 March 2010
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	26 April 2010
<b><u>Agent:</u></b>	A.B.I.R. Architects, 3c Wilbury Grove, Hove		
<b><u>Applicant:</u></b>	Apple Construction, Mr Chris Creswell, 41 Withdean Road, Brighton		

This application was deferred at the last meeting on 22<sup>nd</sup> September 2010 for a Planning Committee site visit. This report has been amended to reflect further representations.

## 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 Informative:

### Conditions

1. BH01.01 Full Planning.
2. BH03.01 Samples of materials – non conservation areas.
3. 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.
4. BH06.03 Cycle parking facilities to be implemented.
5. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.  
**Reason:** To ensure adequate parking provision and to comply with policy TR19 of the Brighton & Hove Local Plan.
6. BH04.01A Lifetime Homes.
7. BH05.01B Code for Sustainable Homes – pre commencement – Level 3.
8. BH05.02B Code for Sustainable Homes – pre occupation – Level 3.
9. Details of the solar panels shall be submitted to and approved in writing 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.

10. BH11.01 Landscaping/planting scheme.
11. BH11.02 Landscaping/planting – implementation and maintenance.
12. BH11.03 Protection of existing trees.
13. BH02.07 Refuse and recycling facilities.
14. Details of the screens to the second floor terraces shall be submitted to and approved in writing by the Local Planning Authority before works commence. The panels shall be installed before the properties are occupied and maintained as approved thereafter. The area of roof to the east of the screen shall not be used as an amenity space at any time.  
**Reason:** To safeguard residential amenity and prevent overlooking of neighbouring properties and to comply policy QD27 of the Brighton & Hove Local Plan.
15. BH01.06 Approved drawings – 0082. EX /1-3 submitted on 16 February 2010 and 0082.SK / 1B; 0082.PL / 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 100A, 101B, 102A, 103B, 104A, 105B submitted on 4.8.10.
16. BH02.03 No permitted development (extension) (amenity and character).
17. BH05.10 Hardsurfaces.
18. BH02.06 No cables, aerials, flues and meter boxes.

Informatives:

- 1 Semi-mature trees should be included as part of the landscaping, particularly along boundaries to existing properties.
- 2 IN.04.01 Lifetime Homes.
- 3 IN.05.02 Code for Sustainable Homes.
- 4 IN.05.07A Site Waste Management Plan.
- 5 IN05.10 Hardsurfaces.
- 6 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:

Brighton & Hove Local Plan:

QD1	Design – quality of development
QD2	Design – key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD15	Landscape design
QD16	Trees
QD27	Protection of amenity
TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development

TR14	Cycle access and parking
TR19	Parking standards
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible homes and lifetime homes
SU2	Sustainability
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
<u>Supplementary Planning Documents:</u>	
SPD03:	Construction and demolition waste
SPD08:	Sustainable Building Design
<u>Supplementary Planning Guidance Notes:</u>	
SPGBH4:	Parking standards
<u>Planning Policy Statements:</u>	
PPS1:	Delivering Sustainable Development
PPS3:	Housing; and

ii) for the following reasons:

The proposal makes a positive contribution to the townscape of the area, and efficient use of the site to provide sustainable residential accommodation which provides adequate amenity space and car parking. This amendment to the extant approval with one less unit, and properties generally set further from the rear boundary, reduces the bulk of the development to the rear and will have less effect on properties to the rear.

## 2 THE SITE

The application relates to a site on the east side of Withdean Road, north of Blackthorn Close. The site consists of three detached dwelling houses on a plot of approximately 0.32 hectares, not within a conservation area. The land is part of a larger site of 0.43 hectares for which planning permission has been granted for the demolition of 4 dwellings and erection of 5 new properties. The property to the north of the current application site has been demolished and the replacement dwelling is nearing completion. The site is situated on a bend in the road which winds and rises steeply from east to west. The land falls from the road frontage to the rear of the site where it adjoins residential properties also with frontages to Withdean Road. The area is predominantly residential, mainly consisting of detached houses.

## 3 RELEVANT HISTORY

**BH2009/00153:** Amendments to application BH2007/03716, incorporating relocation of houses within plot to facilitate improved vehicular access, alterations to cladding materials in certain areas and introduction of bins stores adjacent to road. Approved 6.5.09.

**BH2007/03716:** Demolition of four existing detached houses and construction of five new dwellings. Approved 22.5.08.

#### 4 THE APPLICATION

The application is for:

- Demolition of three detached dwelling houses.
- Erection of 3 detached dwellings.
- Buildings comprise 3 storey plus basement, maximum of 30m deep x 13.0 wide x 10.6m high. 5 bedrooms, 5 reception rooms, ancillary accommodation, indoor pool, integral garage. Outside terraced areas. Rear gardens range from 18m to 9m deep.
- Building line approximately 6m from front boundary.
- Design: rectangular shaped properties, curved walling in part with terraces to front, side and rear at each level. Series of flat roofs. Raised skylight above hall.
- Materials: Walls: rendered walls; roof: turncoated stainless steel; windows: dark grey powder coated aluminium frames; driveway: permeable pavers.
- Parking: each property with integral garage for 3 cars and cycle store.
- Refuse / recycling storage: sited adjacent to front boundary.

Amended plans have been submitted during the course of the application, which includes:

- Southern property, plot 4, to be sited no closer to the rear boundary than the approved dwelling.
- Proposed terraces at second floor, reduced in size and orientated to south with 1.8m privacy screen, to prevent direct overlook to properties to the rear.

#### 5 CONSULTATIONS

**External:**

**Neighbours: Seven (7) letters of objection have been received from 6 Blackthorn Close; 46a, 46b, 47, 49 (x 2 letters), 51 Withdean Road** in respect of the scheme as originally submitted on the following grounds:

Design:

- The style of the house being built is a blot on the landscape, not in keeping with the rest of the neighbourhood.
- Proposed roofs are to be raised with the addition of raised glass skylights. These will be obtrusive and detract from the overall design concept. The first house being built does not have a skylight.
- The rooflines of the approved properties descend following the gradient of the road. With the new turret, the roofline of house No.2 is higher than house No.1, and the integrity is lost.
- The properties are of a very large scale and dwarf adjacent properties. Pitched roofs are being replaced with large angular structures which fill out the plots. The proposed houses are two/three times the square footage of neighbouring properties.
- Each property resembles a block of flats rather than a single dwelling.
- Construction of four identical dwellings in a row would be an eyesore.



- Whilst a less dense development of four properties is preferable to five, the houses are much larger and considered inappropriate.

Amenity:

- The first phase of the development is nearing completion. The impact can be seen across the valley; as an immediate neighbour (51 Withdean Road) it is totally overwhelming. The property is completely overlooked and have lost all the privacy once enjoyed. The development also blocks evening sunlight from the home.
- Loss of privacy and overshadowing. Overlooking of properties to the rear. The addition of a third residential level, and bringing the buildings closer to the rear boundary will result in a greater loss of privacy and overlooking.
- The skylight adds height to the overall development and seriously compromises views of the Downs.
- The buildings are now closer to the road and therefore neighbouring properties. The proposed living areas will be directly overlooked by properties opposite.
- The footprints and additional floor areas are significantly greater than approved. Property No.4 is only 3.5m -4m from 47 Withdean Road, which will overshadow the rear garden. The two rear terraces will directly overlook the bedrooms and bathroom of 47. This plot has little garden and the terraces are likely to be constantly used.

Trees:

- House in plot 4 is close to the boundary. The foundations may affect the trees.

Traffic:

- Site traffic is bad enough with 1 house being built. Access to Blackthorn Close will be impaired if the further 3 properties go ahead.

Comments on amendments: 46b, 47, 51 Withdean Road: Object to the proposal for the following reasons:

- The building line has been brought nearer the road and therefore the overall impact of fewer houses has been negated.
- The proposed skylights are much more intrusive than the approved design and detract from the integrity of the whole group. On the original approval the roof line of each subsequent house descend following the gradient of the road. With the proposed turret house 2 is higher than house 1, and the integrity is lost.
- The revised positioning of the houses closer to the road emphasises the brutalist style of architecture on the neighbourhood.
- The properties are too high and too close to existing properties. The site is on a steep hill and will overlook and overshadow neighbouring properties.
- Realise that you will be minded to approve these proposals. Trust, should I decide to submit an application for my property at 47 Withdean Road, you will acknowledge precedence and grant me the same percentage of site development.

**Internal:**

**Sustainable Transport:** No objection subject to the crossovers being constructed in accordance with the Council approved manual for Estate Roads, and the development is not occupied until the car and cycle parking areas have been provided.

**Environmental Health:** No comment.

**Arboriculturist:** No objection. No further Arboricultural report has been submitted with the application as that submitted with the approved permission is still relevant. It is considered that the previous Tree Survey was acceptable and the Team are in full agreement with its findings.

All trees marked on the report for retention should be protected to BS 5837 (2005) prior to any works commencing and a Method Statement requested to demonstrate how this will be achieved prior to any works commencing.

The site will retain heavy tree cover after it is developed, however, request a condition of any planning consent granted that a landscaping scheme is submitted showing replacement planting, especially on the back boundary of the development site and the side boundary of number 35.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

QD1	Design – quality of development
QD2	Design – key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD15	Landscape design
QD16	Trees
QD27	Protection of amenity
TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible homes and lifetime homes
SU2	Sustainability
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure

Supplementary Planning Documents:

SPD03:	Construction and demolition waste
SPDO8:	Sustainable building design

Supplementary Planning Guidance Notes:  
SPGBH4: Parking standards

Planning Policy Statements:

PPS1: Delivering Sustainable Development

PPS3: Housing

## **7 CONSIDERATIONS**

This application follows approval BH2007/03716, granted May 2008, for the demolition of four detached houses and the construction of five new dwellings, and subsequent approval BH2009/00153, granted May 2009 for amendments to the scheme to relocate the houses within the plots to improve vehicular access, and for alterations to the cladding materials in certain areas. Of the five houses approved the dwelling in the northern part of the site is nearing completion; this application seeks amendments to approved scheme by constructing 3 dwellings in the remained of the site in place of the 4 as approved. The reduction in the number of units allows for greater separation between the buildings and facilitates vehicular access to the side of the dwelling. The footprint of the buildings have been increased in size and the front building line brought closer to the highway. With the exception of the building forming plot 4 at the southern part of the site, the buildings are further from the rear boundary. Other alterations consist of rendering the buildings throughout rather than placing cladding at second floor level, and as with the approved amendment, the small swimming pools approved to the raised decking in the original approval are to be sited internally.

As with the original application the main considerations in the determination of the application relate to the impact of the development on the character and appearance of the area and upon the residential amenities of the neighbouring properties, and traffic implications.

Layout / appearance:

Policies QD1, QD2 and QD4 state that new development will be expected to demonstrate a high standard of design and should make a positive contribution to the environment and take into account local characteristics including the height, scale, bulk and design of existing buildings.

The site is situated on a bend in Withdean Road which falls steeply, approximately 7m to 8m, from north to south along the site's frontage which is 61m in length. The site also falls steeply to the rear, east. The road level to the front of 51 Withdean Road, the adjoining plot to the rear of no's 35 and 37, is 20m lower than the road level to the front of no.35. The area is well treed, which together with the gradient of the land and the set back from the road frontage, means the existing buildings are not unduly prominent in the street scene.

The proposal is for three properties to replace the four approved. This reduction in the number of units facilitates larger plots and a greater gap

between the dwellings, generally increasing the distance from 2.5m/3.0m, to 7.5m/9.0m. The overall footprint of the buildings has increased in general by 5m/6m in length, from 24m/25m to 30m at ground floor level. The upper floors are recessed and range from 23m/26m in length.

The increase in the footprint locates all of the dwellings closer to the front building line, increases the distance to the rear boundary in plots 2 and 3, with the dwelling in plot 4, the southernmost property, remaining on a similar rear building line as approved and retaining the same distance to the rear boundary.

As originally approved the dwellings were to be located between 10m and 20m from the road frontage and the amended scheme BH2009/00153 sets the buildings a distance of 6m to 2m further into the site and increases the height of the buildings by approximately 0.6m. This proposal brings the building line forward between 3m to 6m so that the buildings would be approximately 6m from the road frontage. Whilst the proposed dwellings would be closer to the street, sufficient space remains for landscaping.

As with the original approval the proposed development would create a group of buildings with a distinct character and appearance. The buildings are slightly different in primary elevation appearance. The materials will be a simple pallet of white render and dark powder coated windows. The curved detail to both front and rear elevations, stepped form with terraced areas, serves to visually break-up the massing. The proposed skylights increase in the height of the buildings by 1m, and form a prominent architectural feature of the buildings. The dwellings are of the same architectural style but featuring unique shape and detailing separating them from each other, but forming a cohesive street elevation. Whilst the extant approvals featured clad panels to provide a visual contrast, it is considered that to wholly render the building would not detract from the appearance of the property or area.

It is considered that the proposal in terms of its form, layout, design and materials is of a high quality design which would relate well to the setting and make a positive contribution to the visual quality of the area

Impact on residential amenity:

Policy QD27 aims to protect residential amenity.

The site is situated on a bend in the road and narrows to the southern end. The proposed properties on the northerly plot (plot 2) and the middle property (plot 3) are to be set further from the rear boundary by a minimum distance of 5.5m and 2.5m respectively compared to the previous scheme. The plans have been amended so that the southernmost building (plot 3) is no longer closer to the property retaining a gap of 7.0m to the rear boundary as in the original scheme. The proposed property in plot 2 is 26m from the nearest property at the rear, No.49 Withdean Road, the property in plot 3 is 26m and 31m from Nos 49 & 47 Withdean Road respectively, and the property in plot 4

is 21m from Nos 47. The bulk of all three proposed buildings has been substantially reduced at the rear with the set back of the upper floors. The proposed terraces at second floor level on all of the dwellings have been reduced in size. The terraces no longer curve to the rear of the building and have a 1.8m privacy screen to the east elevation. This together with substantial tree cover, a mix of coniferous and deciduous trees, would prevent direct overlooking to properties to the rear.

The properties are generally the same height as approved, apart from a skylight to serve the hall which raises the height in a small area by 1m. The skylight will not be visible from properties to the rear. Given the steep fall in the street, properties opposite, facing the front of the building are at a higher level, and it is not considered that skylight or bringing the building line forward would impact on residential amenity.

It is considered that the reduction in the number of properties from 4 to 3, will substantially reduce the massing of the development to the benefit of the occupiers of surrounding properties.

Trees and landscaping:

Policies QD15 and QD16 relate to landscape design and trees. The site, not subject to a Tree Preservation Order, is well treed with a total of 74 trees and several small groups. A tree report accompanied the original application and amended application. This amendment does not further affect trees on the site, indeed two of the proposed dwellings are set further from the boundary. The Arboriculturist raises no objections to this revision and reiterates previous comments that the majority of trees to be removed are of low quality. The planting scheme proposes the planting of an additional 41 trees to increase the site's landscape value and replace trees to be removed. Details of a landscaping scheme and measures for the protection of existing trees are required by conditions proposed.

Traffic implication:

Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads.

The proposed dwellings each have an integral garage and cycle store. The Sustainable Transport Manager raises no objection to the proposal subject to the crossovers being constructed in accordance with the Council approved manual for Estate Roads, and the development is not occupied until the car and cycle parking areas have been provided. These requests are secured by condition.

Sustainability:

Policy SU2 seeks efficiency of development in the use of energy resources.

This application is an amendment to the approved scheme, reducing the

overall number of units within the whole development from 5 to 4. The first property is nearing completion and this scheme is for the construction of 3 properties rather than 4 as approved. To compensate for the reduction in the number of units the dwellings have a larger floor area. As the original approval has been implemented with the construction of the first property, and the proposed 3 properties replace 3 existing properties, it is considered that this is a brownfield site, not Greenfield, on which a redevelopment should attain Level 3 of the Code for Sustainable Homes. The application is accompanied by a completed copy of the council's sustainability checklist. The previous application was accompanied with a sustainability statement by a registered assessor which demonstrates that the development would achieve Level 3. The first dwelling is being built in accordance with the approved specifications and the applicant confirms that the proposed dwellings are also to be built in accordance with the assessment.

The buildings achieve a reduction in CO<sup>2</sup> emissions through a combination of high performance building fabric and low energy lighting, and a reduction in CO<sup>2</sup> emissions through the use of both efficient and on-site renewable energy generation. The building form is orientated on a southeast – northwest axis to make maximum use of daylight. The proposal seeks to use renewable solar energy by installing photovoltaic panels to produce electricity and solar thermal panels to heat water. The panels will be located on south facing roof sections on each house tilted towards the sun. Water conservation and recycling are proposed and rainwater will be collected for use in the garden. New footpaths will be clad with permeable pavers that allows for natural drainage. Efficient thermal insulation will be used. Full details of the panels are required by condition.

Given the measures outlined it is considered that the development accords to policy SU2.

Minimisation and re-use of construction and industry waste:

Policy SU13 and the Construction and Demolition Waste SPD requires development proposals to demonstrate that the minimisation and reuse of construction industry waste has been sought in an effective manner through the preparation of Site Waste Management Plan. A short Site Waste Management Plan accompanies the application which states that materials from demolition are to be reclaimed and recycled where feasible, any aggregates produced from the demolition or excavation works will be used where possible in the new construction and only clean uncontaminated rock, rubble etc will be used as infill material to prevent pollution of ground water. Materials for the new development will be sourced locally where possible and packaging recycled and containers and skips labelled for effective segregation of waste and removal from the site by approved contractors. A suitably qualified person will be appointed to manage, record and audit waste and recycling, ensuring that any hazardous materials are assessed and handled correctly throughout the construction process.

An informative is recommended stating that the applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Legislations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units, new build), 11+ housing units, conversion or over 200m<sup>2</sup> non-residential floorspace (new build) to have a SWMP.

Accessible housing and Lifetime Homes Standards:

Policy HO13 requires all new residential dwellings to be built to a Lifetime Homes standards and that a proportion of all new dwellings on schemes of 10 units or more should be built to a wheelchair accessible standards, including a requirement for wheelchair accessible housing to be sought on the affordable housing element.

The properties have level street access and each contains a lift serving the four floors. Room sizes are generous with wide doors and corridors. All bedrooms are en-suite with sufficient floor area to facilitate side transfer. All properties have a toilet at ground floor level. Scope exists within the properties for the storage and recharging of an electric scooter or wheelchair.

Whilst the layouts meet Lifetime Homes standards, such provision is also required by condition.

Conclusions:

This proposal reduces the remaining number of units on the site from four to three. Two of the proposed buildings are to be set further from the rear boundary and the gap between buildings is also increased. The buildings are tiered with the upper floors set back from the ground floor. The bulk of the buildings are substantially reduced to the rear and the overall impact on properties to the rear will be less than the extant scheme. Additionally, the land falls sharply both to the south and east and is well screened by existing trees. The bringing forward of the front building line and the slight increase in height with the skylight will make little difference to the appearance or composition of the proposed group in the street, or impact on neighbouring properties opposite which are at higher level.

It is considered that this proposal which reduces the number of units would be preferable to the extant scheme as it provides greater space between dwellings and would provide a street section which fits in its context and topography.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

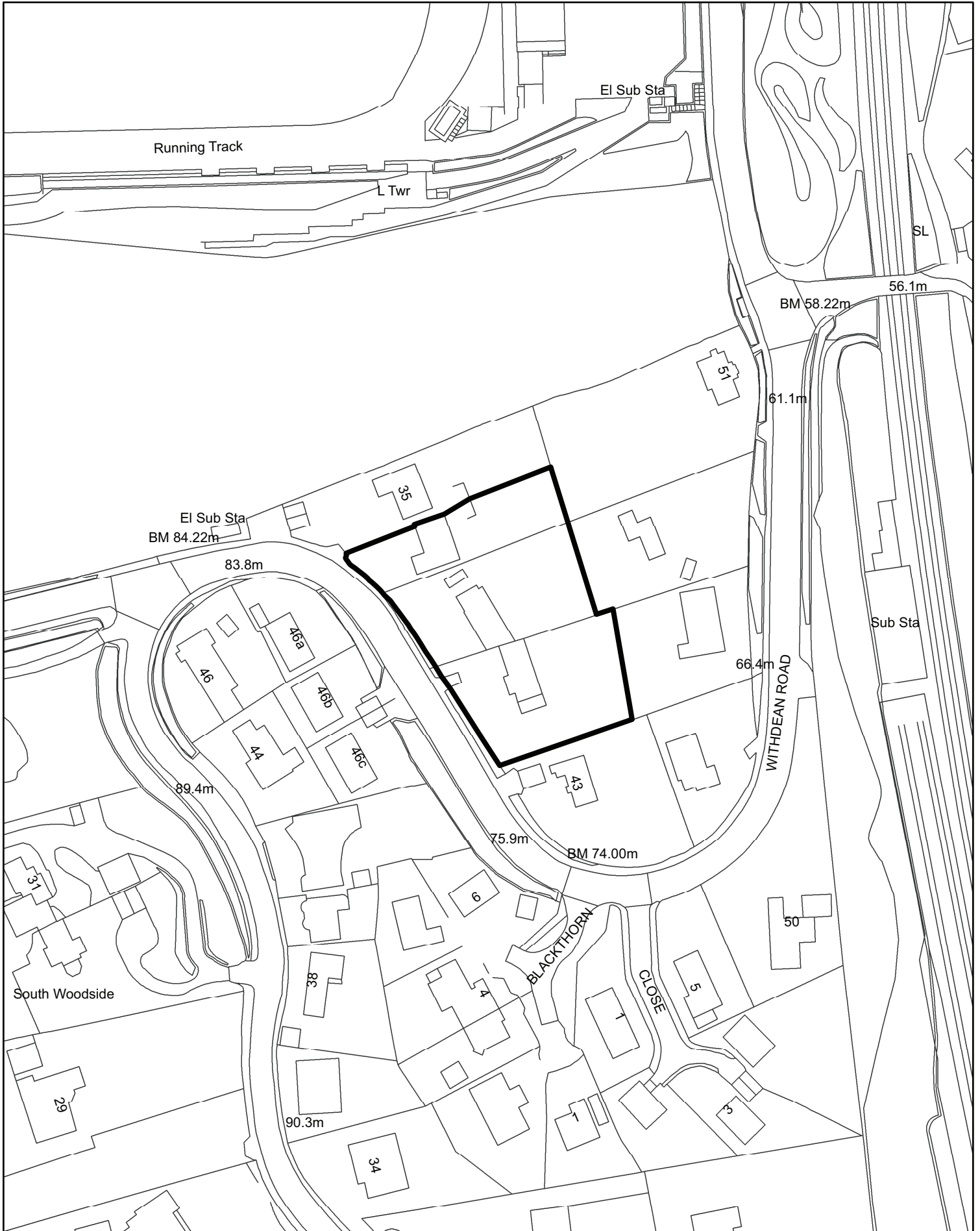
The proposal makes a positive contribution to the townscape of the area, and efficient use of the site to provide sustainable residential accommodation which provides adequate amenity space and car parking. This amendment to the extant approval with one less unit, and properties generally set further from the rear boundary, reduces the bulk of the development to the rear and will have less effect on properties to the rear.

**9 EQUALITIES IMPLICATIONS**

The proposal dwellings would be built to Lifetime Homes standards and would have to comply with Part M of the Building Regulations.



# BH2010/00391 37-41 Withdean Road



<b><u>No:</u></b>	<b>BH2010/00584</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>227 Preston Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of Use of car showroom / workshop (SG04) to 2 No. Retail Units (A1) incorporating installation of external condenser unit, air conditioning units and an ATM Cash Machine.</b>		
<b><u>Officer:</u></b>	Adrian Smith, tel: 01273 290478	<b><u>Valid Date:</u></b>	02/03/2010
<b><u>Con Area:</u></b>	Preston Park	<b><u>Expiry Date:</u></b>	27 April 2010
<b><u>Agent:</u></b>	WYG Planning & Design, 100 St John Street, London		
<b><u>Applicant:</u></b>	Sainsburys Supermarkets Ltd/Caffyns Plc, C/O WYG Planning & Design, 100 St John Street, London, EC1M 4EH		

This application was deferred at the last meeting on 22/09/10 for a Planning Committee site visit.

## 1 RECOMMENDATION

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

1. Policies TR1, TR7 and SR2 of the Brighton & Hove Local Plan require all new development proposals to provide for the demand for travel they create, without increasing the danger to users of adjacent pavements, cycle routes and roads. Where there are no acceptable solutions to problems that arise from development proposals, planning permission will be refused. The proposed loading/unloading bay, by virtue of its location directly on the main A23 Preston Road across a cycle lane and in front of a bus lane at a point where the dual carriageway narrows to a single lane, would significantly increase danger to vehicular, cycle and pedestrian traffic at this point. The proposed development would therefore result in a significant increase in highway safety risk, contrary to the above policies.
2. Policies TR1 and SR2 of the Brighton & Hove Local Plan require all new development proposals to provide for the demand for travel they create, without resulting in highway danger, unacceptable traffic congestion or environmental disturbance. Policy TR19 and Supplementary Planning Guidance 04 'Parking Standards' provides maximum parking levels for development within the City whilst Policy QD27 seeks to protect the amenity of residents from, amongst others, speed, volume and type of traffic nuisance. The proposed development would significantly increase traffic movements in and around the site which, by virtue of its shortfall in onsite parking provision, would increase vehicular movements and parking levels in the surrounding streets, to the detriment of the residents of these streets and the overall character of the Preston Park Conservation Area. The proposal is therefore contrary to the above policies.

Informatives:

1. This decision is based on the design and access statement, heritage statement, waste minimisation statement, planning statement, acoustic data report, transport assessment, and drawing nos. 301 rev C, 302 rev A, 303 rev K (as amended by the site layout plan SSLBRIGHTON(LOCAL).1/02 rev A submitted on the 9<sup>th</sup> July 2010), 304 rev F and 305 rev K submitted on the 2<sup>nd</sup> March 2010; the contaminated land assessment report submitted on the 20<sup>th</sup> April 2010; the plant noise assessment submitted on the 4<sup>th</sup> May 2010; the additional transport assessment submitted on the 11<sup>th</sup> June 2010; the addendum retail impact assessment submitted on the 24<sup>th</sup> June 2010 and the amended

**2 THE SITE**

The application relates to a vacant commercial premises located on the west side of Preston Road (A23), Brighton, within the Preston Park Conservation Area. The site fronts onto the A23 Preston Road at a point where the dual-carriageway narrows to a single lane. A mainline bus stop sits directly outside the site, along with a national cycle network lane. The site is bounded by Cumberland Road to the north and Lauriston Road to the south, with residential properties directly adjacent to the west. The building sits to the southern half of the site and is an 851sqm single storey brick structure with east and west side gable ends and a metal clad roof to an overall height of 9.5m. The site historically operated as a petrol filling station however this use subsequently changed to a car showroom (Sui Generis use class) with associated car servicing facilities to the rear and a forecourt display area to the north side. When operating as a petrol filling station the main access point was via the Preston Road frontage with egress via Cumberland Road to the north. These access points remain however they appear to not have been used for a number of years. The rear servicing bays were accessed via Lauriston Road.

**3 RELEVANT HISTORY**

None relevant.

**4 THE APPLICATION**

The application seeks planning permission for the Change of Use of the site from its current Sui Generis use class to two A1 retail units. The first A1 unit would be located to the front of the existing building and would occupy 436sqm of floorspace (280sqm sales area) as a convenience store. The second unit would be located to the rear of the building and would occupy 415sqm of floorspace (261sqm sales area) as a non-foods comparison goods store.

The existing building will not be enlarged, however minor alterations to the front/east and north side elevations are proposed to facilitate its conversion into two A1 retail units. The existing entrance doors to the glazed eastern elevation are to be converted to windows and a new sliding door access point inserted into the glazed section of the northern elevation. Service doors to the

rear of the northern elevation are to be converted into a double door entrance to the second retail unit. A refrigeration condenser and three air-conditioning units are to be added to the northern elevation, disguised behind a 3m high louvred enclosure. Additionally, an ATM is to be added to the wall space adjacent to the new entrance to the front unit.

During the course of the application, a number of alterations to the access points and layout of the forecourt area have been made. The forecourt area, as revised, would provide vehicular access and egress points onto Cumberland Road to the north (instead of from the A23 Preston Road as originally submitted), with pedestrian access remaining to the front side adjacent to the main entrance. Nineteen parking spaces are to be provided, alongside a motorcycle bay and two disabled parking bays. Boundary vegetation to the parking area is to be enhanced whilst an unloading bay is to be provided on the A23 Preston Road to the front of the site, adjacent to an existing bus stop.

The application is supported by a Transport Assessment (revised), a Retail Impact Assessment (revised), a Contaminated Land Assessment and a Plant Noise Assessment.

## 5 CONSULTATIONS

**External:**

**Neighbours:**

Initial Submission:

A **petition** of objection has been submitted with a total of **500** signatures.

A total of **151** letters of objection have been received. **121** are in the form of a standard letter, **8** are in the form of a secondary standard letter, and **22** are individual letters of objection. The addresses of the objectors are listed in Appendix A. The reasons for objecting to the scheme are as follows:

General

- There is no need for a supermarket. There is already a supermarket within walking and bus distance in the New England Quarter whilst Sainsburys also operate a home delivery service that the elderly can use.
- There are numerous independent traders and outlets in the nearby area along Preston Road, Preston Drove (a Co-op), Dyke Road (a Tesco Express) and London Road.
- A small outlet as proposed would have less choice and more expensive produce.
- The sale of alcohol from the premises will encourage under-aged individuals to the neighbourhood which already suffers from anti-social behaviour associated with the two nearby public houses.
- Levels of passing crime and vandalism will increase as late night drinkers will choose to alight at Preston Park station to collect cigarettes and alcohol from the new store before walking into the town centre.
- Increase in noise levels within the Conservation Area.
- Increase in CO2 car emissions causing detriment to air quality and the

environment.

- The status and traditions of this small local community should be preserved, especially when there are so many options for food shopping in place locally.
- A Post Office is needed more than a supermarket.
- Homes or small shops would be more in keeping with the site and area.
- Supermarkets claim to create jobs but in fact destroy more jobs than they create.
- Road litter will increase.
- It is hypocritical of the Council to enforce laws of the Conservation Area on local residents yet allow an International FTSE100 company to build a supermarket in the same area.
- No indication is given of the proposed frontage to the building or the signs etc.
- The store will require large unattractive rubbish bins and will be less green and generate more waste than local businesses.
- The application fails to preserve or enhance the Conservation Area.

#### Transport

- Increase in traffic congestion already present on the A23 Preston Road.
- The A23 Preston Road is a very busy road narrowing from two lanes to one outside the site. Cars entering the site from Preston Road or those tempted to park outside would create a serious highway and pedestrian hazard.
- The junctions around the site are already challenging to cyclists. Any increase in traffic or risk to drivers stopping or turning into the store is likely to increase the possibility of serious accidents to cyclists, motorists, pedestrians.
- There is a bus stop directly outside the site. There would be a safety risk for mothers with babies, school children elderly etc with traffic also entering the site at this point.
- Local roads already suffer from poor parking facilities and traffic congestion due to narrow road accesses and widths. They are unsuitable for large delivery vehicles.
- Visitors to the supermarket would likely park in local roads if convenient or the car park is full. This would add significant additional pressure to residents parking provision, which is already limited and used by commuters at Preston Park Station.
- Cars are likely to take short cuts through Preston Village roads which is a quiet residential area.
- Cars already park on double yellow lines at the bottom of Lauriston Road.
- Access and exit points will be onto Cumberland Road which already suffers greatly from large lorries that cannot negotiate the narrow road and damage residents vehicles as a consequence.
- The store will require deliveries on multiple occasions day and night, causing problems when the vehicles park, particularly if they park in side roads. This will be worsened by the intention of Sainsburys to sub-let the

second unit to another organisation.

- Deliveries, particularly late at night, will result in noise disturbance to nearby properties- no details of delivery times are provided.
- Lorries navigating Cumberland Road would be a risk to children in the nearby school at Clermont Church.
- There is no indication of where the staff will park.
- Public works will be required within a S106 agreement.
- Railings should be added along the west side pavement to Preston Road to prevent pavement parking.
- There should be a planning condition requiring delivery vehicles to turn northbound only out of Cumberland Road.
- The Transport Assessment is misleading- volumes of traffic during the day and at peak time are such that there are frequently no 'gaps' in the traffic afforded by the signalised junction at Preston Drove, and none at peak times. The merging of two lanes to one occurs outside the site and causes tailbacks, further reducing the number of gaps. A store traffic flow of 1 vehicle per minute at peak times will most likely cause a major problem for the A23.
- All changes to access and parking arrangements in the local area to mitigate the development should be funded by Sainsburys.
- It is not clear where deliveries will be made to the second unit. Deliveries via the entrances on Lauriston Road would be very disruptive to local residents.

#### Local economy

- The proposed development would put several small independent traders out of business, including the newsagent, the deli, all the public houses and the shop outlet at the petrol station.
- The existing corner shop gives excellent service- it would be disastrous to lose this in the area.
- The kind of employment generated would not be of the same quality as local businesses who employ local staff. The staff and management of the supermarket would have a high turnover rate and would not know and love the area like those employed by local businesses.
- Profits generated by the store will be drained away from the local economy
- Large businesses should not be allowed to dominate the local economy.
- The applicants have not demonstrated an unsatisfied need for either the convenience store or the comparison goods store.
- Local shops will not be able to compete with Sainsburys pricing and will fail.
- Local shops provide a sense of community which multi-nationals do not.

**16** letters of support have been received. The addresses of the supporters are listed in Appendix A. Their reasons for supporting the scheme are as follows:

- It is a good idea that a good shop will be in the village as it is poorly served presently. It makes sense to have a local store for local people.
- It will add retail choice to the area and will generate jobs for the local

economy.

- It will improve the appearance of the site and the Conservation Area.
- The store will be convenient for local elderly people and mothers with young children to use.
- There will be less 'passing crime' as people will be coming and going at all times.
- As the majority of local shops are estate agents, a locksmith, accountant and counselling advisory service, a local store will not impact on these businesses.
- Traffic is only bad at certain times of the day. Provided deliveries are made at quiet periods, there will be no problem with increased traffic.
- Those stopping at the site would be passing commuters at peak hours and the rest of the time the store will be used by local people.
- It will enable local residents to shop locally and will reduce car journeys to larger supermarkets.
- It will provide a service and quality fresh produce that the existing shops in the locality do not.

Following the submission of an amended Transport Assessment, an additional Retail Impact Assessment, and public re-consultation a further **30** individual letters of objection have been received, the addresses of the objectors are listed in Appendix A. Their reasons for objecting largely follow the above, however, the main points relating to the revised scheme are as follows:

- The concept of parking delivery lorries on the A23 is ludicrous and emphasises that this site is inappropriate for a supermarket.
- The delivery vehicles would clearly block the cycle lane and be unhelpful in respect of the adjacent bus stop.
- Cyclists would be put at risk for long periods having to divert out into the busy traffic lane around a large lorry at a point where the A23 is 'pinching in'.
- Delivery lorries would have to either use residential streets to turn and reach the site which is unacceptable, or the Preston Circus to the south.
- The use of Cumberland Road for entry/exit is an improvement however it will increase traffic movements off and onto the A23 adding to congestion, particularly as most car park stays would be short.
- The entrance and egress points should be to/from Preston Road just like the petrol station and bowls club.
- The surrounding roads are frequently fully utilised for car parking- does the Work Place Travel Plan have the strength to prohibit staff parking in side roads.
- The analysis of the Headcorn store car park seems to suggest almost 100% utilisation for much of the working day- a free ATM is bound to create more traffic than an ordinary store would.
- There seems to be the potential for a significant clash of vehicles emerging from Cumberland Road to turn right (southbound).
- No details are given about delivery and traffic demand for the second retail

unit.

- There is still no indication of what the second retail unit might be therefore it is impossible to assess what the implications of this might be for the local community.
- 17 parking spaces will quickly fill up. Residents in the area already have to compete for roadside parking with train bound commuters and local businesses leaving their cars in the village.

A further 66 page letter from the Sainsburys Action Group has been received objecting to the proposed development. A summary of their objections is as follows:

- Contrary to Local Plan. The aim of the Local plan is to 'maintain and enhance our outstanding natural environment and built heritage with more opportunities to walk, cycle or take public transport, support new and existing businesses and the jobs they provide...to reduce growth in length and number of motorized journeys, encourage alternative means of travel, and reduce reliance on the private car...to focus development in town centres which is better from a transport and environmental point of view... All planning decisions should accord with the Local Plan'.
- Sainsburys still refusing to name the operator of the second retail unit which amounts to half the site. This means there has been no assessment of the impact of half of the site, which could double traffic and cause numerous other additional problems. They have been repeatedly asked to state the name of the proposed retailer to the Council and have continually refused to do so. As of the end of July, they still have not and are not intending to. How can planning permission be given to an unknown quantity of this nature? Refusal has already been recommended once as a result of this lack of disclosure on the ground of 'unclear use' and apart from any other factor, it is submitted, must therefore be refused again on this ground alone.
- Sainsburys application littered with inaccuracies and errors.
- Focus should be on vacant sites in the town centre according to the Local Plan. However, Sainsbury's have not looked for other sites in any meaningful way and have not looked in the town centre at all.
- Fundamental change in an attractive, historic village, in a protected Conservation Area on the main route into Brighton, removing it's last vestiges by adversely affecting local businesses, who cannot compete with Sainsbury's, causing job losses and empty shop premises on the historic parade, which has always functioned as the village shops. The Local Plan emphasizes the Brighton's 'outstanding historical and architectural heritage, which is of national importance', which includes 33 Conservation Areas which should be 'protected and enhanced' due to their importance to Brighton & Hove. Cumberland Road has the last intact row of Edwardian terraced houses in Brighton.
- Emphasis in the Local Plan is on the importance of supporting local centres and 'sustaining and enhancing their vitality and viability'.
- Council has a duty to provide 'robust economic evidence' about the impact on the local economy. This has not been provided.



- Sainsburys failed to do proper impact assessments. In their application they fail to deal with the impact of the development in any significant way. They provide no evidence for anything they say, only statements of opinion (their opinion) using figures plucked out of the air. All of their reports are biased and self-serving, completed by companies they pay to get their planning application through. There has been no independent evidence obtained whatsoever on this application.
- Plan involves removing part of the A23 carriageway at crucial juncture where it narrows into one lane on each side of the carriageway, to use as an unloading bay for 11m articulated lorries. This will not only cause severe delays on the main trunk road, but will be unsafe.
- Will cause dangerous traffic conditions near to a primary school. The A23 cannot absorb such an increase in traffic estimated at 200 cars per hour off-peak, it does not provide for the additional traffic it creates. On Sainsbury's own figures (which we say are a vast under-estimate, there will be 2000 cars per day visiting the site.
- Will positively encourage car use. It will cause traffic Mayhem, causing severe delays, more accidents, some of which will be fatal. Their original proposals were 'unsafe and cause a significant risk to the public' according to the Council Transport Planning Department and the amended plans are just as unsafe and inappropriate, if not more so.
- Severely affects bus and cycle routes by completely removing a large part of the cycle route and by making the unloading bay on the A23 carriageway right in front of the bus stop, will cause the A23 to be blocked, making it impossible for buses to pull out and making it unsafe for other road users and pedestrians and cause severe delays on a road which cannot cope with the current levels of traffic it has.
- TR1 4.24: 'service access needs to be met in full within the development site'. The amended plan is totally contrary to this.
- Parking is at crisis point in the Village, there is nowhere for residents to park as commuters use the spaces and travel to London from Preston Park station. There are other huge pressures on parking in the area e.g. Clermont Church, the Bowls Club and events at Preston Park. It is impossible to park your car on your own street and has been getting worse over the last 2 years. The increased demand that such a development would attract would cause severe problems in an area that is beyond saturation point.
- Sainsburys positively encourage parking in the nearby streets and rely on it in their application.
- It will serve those travelling on the A23 to the detriment of local residents and businesses.
- Increase in noise, pollution and traffic problems as a result of at least 7 lorry deliveries per day. This will completely change the nature of the village and will drastically reduce the local community's quality of life, which the Local Plan is supposed to protect.
- Increase in crime, nuisance and anti-social behavior. There are already significant problems with crime and anti-social behavior in the area, which appears to be alcohol related and is linked to the use of Preston Park

Station by fare evaders alighting there and returning from there due to there being no barrier or ticket collection there. The youth alcohol related problems in the area have already called for a police operation called 'Operation Park', centering on Preston Park. At the licensing stage the Police raised strong objections about the opening of the Sainsbury's store on the ground of 'protection of children from harm', but then inexplicably withdrew them at the Licensing Hearing.

- No consultation with the local community affected whatsoever, contrary to Local Plan.
- Homogenization of the City, taking away historic, unique parts of the city which have their own identity and are of local and national value.
- Proliferation of Sainsburys and Tesco Stores all over the City due apparently to a 'turf war'. The Council needs to stop this and take it in hand.
- Amended plans mean it is no longer a change of use application but an application for total redevelopment.

Following the submission of the additional information and re-consultation, **4** letters of support have been received. The addresses of the supporters are listed in Appendix A.

A letter has been received from **Caroline Lucas MP** supporting the residents who are objecting to the proposed development

**Councillors Ann Norman and Ken Norman** have commented on the application. A copy of their joint letter is attached.

**Councillor Pat Drake** has commented on the application. A copy of her letter is attached to this report

**Environment Agency:** No objection subject to conditions.

It is considered that planning permission should only be granted for the proposed development as submitted if planning conditions are imposed relating to contaminated land and site drainage. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application. The recommended conditions are attached to the recommendation.

As this site lies on the Chalk a principal aquifer a valuable groundwater resource it must be ensured that all works carried out in relation to this planning application are carried out with the up most care to ensure the protection of groundwater.

**Sussex Police:** No objection.

The glazing to the front doors should be a minimum of 6.4mm laminated glass. The doors should have lockable shoot bolts fitted or an equivalent security measure incorporated. It would be beneficial to have a monitored alarm system present. The proposed location of the ATM is in close proximity

to the bus stop which could hide a potential offender and additionally mask any natural surveillance of the ATM location. There are no authority cameras located anywhere within this location.

**Internal:**

**Policy:**

*Initial Submission: Objection.*

The information supplied by the applicant's agent is considered not to comply with national policy PPS4 and local plan policy SR2 (SR1). More information should be supplied as detailed below to demonstrate that this proposal would not adversely effect neighbouring retail centres and that the proposal could not be located more centrally within existing centres.

*Following amendments and additional supporting information: No objection.*

Having seen an earlier version of the retail assessment, most of the outstanding points have been dealt with in the amended statement and it is considered that the applicant has addressed the impact of the proposed units in relation to policy PPS4. Conditions are recommended to limit the extent of the net store area(s) in order to prevent the convenience and comparison units amalgamating or the storage/circulation space being used for the sale of goods without planning permission, in order to further protect the future viability of neighbouring retail centres.

The adjacent shops are in a local parade and SR7 applies. The location of the former car showroom is to the north of an existing local parade of shops in Preston Road that is fragmented into three distinct blocks and contains approximately 10 units. Occupiers of the adjoining units are predominately convenience or services users ranging from a newsagent, to a photographers, dry cleaners, public house, and estate agents. The applicant states that at the time of writing there were no vacant units in the local parade and this still seems to be the case when checking the council's commercial property database. This indicates that the local parade is in good health at present and any vacant units from last year have now been occupied.

National Policy PPS4- In line with policy EC14 the applicant has provided an assessment of impact for the proposed retail units. One unit is for convenience floorspace and the other is likely to be for a comparison retailer. Policy EC14 also requires that a sequential assessment be carried out for main town centres uses that are not in an existing centre or not in accordance with an up to date development plan.

Consideration of a Sequential Assessment (Policy EC15)- It is considered that the sequential assessment took into account a suitable catchment area and that there are no available suitable or viable sites within this catchment. The applicant has also considered a reduction in floorspace in order to consider the vacant units in the catchment however this would not be suitable for the proposed scheme.

Impact Considerations (Policy EC16)- An impact assessment has been undertaken by the applicant even though this proposal falls beneath the 2,500 sqm threshold as the size of the units in question are larger than those in the adjacent local parade. It is considered that the assessment is proportionate to the size of the proposed development and considers the various criteria of policy EC16.1.

Economic Considerations (Policy EC10)- It is considered that the proposal would create economic benefits to the city creating around 25-30 jobs and is likely to enhance footfall to the local shopping parade.

**Sustainable Transport:** It is recommended that this application be refused for the following reasons:

1. Additional information supplied has not resolved questions regarding road safety, routing of delivery vehicles, the cumulative transport implications of the second unit, on-site parked vehicle accumulation numbers, availability of on-street parking spaces and impact on neighbourhood, the Travel Plan and planning contributions.

The proposal therefore fails to provide for the demand for travel that it creates, contrary to policies TR1, TR2, TR4, TR7, TR15, TR19 & QD28.

#### *Servicing and delivery vehicle routing*

The additional routing and on-site parked vehicle accumulation information is insufficient. The routing information for the Sainsbury store indicates that the main delivery lorry comes down the A23 from the M25 and presumably, although not stated will have to turn round somewhere in the city (possibly via Preston Road, Stanford Avenue, Beaconsfield Road and Preston Road again) to reach the loading / unloading bay in the northbound lane of the A23. This would result in a significant level of increased vehicle mileage and emissions using routes within the council's designated Air Quality Management Area including the junction at Preston Circus with the A270.

#### *Parking*

The applicant has not indicated how the use of the parking between the two units will be managed given that in overall terms the level of parking proposed on the site is below the maximum level indicated in SPG4 for the GFA. A total of 19 standard spaces and 2 disabled driver spaces are proposed for customers only (the applicant has made no provision for staff parking). These compare with a maximum total of 28 standard and 2 disabled customer parking spaces, 4 staff parking spaces (based on 10 staff) for the Sainsbury unit and say 2 staff parking spaces (based on 5 staff though numbers have not been supplied) for the other unit making a total of 36 spaces when the SPG4 standards are applied. The 16 customer spaces (including 1 disabled space) that will be available for the Sainsbury unit equate to the maximum customer provision for the size of that unit, but the 5 customer spaces (including 1 disabled space) for the other A1 unit are 9 spaces less than the maximum customer provision allowed for that size of unit. However, the even

more important point is that the site overall is 15 car parking spaces short of the maximum permitted standard.

*Road safety*

The proposed road layout changes associated with the on-street loading / unloading bay have not been supported by a Stage 1 Safety Audit. Therefore, the views of the council's road safety officers have been sought. The Road Safety Team have advised that the proposed loading / unloading bay is located where the two A23 northbound lanes begin to merge into one lane at the end of the bus stop. A vehicle in the loading / unloading bay could result in a cyclist and two other vehicles attempting to merge into a section of the highway which would no longer have adequate width to accommodate all three resulting in a high risk of collision and injury. Therefore the applicant has failed to provide an acceptable solution to a problem that has arisen from a development proposal therefore the application fails to comply with Local Plan Policy TR7 Safe Development.

**Environmental Health:**

*Initial Submission:* Insufficient information

From reviewing the submitted contaminated land report prepared by Delta Simons Limited information and having confirmation that intrusive ground works will be not be taking place no objection is raised in respect of PPS23.

There are concerns however, relating to noise generated from the development as the report submitted is not sufficient and does not demonstrate the affect that any fixed plant and machinery would have on neighbouring residents. A comprehensive acoustic report be submitted demonstrating that all plant and machinery and air handling units shall be at least 5db(A) below background (expressed as LA90) 1 metre from the nearest noise sensitive premises. I also have concerns relating to delivery noise. I would expect the report to have reference to BS4142.

*Following the submission of an acoustic report:* No objection.

The acoustic report is satisfactory and indicates that no noise disturbance will be caused to local residents. Provided the equipment used for the purposes of the calculations within the report is installed in the built project, no further comment is made.

**Air Quality Management:** No objection.

At this time the council has not included the Preston Road/Drove junction in an AQMA (Air Quality Management Area). During the second half of 2010 the Environmental Protection Team must proceed to a Detailed Assessment in order to assess the influence of road traffic on local air quality in this area.

It is expected that the flow of traffic on this section of Preston Road is approximately 21,500 a day (average of 2008 A23 traffic surveys to the north and south). An increase of 1% in the traffic flow on Preston Road equal to an addition of about 215 vehicles is unlikely to create a significant change in the

local air quality at dwelling locations set back from the A23.

**Design and Conservation: No objection.**

Given the previous use as a car showroom on the eastern part of the site it is not considered that a change of use to A1 on this part would cause any harm to the character of the Conservation Area. There is greater potential impact on the character of the area as a result of the change of use of the workshop element to A1, as this is likely to result in significantly greater vehicle and pedestrian movement, shop display and advertising signage in Lauriston Road, which is otherwise wholly residential in character.

With regard to appearance, this is a very prominent site. The proposed external alterations, notably the screen enclosure for the refrigeration condenser units and the ATM, would introduce greater visual clutter into what are currently very simple elevations. The large screen enclosure would be a particularly prominent and intrusive feature that would relate poorly to the building itself. A smaller and less bulky solution should be explored. It is also noted that a section of the low boundary wall and planting would be removed for the pedestrian entrance to the Sainsbury's unit. Given that the existing boundary treatment on Preston Road (and the corner to Cumberland Road) is already very weak, and uncharacteristically low, this is an unfortunate outcome. In the surrounding context of the site, buildings and hard surfaces are generally softened by trees and planting. It is disappointing that no attempt has been made to mitigate the visual harm arising from the proposals, yet alone to positively enhance the appearance of the conservation area. The Planning Statement makes no mention of policy HE6. It is therefore suggested that to mitigate these concerns a new taller boundary wall be introduced along Preston Road and around the corner into Cumberland Road and that greater soft landscaping/planting be introduced to the site.

It is also noted that there are no details of any external lighting that may be necessary for the car park.

**Conservation Advisory Group: No objection.**

The group noted there would be little change to the external appearance of the property but had concerns over the possible loss of active window display. It agreed that the open window frontage is important to the street frontage and should be safeguarded by condition. The group also recommended control over signage and timing of deliveries as this could have an adverse impact on the residential character of the adjacent street.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability

TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
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 - full 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
SR1	New retail development within or on the edge of existing defined shopping centres
SR2	New retail development beyond the edge of existing established shopping centres
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH04 Parking standards

Supplementary Planning Documents:

SPD03 Construction and Demolition waste

National Planning Guidance:

PPS4 Planning for sustainable economic growth

## 7 **CONSIDERATIONS**

The main considerations material to this application are the principle of the Change of Use and its impacts on the local retail economy, the impacts of the development on the Preston Park Conservation Area, the implications of the development for highway and pedestrian access and safety, the parking implications for local residents, the impacts on residential amenity, and contaminated land issues.

### Principle of Change of Use

The application site lies within the Preston Park Conservation Area and outside of all town and local shopping centres as designated within the Brighton & Hove Local Plan. It sits north of a parade of A1 shops and A2 professional services along Preston Road, however, this parade is not specifically designated as such within the Brighton & Hove Local Plan. Neither is the site itself specifically allocated within the Local Plan for retail use.

As the application relates to the change of use and subdivision of a non-retail unit to two retail units at a site outside of the defined shopping centres within the city, Local Plan Policies SR1 and SR2 apply. These Policies follow national guidance contained within Planning Policy Statement 4 '*Planning for Sustainable Economic Growth*' and state that applications for new retail development on unallocated sites outside of defined shopping centres locations will only be permitted in instances where:

- a. The development is intended to provide an outlying neighbourhood with a local retail outlet for which a need can be identified;
- b. The development itself, or cumulatively with other or proposed retail developments, will not cause detriment to the vitality or viability of existing established shopping centres and parades;
- c. The site is genuinely accessible by a choice of means of transport that enables convenient access for a maximum number of customers and staff by means other than the car;
- d. It will not result in highway danger, unacceptable traffic congestion or environmental disturbance;
- e. It provides adequate attendant space and facilities for servicing and deliveries;
- f. It provides facilities for parent and child, the elderly and people with disabilities

In addition, applications for new retail development on the edge of existing established shopping centres will be required to demonstrate firstly, that there is a need for the development and secondly, that no suitable site can be identified within the existing centre.

With regard to PPS4, Policy EC14.5 states that *in advance of development plans being revised to reflect this PPS, an assessment of impacts is necessary for planning applications for retail and leisure developments below 2,500 square metres which are not in an existing centre and not in accordance with an up to date development plan that would be likely to have a significant impact on other centres.* This assessment should include:

- a. *the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;*
- b. *in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made;*
- c. *if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres*

A sequential test is also required under Policy EC14.3, and should:

- a. *ensure that sites are assessed for their availability, suitability and viability;*
- b. *ensure that all in-centre options have been thoroughly assessed before less central sites are considered;*



- c. *ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access;*
- d. *ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:*
  - i. *scale: reducing the floorspace of their development;*
  - ii. *format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints;*
  - iii. *car parking provision; reduced or reconfigured car parking areas; and*
  - iv. *the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals*

Following concerns over the level of detail and robustness contained within the initial submission, the applicants have submitted an updated retail impact assessment to fully address the requirements of the above local plan policies and PPS4 guidance. The revised assessment utilises a catchment area of 1km around the site to assess its potential impacts of both units, calculating that 80 percent of the turnover to the convenience unit will be contained within this catchment. This radius is considered appropriate given the gross sales floor spaces of each proposed unit (280sqm and 261sqm respectively). With regard the PPS4 sequential test, a greater radius has been utilised incorporating all sites within the Fiveways and Beaconsfield local centres (located just outside the 1km radius), and the London Road Shopping centre 2km to the south. Again this is considered a suitable study area. The results of the test conclude that only three units are currently vacant with each providing a floor area significantly smaller than those proposed by this development, a floor area that could not be reasonably adapted to meet the needs of the applicants. On this basis, it is considered that there are no sequentially preferable sites within existing shopping centres suitable for a development of this scale.

The application proposes a convenience store to act as a 'top-up' shopping facility for the local area. Supporting information suggests that there is a considerable surplus in capacity expenditure for both convenience and comparison goods stores within the 1km catchment area. This is corroborated by the Council's latest Retail Study (2006) which identifies capacity for an additional 10,000sqm of out-of-centre convenience floorspace by 2010 and 50,000sqm of comparison goods capacity by 2011. The Study does though stress that these provisions should be primarily directed at existing centres in line with local and national policy, and not out-of town locations unless fully justified.

With regard to its impacts on the vitality and viability of local centres, the retail

assessment demonstrates adequately that the two nearest defined centres at Fiveways and Beaconsfield are performing well with no vacant units. This is corroborated by the Retail Study. The adjacent parade, although not designated as such, also contains no vacant units at the time of study. It is noted that of the ten units within this parade, only three fall into the convenience bracket of the A1 use class (a delicatessen, a newsagent and a wine retailer). The other seven units are a combination of A2 professional services and comparison A1 retailers such as a drycleaners, an alarm shop and a photographic studio. Objectors have raised considerable concern over the impact of the convenience store on the local economy, particularly the local newsagents, delicatessen and other shops within the adjacent parade. On balance, given the relatively small floor areas of the proposed units, it is not considered that the harm to these local shops will be significant or damaging to the vitality of the parade. Evidence to this effect can be seen elsewhere in the City, in particular following the construction of the Tesco store in Hove, where local newsagents and shops opposite and adjacent to the site are still fully operational. This evidence is repeated at Seven Dials, Brighton where two Co-op stores are located adjacent to many smaller shops, and opposite Waitrose in Western Road, Brighton where again several competing newsagents and food stores have not been impacted (indeed a new food store and newsagents has recently opened opposite the Waitrose store). It is though agreed that a larger convenience store (or indeed two convenience stores) would likely offer a greater range of products to the detriment of these shops, and would potentially pull trade away from the wider designated centres. To secure against this conditions could be imposed restricting the size of these units accordingly, in the event planning permission is granted.

Objector concerns over the lack of detail with regard the future occupier of the second unit are noted however given the size of the store and the retail impact evidence provided by the applicants, it is not considered that any harm will be forthcoming from this lack of information. There are no material planning considerations that would warrant a restriction on the types of comparison retailer that could occupy this unit therefore a general A1 comparison retail use is accepted. It is noted that there are very few vacant units in the wider study area, and certainly none of this size. There is therefore little risk that the site would be vacant in the longer term and no harm is identified as a result (Nb the applicants state that they have a retailer in line to occupy this site should permission be forthcoming). An argument forwarded by the applicants that the addition of two retail units may in fact reinforce and improve the vitality of the local parade through association and increased local footfall is accepted to a degree, but no primacy is given to this consideration. Likewise the potential of the site to employ 25-30 persons is considered welcome but not an over-riding consideration in the determination of this application.

With regard the other requirements to policies SR1 and SR2, the site is in a sustainable location on a main road adjacent to a bus stop and cycle lane.

Considerations with regard the highway safety and parking implications of the development are addressed later in the report.

On balance, given the lack of reasonably appropriate vacant units within the nearest local and town centres, the defined spare retail capacity in the area, and the relatively small floorspaces to each unit, it is considered that the introduction of two retail units would not significantly harm the vitality or viability of existing centres, or the local parade. It is though considered that there is potential for harm to be identified should the units combine into a single convenience retail store (or operate as two convenience stores) at a future date, thereby affecting the vitality and viability of these local centres. The principle of the change of use is accepted.

#### Design and Appearance

The proposed development would not vastly alter the external appearance of the site or building. The building itself is very much non-descript and offers no particular asset to the Conservation Area. The alterations proposed are minor and would include the introduction of formal entrances to the north side, the closure of an east/front entranceway, and a 3m high louvred enclosure for condensing and air-conditioning units. These works would not unduly harm the appearance of the building. Concern is raised that the loss of the street entranceway could result in a poorly articulated frontage, particularly should shelving and vinyls etc be run internally. As these are internal works, they cannot be controlled under planning however the applicants have been made aware of this potential harm.

Externally, the site is bounded by low walls and sporadic vegetation. The applicants have confirmed that they would be accepting of a landscaping/planting condition to enhance the overall aesthetic of the site. Although bin storage is not detailed, this again could be secured by condition. On this basis it is not considered that the site or Conservation Area would be unduly harmed by the external works proposed.

#### Impacts on Residential Amenity and Public Safety

Considerable concern has been raised by local residents over potential noise disturbance from the site, particularly from deliveries utilising the side roads and access points to the site. This concern is acknowledged. The revised plans show a designated unloading bay to be positioned alongside the existing bus stop on Preston Road fronting the site, thereby negating the potential for delivery vehicles to utilise the residential streets in the area. Should permission be granted it would be considered appropriate to secure the use of this bay for the convenience store by condition owing to the number and range of times for daily deliveries (Nb five daily deliveries have been identified in the updated transport assessment). Further conditions could be secured restricting opening hours, service and delivery hours, and customer access points, again to protect local residential amenities in the event planning permission was granted.

A condensing unit and three air-conditioning units are proposed centrally along the north side elevation. These are to be held behind a 3m high louvred enclosure. An acoustic report has been submitted which demonstrates that noise associated with these units would be below background noise levels from the nearest noise sensitive property, set approximately 20m to the north. Given the residential use of this nearby property, a condition could be imposed to ensure that noise levels remain below background levels at all times in the event planning permission was granted.

Concerns have been raised over potential increases in anti-social behaviour that would be encouraged by a convenience store that sells alcohol. This is not considered to be a significant concern with regard to this development, particularly as the adjacent corner unit within the adjacent parade is occupied by a specific alcohol retailer with likely similar opening times. It would be unreasonable to refuse permission and difficult to identify any such detrimental impact associated with this proposal given the presence of this other store. Should harm to this effect be identified at a future date then a review of the licensing arrangement with the site would be possible under separate Environmental Health legislation.

The proposed ATM would be located adjacent to the entrance to the convenience store, on a side wall facing Preston Road. Although Sussex Police have raised concern over this location and the potential for the bus stop to hide potential offenders, given the separation between the ATM and the bus stop and proposed opening hours for the store until 22.00 hours it is considered that this risk would be minimal.

#### Transport

The main concern raised by objectors is with regard to the impacts of the proposed development on parking levels within the local residential streets, the impacts of delivery lorries in the same area, and highway safety concerns associated with the vehicular access and egress points. Policies TR1, TR7 and TR19 are most relevant in this case, alongside Supplementary Planning Guidance 04 'Parking Standards', however Policies TR2, TR4, TR14 and TR18 are also applicable.

As initially submitted, the application proposed the vehicular entrance to be via the Preston Road frontage to the site. It was determined that this entrance would pose a significant risk to pedestrian, cycle and highway safety with cars turning from the main road across a cycle lane directly adjacent to a bus stop. At peak hours this turning point could become congested further endangering highways users. The revised submission proposes separate vehicular entrance and exit points from Cumberland Road instead which is considered a considerably safer arrangement for vehicles, pedestrians and cyclists alike.

In terms of servicing, the revised layout proposes an unloading bay located on the A23, forward of the existing bus stop and across the cycle lane and at a point where the dual carriageway narrows to a single lane. It is unclear

whether this loading/unloading bay would be used solely by the convenience store however this could be conditioned if deemed necessary in the event planning permission was granted. The second unit would retain service doors to Lauriston Road where there is an existing loading bay for the benefit of the adjacent Parade. The updated Transport Assessment includes a deliveries schedule for the convenience store which identifies 5 deliveries per day, the main delivery of which would last approximately 45 minutes. Given the location of the unloading bay at a sensitive position on the main 'A' road, it is considered that such a use would pose a significant hazard between vehicles, pedestrians, cyclists, busses and delivery vehicles at a pinch point in the road. The Council's Traffic Manager has raised an objection accordingly, and referenced concern by the Council's Road safety officers over the impact of the proposed development on the safety of passing cyclists. Although the transport assessment states that none of the 25 accidents recorded in the vicinity of the site within the last three years (four of which were deemed 'serious') were directly outside the site itself, this does not preclude the future potential hazard posed by the array of differing traffic movements at this pinch point. The applicants have not submitted a Stage One Safety Audit to demonstrate otherwise, therefore it is reasonably concluded that the proposed loading/unloading bay would result in a tangible increase to highway safety risk, contrary to Policy TR7 of the Brighton & Hove Local Plan. These judgements are corroborated by the Council's Traffic Manager on the basis of the submitted Transport Assessment and associated data.

Within the site, 19 parking spaces are to be provided alongside a motorcycle parking bay and two disabled bays. The current SPG for parking standards requires 28 customer spaces and a minimum of 10 staff spaces (based on the identified employment of up to 10 persons at any one time by the convenience store and an estimated 5 persons by the comparison good store) however these are maximum provisions thereby enabling a flexibility dependant upon the nuances of the site. The applicants have justified this shortfall in their transport assessment stating that staff would not be permitted to park onsite, and that the local road network would be able to provide spare parking capacity. Notwithstanding the location of the site opposite a bus stop and adjacent to a cycle lane, as the site directly fronts a busy main 'A' road it is considered that passing traffic volumes throughout the day would require a level of parking provision closer to the maximum standards recommended in the SPG.

This judgement is corroborated by the submitted Transport Assessment which refers to a convenience store of an identical sales floor area at Headcorn, Kent where all 55 allocated car parking bays were surveyed as being fully occupied for three hours on a given day, with in excess of ninety percent occupancy for a total of seven hours. Although this site is adjacent to a High Street and was last surveyed in 2002, the application site is also situated adjacent to a small local parade, and the proposed comparison good store. The reasonable deduction is therefore that demand for parking for this store at this location is likely to be greater than the 19 spaces proposed, and more

likely to be closer to the maximum parking levels identified by SPG04.

Given that the proposed use of the application site incorporates the second A1 comparison goods store (for which 4 of the 19 parking bays are to be allocated), it is considered highly probable that overspill parking will regularly occur into the surrounding streets. These surrounding streets are narrow allowing for the minimal passing of vehicles, and contain resident and restricted parking bays that are currently already largely occupied throughout the day. Residents in the area have raised considerable concern over the impact of staff and customer overspill parking on traffic and parking levels within these confined streets and this is fully acknowledged. The transport assessment refers to up to 10 staff being employed at the convenience store at any one time, however it does not identify how they would travel to the store or where they would park given that they would not be able to use the car park. Whilst some staff may chose to walk or use the bus, it is likely that several (including unknown staff levels for the comparison goods store) would require parking in the immediate area, raising demand accordingly. Whilst the applicants state that they would produce a small Workplace Travel Plan for the convenience store only, this is not considered sufficient to offset the potential harm identified. Given the location of the site and the nature of its proposed occupancy, it is considered that that the proposed parking provisions are significantly below the volumes required for a development of this scale and in this sensitive location. The resultant demand for parking in the immediate area would be vastly increased from its current levels to the detriment of the amenities of residents and the overall character of the Preston Park Conservation Area. On this basis the proposed development is considered contrary to Policies TR1, TR19 and SPG4.

With regard cycle storage, two cycle parking racks are provided to the front of the site, providing a capacity in line with policy TR14 and SPG04 guidance.

In order to comply with policy QD28, the Traffic Manager recommends that real-time REACT boxes should be installed in the bus stop fronting the site, whilst Traffic Regulation Orders should be implemented/amended to secure the new access points and loading bay to Preston Road. Given the scale of the development and the significant concerns raised by local residents, it would be considered expedient to secure these works via a Section 106 unilateral obligation, with details of the works to be agreed and constructed by the applicants prior to the occupation of the development, in the event planning permission was granted.

The applicants have since submitted a draft Section 106 unilateral obligation to demonstrate that they are willing to implement the abovementioned works. They have also stated a willingness to discuss any amendments to the wording or drafting details that the Committee deem fit to add to the agreement should permission be granted. An addendum note has also been submitted reacting to the recommendation outlined in Section 1 above. The content of this report does not constitute additional material planning

considerations that would impact on the determination of this application. It refers principally to alleged inconsistencies with regard the Transport Planning advice given throughout this application, and in comparison with a similar application at 189 Carden Avenue approved in March 2010. The addendum report also states that the applicants would be prepared to accept conditions to restrict the hours of operation of the loading bay, the submission of a Travel Plan, and to restrict the permitted floorspace and future amalgamation or sub-division of the units. All factors discussed in the submitted report, including the potential imposition of the above conditions, have already been considered during the process of arriving at the above recommendation. The reference to the consent at 189 Carden Avenue has likewise been considered as part of this process, however this site has different development pressures, is not located on a main arterial road such as the A23 Preston Road and the parking in the surrounding area is not restricted in the same way as the application site. A direct comparison between the sites therefore cannot be made. The Traffic Manager has considered the report and has not altered the recommendation.

#### Contaminated Land

The site has been identified as a former petrol filling station therefore the potential for ground based contaminants to be present is significant. The applicants have provided a comprehensive contaminated land survey concluding that no contaminants are readily present however this survey does acknowledge the potential for unidentified contaminants to be unearthed during future construction works. A precautionary approach to the development is recommended accordingly. The Environment Agency and Environmental Health officers are satisfied with this approach (particularly as little ground work is proposed with this application) and a suitable planning condition and informative could be attached to the recommendation to manage such an eventuality. A condition to manage foul and waste water is also recommended on the advice of the Environment Agency. Subject to these conditions, should permission be granted, no harm is identified with respect to policies SU5 and SU9.

#### Other Issues

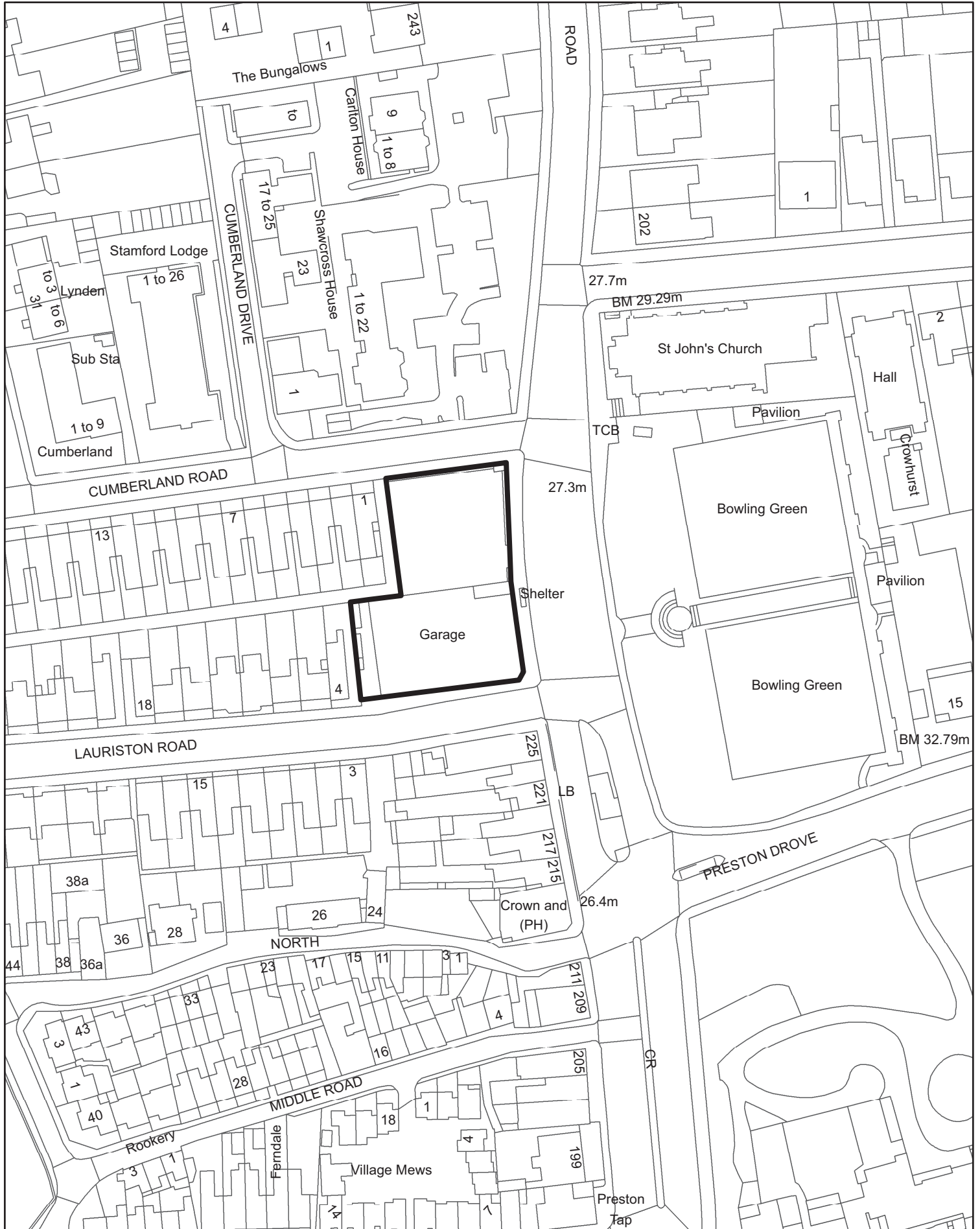
Local residents have raised concern over increases in air pollution from the use of the site. The site is not in a designated Air Quality Management Area, however, air quality levels in the area are being monitored. Given the scale of the development no objection has been raised by the Council's Environmental Protection Team and this judgement is supported. It is considered that the majority of vehicular traffic to the site would likely be from motorists already passing along the A23 Preston Road artery as the units are not of a sufficient size to be considered destination stores in their own right. An additional argument over litter nuisance is accepted, however, subject to the securing of bin storage etc there is no compelling evidence to suggest that litter would be vastly more troublesome as a result of this application than from the existing shops in the parade. Alternative uses for the site are acknowledged however this application must be determined on its own merits.

**8 EQUALITIES IMPLICATIONS**

Level access would be provided to both retail units.



# BH2010/00584 227 Preston Road



Brighton & Hove  
City Council

N

Scale: 1:1,250





## Brighton & Hove City Council

PLANS LIST – 13 OCTOBER 2010

COUNCILLOR REPRESENTATION

**From:** Pat Drake [Pat.Drake@brighton-hove.gov.uk]  
**Sent:** 24 June 2010 23:25  
**To:** Adrian Smith  
**Subject:** Application re 227 Preston Road. Caffyns garage site  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Dear Adrian

I have received a number of letters regarding this application. Many are in favour and are aware of personal shopping choice and benefit. Others, who live very close to the site are less than enthusiastic and have legitimate concerns about delivery vehicles, the narrowing A23 at this point, the closeness of the bus stop and speed of traffic at the entry/exit which they consider dangerous, and the effect upon nearby traders. I believe that both sides have expressed their concerns and their support most clearly and adequately to enable the committee to reach a judicious decision

Kind regards  
Pat

Pat Drake  
Councillor Withdean ward



PLANS LIST – 13 OCTOBER 2010

COUNCILLOR REPRESENTATION

Adrian Smith - Planning Officer  
Brighton and Hove City Council.  
Environmental Services.  
Norton Road,  
HOVE  
cc Jane Richardson

Date: June 3<sup>rd</sup> 2010

Application number: BH2010/00584      Application type: Full planning  
Address: 227 Preston Road Brighton  
Description: Change of use of car showroom/ workshop (SG04) to 2 number retail units (A1) incorporating installation of external condenser unit, air conditioning units and an ATM Cash Machine.

Dear Mr. Smith,

We are writing as Withdean Ward Councillors in connection with the planning application as detailed above, the location of which is situated in the Preston Park Conservation area. This site, previously occupied by Caffyns PLC, is situated on a busy section of Preston Road. We have received a very large number of representations in connection with this application, both supporting the application and opposing the application.

Residents living close to the application site have expressed understandable concerns relating to noise, pollution from vehicles entering and exiting the site, related road safety issues from vehicles entering and exiting the site, noise at unsociable hours from vehicles delivering to the Sainsbury's outlet and the existing constraints on Preston Road at this location where the road narrows from two to one lane of traffic. There is also concern expressed for the future viability of the existing convenience store which is popular and well used by many local residents although we do appreciate that this is not a planning consideration. An additional concern is that the occupant of the proposed second retail unit is as yet unknown.

We have received expressions of support for the application from a large number of residents of Withdean Ward who welcome the possibility of having the greater selection of shopping opportunities that even a small Sainsbury's unit such as this would provide in an area which is a considerable distance from any other major retail provider. It has also been pointed out by a number of residents that they would be able to walk to this location instead of having to travel by car or bus thereby reducing pollution.

We are also concerned that there do not appear to be any cycle storage racks included in the application detail or hours of operation and permitted delivery times to the store.

Should the Planning Committee be minded to recommend this application for approval, we request that conditions be applied to the hours of operation of the store and the times when deliveries are made to the store.



**Brighton & Hove  
City Council**

PLANS LIST – 13 OCTOBER 2010

COUNCILLOR REPRESENTATION

We request that this letter be included in the agenda for the appropriate meeting of the Planning Committee.

Yours sincerely,

*Anna Norman*

<b><u>No:</u></b>	<b>BH2009/02847</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>85 Tivoli Crescent North, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Single storey side extensions to north and south elevations and swimming pool and enclosure extension to rear (revised design).</b>		
<b><u>Officer:</u></b>	Steven Lewis, Tel: 290480	<b><u>Valid Date:</u></b>	19/11/2009
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	14 January 2010
<b><u>Agent:</u></b>	Tim Cording, 140 High Street, Steyning.		
<b><u>Applicant:</u></b>	Mr & Mrs M Mousavizadeh, 85 Tivoli Crescent North, Brighton		

## 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. This decision is based on unnumbered Tim Cording existing plans received on 19/11/2009 and proposed plans submitted on 23/09/2010.
3. BH03.03 Materials to match.
4. No development shall take place until details of the proposed machinery and equipment including their location and a scheme for the suitable treatment of all machinery and equipment against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority and shall be retained as such thereafter. The use of the machinery and equipment shall not commence until all specified works have been carried out to the satisfaction of the Local Planning Authority. *Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*
5. No development shall commence until full details of existing and proposed ground levels within the site and on land adjoining the site to OS Datum, by means of spot heights and cross-sections, proposed siting and finished floor levels of the swimming pool and enclosure building, have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved level details. *Reason: To ensure a satisfactory appearance to the development and to protect the amenity of surrounding neighbours in accordance with policies QD1, QD2, and QD27 of the Brighton & Hove Local Plan.*

### Informatives:

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

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

Brighton & Hove Local Plan:

- SU10 Noise Nuisance
- QD1 Design – quality of development
- QD2 Design – key neighbourhood principles
- QD14 Extension and alterations
- QD27 Protection of amenity; and

- ii) for the following reasons:

The extension are considered an appropriate design in relation to the host property, would not have a detrimental impact upon the amenity of adjacent residential occupiers from a loss of light, overshadowing, outlook or privacy. Planning conditions are imposed to ensure an adequate scheme of soundproofing for any equipment and machinery serving the proposed swimming pool and subject to compliance will not have a detrimental impact on amenity.

## **2 THE SITE**

The application relates to a large detached two storey dwelling, with roof additions on the west side of Tivoli Crescent North.

The property has undergone previous extensions including a lean-to style side extension, dormer windows.

## **3 RELEVANT HISTORY**

85 Tivoli Crescent North

None relevant.

Plot Between 81 and 85 Tivoli Crescent North.

**BH2002/02770/FP:** Demolition of existing bungalow and construction of 3 bedroom detached dwelling with integral garage – approved 16/01/2003.

**54/1061:** Erection of bungalow – approved 19/10/1954.

## **4 THE APPLICATION**

The application seeks planning permission for the erection of a single storey side extension to the north and south (side) elevations and a swimming pool and enclosure extension to the rear.

As originally submitted, the application sought the erection of a single storey side extension to the north elevation, a two storey side extension to the south and a swimming pool extension to the rear this projected along the boundary with 83 Tivoli Crescent North. Amended plans were received during the course of the application to address concerns raised regarding the resulting impact on amenity and visual impact. Principally the changes relocated the swimming pool away from the boundary with no. 83 Tivoli Crescent North and reducing the southern extension to simple storey

## 5 CONSULTATIONS

### External:

**Neighbours (all received prior to amended design and re-consultation):  
18, 20 Tivoli Road, 83, 87 Tivoli Crescent North & 4 Turnbull Road  
(Chichester) object to the application on the following grounds:**

- Increase in noise and disturbance from the use of the proposed swimming pool and operation of pumps and other equipment
- The size and scale of the development is not appropriate as the size of property is not large enough for such a development
- The development will create an overbearing development which will result in a loss of privacy
- The proximity of a two storey extension would have a detrimental impact upon the occupiers of 83 Tivoli Crescent North
- The inclusion of a first floor bathroom window will overlook the garden of 83 Tivoli Crescent North
- The height of the swimming pool would create a sense of enclosure to the garden of 83 Tivoli Crescent and if approved should be adequately soundproofed.
- The proposed side extension will infill the gap between 83 & 85 Tivoli Crescent North creating a boxed in and terraced feel to the garden area of number 83 and create an impression overbearing and overlooking leading to a loss of privacy.
- The proposal would have a severe impact upon the quality of life of neighbouring occupiers.

No further comments have been received following reconsultation.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

SU10 Noise Nuisance

QD1 Design – quality of development

QD2 Design – key neighbourhood principles

QD14 Extension and alterations

QD27 Protection of amenity

## 7 CONSIDERATIONS

The prime considerations in this case are, firstly, the design of the extensions and the impact upon the character and appearance of the property and that of the wider area; and, secondly, the impact of the extensions upon the residential amenity of nearby occupiers.

The proposal comprises three extensions, two single storey side extensions and a rear swimming pool and extension.

### Design considerations

The proposed extensions by reason of their scale, detailing and siting are not considered to have a harmful impact upon the character and appearance of the property and are adequately designed in the context of the host property

and wider area.

The proposed scheme has been amended to reduce the south facing extension to a single storey ground floor addition and to re-site the swimming pool extension further away from the southern boundary and to lower its ground level.

*Side extensions*

The two proposed side extensions by reason of their scale, detailing and height are considered acceptable. Neither extension would have a domineering impact upon the appearance of the parent dwelling, whilst an appropriate visual gap between the neighbouring properties would be retained due to the siting, height and scale of both extensions.

Both extensions have a lean-to roof which join the main side elevation and are sited slightly set back of the front building line, therefore remaining subservient to the host building. The extensions include window patterns which match that of the main dwelling and materials will match that of the existing building which is secured by condition. Accordingly both side extensions are considered appropriately designed and will not harm the appearance of the parent building or represent a development that is discordant with the street scene.

*Swimming pool building.*

The proposed swimming pool building is considered acceptable in terms of design by reason of its siting; the rear location and due to being excavated into the site.

The proposed extension will project approximately 10.5 metres from the rear of the dwelling and would be 6.7 metres wide. The height of the building is approximately 3.6 metres high, but will reduce in height relative to the ground level due to the expected excavation and rising topography of the site from front to rear. At the point where the ridge of the proposed extension ends the building will be approximately 2.6 metres above present ground level, while further back to eaves level the extension will be approximately 1.8m above present ground level. For this reason, whilst the depth of the extension is large, given the fact that the extension will step into the raising ground levels, it is considered acceptable in this instance to permit a large extension at the rear.

The extension will be sited to the rear behind the parent dwelling and due to presence of the dwelling, the topography of the site the extension will not be visible from within Tivoli Crescent North. Furthermore the rear garden is not able to be seen from the street to the rear, Tivoli Road or from the south. The extension will therefore have no visual impact upon the positive characteristics of the street scene or the appearance of the wider area.

The ground level of the dwelling is set below most of the rear garden, with a



retaining wall set at approximately a metre in height outside the rear elevation. The ground level then gradually slopes further up to the rear. There are a number of terrace levels within the garden towards the rear and the new pool building would be cut into the slope to minimise the impact of its scale.

The proposed swimming pool building is well detailed in relation to the host property, while the use of roof glazing is acceptable. The materials of the extension should match the parent dwelling in terms of its outward appearance and as such it is necessary to impose a planning condition to require matching materials.

#### Residential amenity

The proposed extensions are not considered to have a harmful impact upon the amenity of the occupiers of neighbouring properties. The siting of the swimming pool and the side extension on the southern elevation have been amended to reflect concerns raised by neighbours and the Local Planning Authority. The south facing side extension has been reduced from two storeys to a single storey extension with a lean to roof and the swimming pool has been re-sited over 3 metres further away from the southern side boundary.

Letters of objection from neighbours raised concerns regarding the potential impact of the earlier proposed extensions, raising issues such as overbearing impact, loss of privacy, loss of light and overshadowing. Following the receipt of amended plans, the application was re-advertised and no additional letters of representation were received.

It is considered that both side extensions would have an acceptable impact upon the neighbouring properties to the north and south. The side extensions are lean to in design and retain a 1 metre gap between the joint boundaries of either neighbouring properties. The extensions would not cause a harmful loss of privacy given their ground floor position and the present side boundary screening. They would not result in a harmful loss of outlook or light given their scale and spacing from the joint boundaries either side.

The swimming pool extension whilst large in scale would not cause a harmful impact upon neighbours by reason of its siting 4m away from the southern joint boundary and the expected level of excavation to set the level of the extension into the slope of the garden. Whilst the plans show a broadly acceptable relationship and ground levels the application contains insufficient details of ground levels to ensure a satisfactory completion to the development and to protect the amenity of adjacent occupiers. It is therefore considered that further information of existing and proposed ground levels of the swimming pool and enclosure are required and can be secure by planning condition.

Objections detailing potential noise and disturbance from pool equipment have been received. Whilst it is anticipated that plant and equipment to run the swimming pool will produce some additional noise; it is considered that

adequate soundproofing would mitigate for any potential harm. As such it is recommended that prior to works commencing upon the site details of equipment to be installed, its location and an adequate scheme of soundproofing should be approved by planning condition.

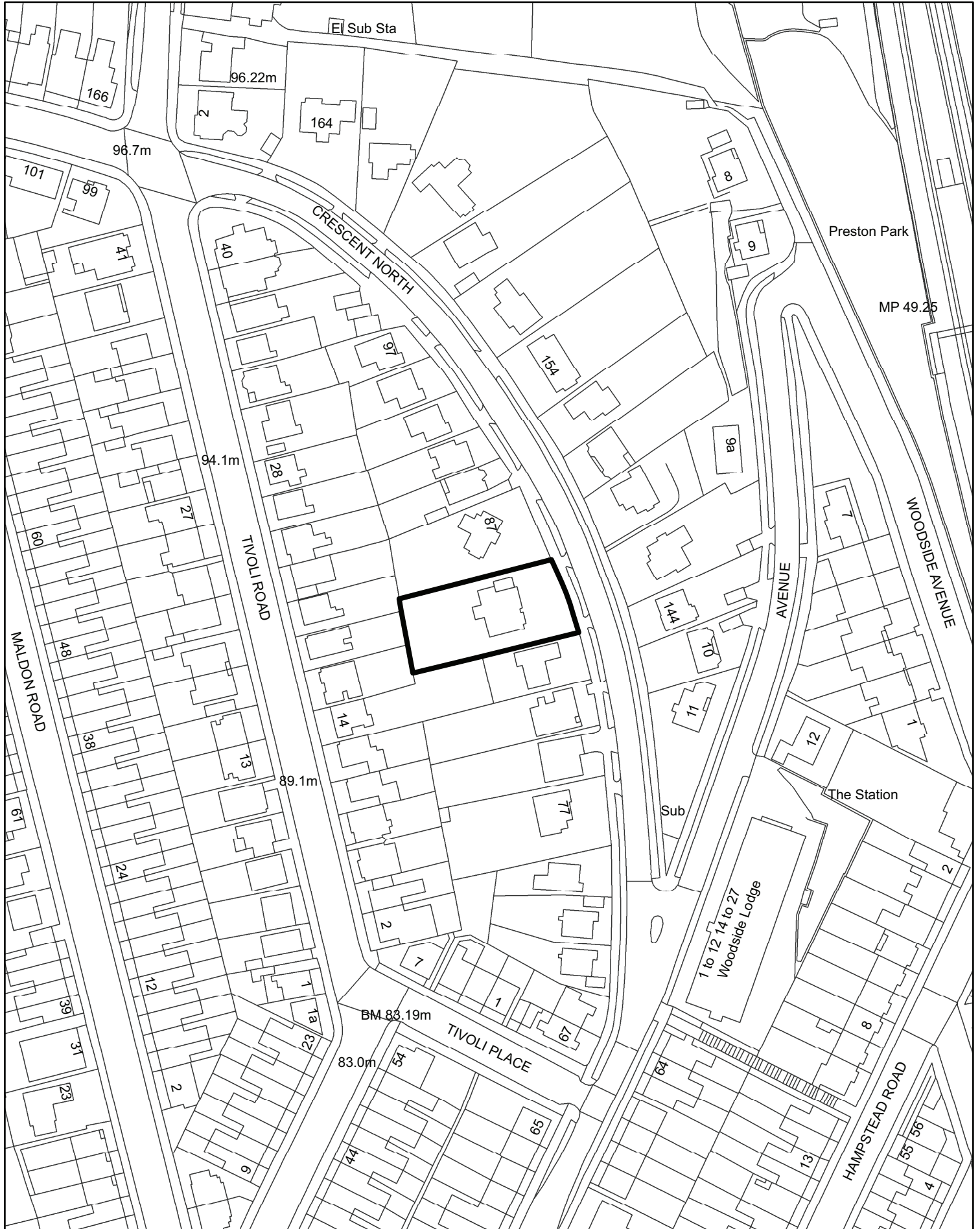
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The extensions are considered an appropriate design in relation to the host property, would not have a detrimental impact upon the amenity of adjacent residential occupiers from a loss of light, overshadowing, outlook or privacy. Planning conditions are imposed to ensure an adequate scheme of soundproofing for any equipment and machinery serving the proposed swimming pool and subject to compliance will not have a detrimental impact on amenity.

**9 EQUALITIES IMPLICATIONS**

None identified.

# BH2009/02847 Tivoli Crescent North



Scale: 1:1,250

<b><u>No:</u></b>	<b>BH2008/02546</b>	<b><u>Ward:</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Sainsbury's Supermarket, Lewes Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Application to vary condition 2 (delivery hours) of planning permission 92/0916/FP dated 15 July 1993, to allow deliveries from between 7am to 10pm Monday to Saturday, and increase delivery vehicles to 4 daily, on Sundays and Bank Holidays with delivery hours remaining as existing.</b>		
<b><u>Officer:</u></b>	<b>Kathryn Boggiano</b>	<b><u>Received Date:</u></b>	<b>28 July 2008</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>14 October 2008</b>
<b><u>Agent:</u></b>	<b>White Young Green, 100 St John Street, London</b>		
<b><u>Applicant:</u></b>	<b>Mr Jaime Powell, Sainsbury's Supermarket Ltd, 33 Holborn, London</b>		

## 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. Deliveries to the retail store shall only take place between the hours of 07:00 and 22:00 on Mondays to Saturdays and between the hours of 10:00 and 16:00 on Sundays and Bank Holidays. A maximum of four deliveries shall be made on any Sunday and Bank Holiday. A maximum of one delivery shall be made between 21:00 and 22:00 on any weekday or Saturday, and the one vehicle permitted must have departed from the application site no later than 22:00.  
**Reason:** In order to protect the amenity of adjacent residents with regard to noise disturbance and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
2. The retail store shall only be open for trade between the hours of 07:00 and 22:00 Monday to Saturdays and between 10:00 and 16:00 on Sundays and Bank Holidays.  
**Reason:** In order to protect the amenity of adjacent residents with regard to noise disturbance and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
3. No roll pallets shall be used in the delivery yard on Sundays or between 21:00 to 22:00 on Mondays to Saturdays.  
**Reason:** In order to protect the amenity of adjacent residents with regard to noise disturbance and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
4. Between 21:00 and 22:00 on Mondays to Saturdays, reversing alarms on delivery vehicles shall not be activated or audible unless they are White Noise Reversing Alarms or a similar low level noise alarm. Prior to any

deliveries commencing between 21:00 to 22:00, the technical specification of any White Noise Reversing Alarms or low level noise reversing alarms shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority the deliveries shall be carried in full accordance with the approved details.

**Reason:** In order to protect the amenity of adjacent residents with regard to noise disturbance and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

5. The refrigeration units of all delivery vehicles within the application site shall be turned off between the hours of 21:00 and 22:00 on Mondays to Saturdays.

**Reason:** In order to protect the amenity of adjacent residents with regard to noise disturbance and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

6. Deliveries shall be carried out entirely in accordance with the Noise Management mitigation measures contained within the WYG Environment Noise Assessment Report dated 17 December 2008. Yearly monitoring reports of the Noise Management mitigation measures (section 5 of the Noise Assessment Report) shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order to protect the amenity of adjacent residents with regard to noise disturbance and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

7. Prior to the implementation of the planning permission hereby approved, the acoustic wall/fence on the western boundary of the application site shall be repaired or replaced in accordance with a detailed scheme and technical specification to be 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:** In order to protect the amenity of adjacent residents with regard to noise disturbance and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

8. The development hereby permitted shall be carried out in accordance with the approved drawing no. A046793 submitted on 28 August 2008.

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

Informatives:

1. This decision to grant Planning Permission
  - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations:

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe development
SU9	Pollution and nuisance control
SU10	Noise nuisance

- QD3 Design – efficient and effective use of sites
- QD27 Protection of amenity
- QD28 Planning obligations; and

ii) for the following reasons:

Subject to the proposed conditions, it is considered that the increase in delivery vehicles proposed from 2 vehicles to 4 vehicles on a Sunday and the increase in delivery times from 9:00pm to 10:00pm Monday to Saturday would not be of detriment to the amenity of adjacent residents.

## 2 THE SITE

The application site is situated to the west side of Lewes Road and fronts onto the Vogue gyratory system at the junction of Lewes Road, Upper Lewes Road and Hollingdean Road. The site is occupied by a Sainsbury supermarket and is constructed on three levels with customer car parking provision situated on the ground floor. The main access to the store is gained from a covered escalator.

Deliveries to the store are made from a separate access from Hollingdean Road via a ramped service road to the second floor level at the rear of the site. The service area is between 8 and 15 metres from the rear wall of houses fronting D'Aubigny Road and is an open yard with service bays adjoining the storage area to the rear of the store.

The application premises form part of a mixed area that includes shops, a petrol filling station, public houses and residential properties on Hollingdean Road, D'Aubigny Road and Round Hill Crescent.

## 3 RELEVANT HISTORY

A number of planning applications and applications for advertisement consent have been made in respect of this site. The most relevant are as follows:

**BH2001/02852/FP:** Installation of acoustic fence to existing boundary wall. Approved 26/2/2002.

**BH2001/02730/FP:** Enclosing of customer entrance and formation of enclosed lobby, installation of lift from car park to supermarket. Approved 12/12/2002.

**BH2001/02007/FP:** Erection of 2 x covered trolley bays to Sainsbury's car park. Approved 29/10/2001.

**BH2001/01813/FP:** Extension to supermarket to be used as a coffee shop (A3). Approved 09/10/2001.

**BH2000/02425/FP:** Variation of condition 1 of planning consent 92/0916/FP to allow the store to open 24 hours on the 14 days before New Years Day on a permanent basis. Approved 17/11/2000.

**BH1999/01668/FP:** Variation of condition 1 of planning permission 92/0916/FP to allow the store to open for 24 hours on 20, 21, 22, 23, 29, and 30<sup>th</sup> December. Approved 21/10/1999.

**BH1997/01585/FP:** Relaxation of condition 01 of planning consent ref

92/0916/FP to allow store to open between hours of 0700 on Friday, 19 December 1997 and 2200 on Saturday, 20 December 1997 and between 0700 on Monday, 22 December and 2200 on Tuesday, 23 December 1997. This application was withdrawn.

**BH1997/01584/FP:** Relaxation of condition 01 of planning consent ref 92/0916/FP to allow the store to open for trade additionally between the hours of 2200 and 0700 Friday to Saturday. This application was withdrawn.

**92/0916/FP:** Vary Conditions 14, 15 of BN/82/0515 granted 4.11.83 proposed to now read 'no part of the retail store should be open for trade and no deliveries made during the hours of 2200 to 0700 on any day'. (To allow Sunday trading). Allowed on appeal – however deliveries were restricted to between 07.00 to 21.00 Monday to Saturday and 2 deliveries were permitted on a Sunday between the hours of 10.00 and 16.00.

**83/683:** Construction of new supermarket at first and second floor levels with car parking at ground and first floor levels and service yard and access road and second floor. (Approval of reserved matters following outline planning permission 82/515). Approved 04/11/1983.

**82/515/F:** Outline application for the demolition of existing buildings and viaduct and the erection of a retail store within ancillary facilities including car park, service yard, access roads, and landscaping. Erection of an industrial estate and re-siting on a reduced area and reconstruction of existing coal yard. Approved subject to a Section 106 Agreement 04/11/1983.

#### 4 THE APPLICATION

Planning permission is sought for a variation of condition 2 (delivery hours) of planning permission reference 92/0916/FP dated 15 July 1993. The approved hours of delivery are as follows:

- Monday – Saturday 07.00 – 21.00
- Sundays and Bank Holidays 10.00 – 16.00 restricted to 2 daily deliveries

The current application has been amended a number of times since submission with regard to the proposed hours of delivery.

Originally the application proposed to vary the hours of deliveries as follows:

- Monday to Thursday 6.00 to 12.00 midnight
- Friday 06.00 to 2.00 (Saturday morning)
- Saturday 6.00 to 12.00 Midnight
- Sunday 7.00 to 23.00

Following amendment, the delivery times now being sought are:

- Monday – Saturday 07.00 – 22.00
- No change is sought to the delivery hours on Sundays and Bank Holidays. However an increase in the number of deliveries from 2 to 4 deliveries on Sundays and Bank Holidays is proposed.

## 5 CONSULTATIONS

### External

#### Original Consultation

**Neighbours:** Consultation carried out on the original proposals resulted in 23 letters of objection being received from numbers **4, 5, 8, 10, 12, 14, 15 D'Aubigny Road, 56, 112, 114 Richmond Road, 54, 56, 77, 83 Princes Crescent, 51, 61 Upper Lewes Road and 87 Roundhill Crescent**. The grounds of objection were as follows:

- Increased noise;
- The proposal would limit the enjoyment of neighbouring houses;
- The store has become a distribution centre for home deliveries;
- Extra vehicle movements would create additional noise disturbance;
- Home deliveries should take place from another store;
- The applicants do not adhere to the current hours and delivery times;
- There is no need for extended hours;
- The proposal would result in increased levels of pollution;
- Increased traffic generation;
- Existing noise from vehicle engines and refrigerators;
- Quality of life for local residents will be adversely affected;
- Management of existing delivery hours is lax;
- Sainsbury's noise report is invalid;
- The increased noise resulting from trucks manoeuvring in the yard would be significantly greater than those predicted in the Sainsbury study (Noise Assessment Report); and
- The proposal would exacerbate current problems which include:
  - *percussive impact noise from truck loading*
  - *engine noise from home delivery vans*
  - *percussive noise from loading and unloading vans*
  - *noise from wheeled pallets movers in delivery yard*
  - *shutters opening and closing*

A letter of objection was received from **Councillor Keith Taylor** when he was still a Councillor – objecting on the following grounds: noise nuisance; adverse impact on residential amenity; expressed concern over the increasing use of the site as a base for home delivery vans and suggested the site's use be restricted for these purposes; increase in traffic levels and air pollution and reported Sainsbury's do not adhere to their current hours restrictions and management of delivery vehicles/unloading processes is lax.

#### Additional consultation following amendment

Additional consultation was carried out regarding the amended delivery hours, (22:00) and the following representations were received:

**6** further letters of objection have been received from the residents of numbers **5, 8, 10, 15 D'Aubigny Road and 56, 112 Richmond Road**. The following grounds of objection are raised:

- Noise pollution has been an existing problem for many years, during



permitted operating hours and outside permitted hours, this proposal will increase the noise disturbance to residents at night and on Sundays.

- The proposal will result in excessive noise which will prevent local residents from being able to sit out in their gardens or using back bedrooms which face onto the delivery yard.
- Sound readings were taken over a period of time during 2008 which show that truck manoeuvring can increase the ambient sound level at the bedroom window of 8 D'Aubigny Road by up to 12dBA and the percussive noise caused by loading and unloading activities has been measured as 70dBA.

An objection has been received from **Councillor Pete West** which is attached to this committee report.

An objection has been received from the **Round Hill Society** on the following grounds:

- Noise from Sainsbury's is already a problem for people living on the east side of D'Aubigny Road. A doubling of deliveries Sundays and an extension allowing deliveries up to 10pm Monday to Saturday would cause further nuisance and loss of amenity to these residents.
- Sound readings were taken over a period of time during 2008 which show that truck manoeuvring can increase the ambient sound level at the bedroom window of 8 D'Aubigny Road by up to 12dBA and the percussive noise caused by loading and unloading activities has been measured as 70dBA. These are unacceptably high figures.
- In the summer people would like to enjoy their gardens in the evenings, but the existing noise levels and permitted hours make that nearly impossible. An extension of hours and permission for more vehicle movements and associated loading and unloading noises will make summer garden parties or quiet enjoyment of gardens absolutely impossible.

#### **Internal**

**Sustainable Transport Team:** No comments to make regarding the application.

**Environmental Health:** *Comments made on 02/09/2009 when proposed opening hours were to 11pm Monday to Saturday and 2 additional vehicles on a Sunday.*

The existing permitted times are 7am till 9pm Monday till Saturday and two daily deliveries on Sunday and Bank holidays between 10am and 4pm.

They are now asking for 7am till 11pm Monday till Saturday and 4 deliveries during the hours 10am till 4pm on Sunday and Bank Holidays. They have also produced a management scheme to reduce the noise impact of their deliveries.

Environmental Health have responsibilities under the Environmental Protection Act 1990 to investigate statutory noise nuisances and so far we have not identified any under the present arrangements and are unlikely to under the latest proposed extended hours with the noise management regime in place.

We also have responsibilities to advise when we think that applications involving noise making activities are likely to unreasonably interfere with the comfort of local residents.

While we must have regard to what the original planning inspector said in the appeal decision in respect of delivery hours, he did not have the benefit of the monitoring data that has now been collected.

On the basis of the extended acoustic report advise that the revised proposal which incorporates the noise management scheme is unlikely to cause a statutory noise nuisance or unreasonable disturbance to local residents.

*Comments made on 05/07/2010 regarding the proposed hours of deliveries to 10pm Monday to Saturday and 2 additional deliveries on a Sunday.*

The assessment of noise from deliveries by Messrs WYG Environment was carried out during 2008.

Previously there had been complaints of noise nuisance arising from delivery activities on the Sainsbury's site. Noise nuisance was not established during the investigations by Brighton & Hove City Council Environmental Protection team over an extended period. However, the criteria for planning purposes do not require an anticipation of nuisance levels to recommend refusal on grounds of noise. Under BS 4142, BS 8233 and the World Health Organisation there are recommendations on levels of noise which should be acceptable to residents; these are used for the purpose of forming a planning recommendation and were agreed with WYG beforehand.

From the WYG assessment, the reasonable criteria have been met although there is always the possibility that special favourable conditions prevailed during the assessment period.

Since the planning application was first submitted the applicants have reduced significantly the hours and number of deliveries.

In addition to the noise assessment, the applicants submitted a delivery yard management plan. Unfortunately by the nature of the content of the management plan I understand that it is not possible to codify much of the content into enforceable planning conditions.

*Comments made on 17/09/2010*

Support a recommendation to approve a permanent extension of delivery

hours until 10pm weekdays and Saturdays subject to the draft conditions contained within the committee report.

## **6 PLANNING POLICIES**

### Brighton & Hove Local Plan

- TR1 Development and the demand for travel
- TR7 Safe development
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- QD3 Design – efficient and effective use of sites
- QD27 Protection of amenity
- QD28 Planning obligations

## **7 CONSIDERATIONS**

The main considerations relate to the impact of the proposal on residential amenity and traffic considerations.

### Impact on residential amenity

Policy QD27 will not permit development which would cause material nuisance or loss of amenity to adjacent residents.

Policy SU9 will not permit development that may be liable to cause noise pollution and/or nuisance were amenity would be put at risk and a development would negatively impact upon the existing pollution and nuisance situation.

Policy SU10 requires development to minimise the impact of noise on the occupiers of neighbouring properties. Where necessary planning conditions will be imposed and/or a planning obligation sought in order to specify and secure acceptable noise limits hours of operation and attenuation measures.

In the original appeal decision the Inspector included a restrictive condition relating hours of delivery and the number of deliveries on Sundays. These times were included to safeguard the amenities of nearby residential occupiers. The current hours of delivery are:

- Monday – Saturday 07.00 – 21.00
- Sundays and Bank Holidays 10.00 – 16.00 restricted to 2 daily deliveries

The amended application proposes the following hours of deliveries:

- Monday – Saturday 07.00 – 22.00
- No change was sought to the delivery hours on Sundays and Bank Holidays. However an increase in the number of deliveries from 2 to 4 deliveries on Sundays and Bank Holidays is proposed.

The rear gardens of Nos. 6 - 14 D'Aubigny Road adjoin the service yard. There are bedroom windows present at the first and second floors of these

properties which face towards the delivery yard and are between 14 to 23 metres from the delivery yard.

There are also properties on Round Hill Crescent which back onto the site, although the existing supermarket building screens the service yard from view from these properties.

Properties on Hollingdean Road back onto the service ramp and a block of flats 49 to 57 Hollingdean Road is the nearest building to the ramp, being a minimum distance of 6 metres away.

The impact of noise arising from the increase in deliveries on existing noise levels inside the adjacent residential properties and within their garden areas must be assessed as part of the proposal.

The neighbouring occupiers state that the type of noise and disturbances that take place during deliveries include lorry flaps dropping onto the concrete delivery platforms; sounds from rolling palettes and trolleys on the cobbled surface of the delivery yard; noises from the refrigerated chiller units on the trucks along with general disturbances from vehicles entering and leaving the site which sometimes includes vehicles revving and the noise from vehicles reversing. In addition, there is background noise associated with home delivery vans.

The applicant has submitted a statement in support of the application. According to the statement, deliveries take two hours to complete for goods delivered to be unloaded, sorted and delivered to the shelves inside the store.

The applicant contends that the existing restrictions do not provide the necessary window to enable the delivery; unloading, transfer and display of fresh goods such as dairy produce, bread and other produce with short shelf life prior to the opening of the store. The applicant has requested a later delivery time in order to ensure fresh produce is able to be stocked on shelves when the store first opens in the morning.

The applicant originally submitted a noise assessment which predicted the noise levels at receptor locations which were considered to be the most sensitive locations and included the rear of the façade of 4 - 14 D'Aubigny Road and 45 Hollingdean Road.

However, at the request of Environmental Health officers an additional Noise Assessment was completed in November 2008 which included actual noise monitoring at noise sensitive locations which included the rear garden of 8 D'Aubigny Road and was carried out over a 3 week period in November 2008.

Predicted internal noise levels for Nos. 4 to 14 Daubigny Road and 45 Hollingdean Road were then re-assessed within the Noise Assessment. The Assessment shows that, when a delivery takes place, noise levels inside

adjacent residential buildings (with and without windows being open) would comply with the relevant BS and WHO standards. Therefore, the impact of the proposal is considered to be acceptable on the living conditions inside properties.

A 4 metre high boundary wall and acoustic fence is present on the western boundary of the delivery yard. There is a gap within this acoustic wall at a height of around 3 metres height which has slightly reduced its efficiency in adsorbing noise. Therefore, a condition is recommended for the acoustic wall/fence to be repaired or replaced to the satisfaction of the Local Planning Authority. It is not considered that an additional delivery between 9pm and 10pm and 2 additional deliveries on a Sunday would cause a significant adverse impact on the use and enjoyment of the private amenity space of properties on D'Aubigny Road.

The Noise Assessment also included a Noise Management Plan which included the following mitigation measures:

- regular training of delivery staff;
- weekly checks by store management to ensure that the management plan is adhered to including unannounced checks;
- monthly servicing and maintenance checks;
- six monthly reviews of the effectiveness of the management plan;
- delivery drivers to switch off the radio and Chiller units at a lay-by on the A27;
- headlights and the radio should remain switched off when the vehicle is stationary;
- engine revs will be kept to the minimum;
- shutters will only be opened when vehicles are in position;
- unload trolleys as quietly as possible;
- no slamming of doors when drivers get into their cabs.

However, certain mitigation measures within the Noise Management Report, such as no slamming of doors; unloading of trolleys as quietly as possible; switching off of radio and chiller units at a lay-by on the A27; and engine revs kept to a minimum; would be extremely difficult to enforce as planning conditions. Many of the mitigation measures are subjective, difficult to quantify and are directly related to driver behaviour.

The Council's Environmental Health Officers commented previously that the original planning inspector did not have the benefit of the monitoring data that has now been collected, and on the basis of the extended submitted acoustic report Environmental Health consider that deliveries up until 11pm at night, which incorporate the Noise Management Scheme, would be unlikely to cause a statutory noise nuisance or unreasonable disturbance to local residents.

However, it is considered that, partly due to the subjective nature of many of

the mitigation measures within the Noise Management Scheme, a delivery time of 10pm would be a more acceptable time than 11pm. After 10pm it is considered to be reasonable for there to be no delivery noise from the service yard as adjoining residents could reasonably be expected to want to sleep.

The applicant has agreed to amend the delivery times to 10pm and have confirmed that they propose one delivery between 9pm and 10pm, which can last up to a maximum of 1 hour between the vehicle entering the site and leaving the site. This delivery would contain fresh produce to be included on the shelves when the store opens the next morning.

It is considered necessary to condition that there will only be one delivery vehicle accessing the site between 9pm and 10pm and that the vehicle must have departed from the application site by 10pm. This would be enforceable in planning terms.

Not all of Sainsbury's vehicles have white noise reversing beepers. White noise reversing beepers are a different type of noise to the more traditional reversing beeper alarms. White noise alarms have a distinctive "shhh...shhh" sound which dissipates over a lesser distance than traditional beepers and have more of a localised sound concentrated to within the immediate danger zone which is associated with reversing vehicles. Whilst it is anticipated that in the future all of Sainsbury's fleet will have white noise reversing alarms, there are some vehicles which still have the traditional beepers installed. However, with the sidelights of the vehicles switched on, the standard beepers will switch off. A condition is therefore recommended to require that there are no reversing beepers activated within the delivery yard between 9pm and 10pm unless they are white noise reversing or a similar low noise alarms.

Roll pallets appear to have been the source of some noise complaints in the past from local residents. There is already a condition which restricts the use of roll pallets on a Sunday and it is considered necessary to restrict that no roll pallets are used within the delivery area between 9pm and 10pm Monday to Saturday.

The Council's Environmental Health Officers are in agreement with these conditions, and support the officer recommendation of approval of the extension of delivery times.

Currently two delivery vehicles are permitted on a Sunday between 10am and 4pm. It is proposed to increase this number of delivery vehicles to four. There is a condition on the earlier 1993 appeal decision which prohibits the use of roll pallets on a Sunday in the delivery yard. It is considered that an increase of two deliveries on a Sunday would not be detrimental to the living conditions of neighbouring residents. A condition is also recommended to prohibit the use of roll pallets.

The noise monitoring figures contained within objection letters are noted, however these have not been recorded by the consultant or with calibrated high technical specification equipment. In addition, no monitoring data been submitted to the Local Planning Authority from local residents. These figures can therefore be given little weight in assessing the application.

Impact on local highway network/on street parking

It is not considered that the resultant increase in traffic generation from 1 additional delivery vehicle between 21:00 and 22:00 Mondays to Saturdays and 2 additional delivery vehicles on a Sunday would be significant and of detriment to the local highway network.

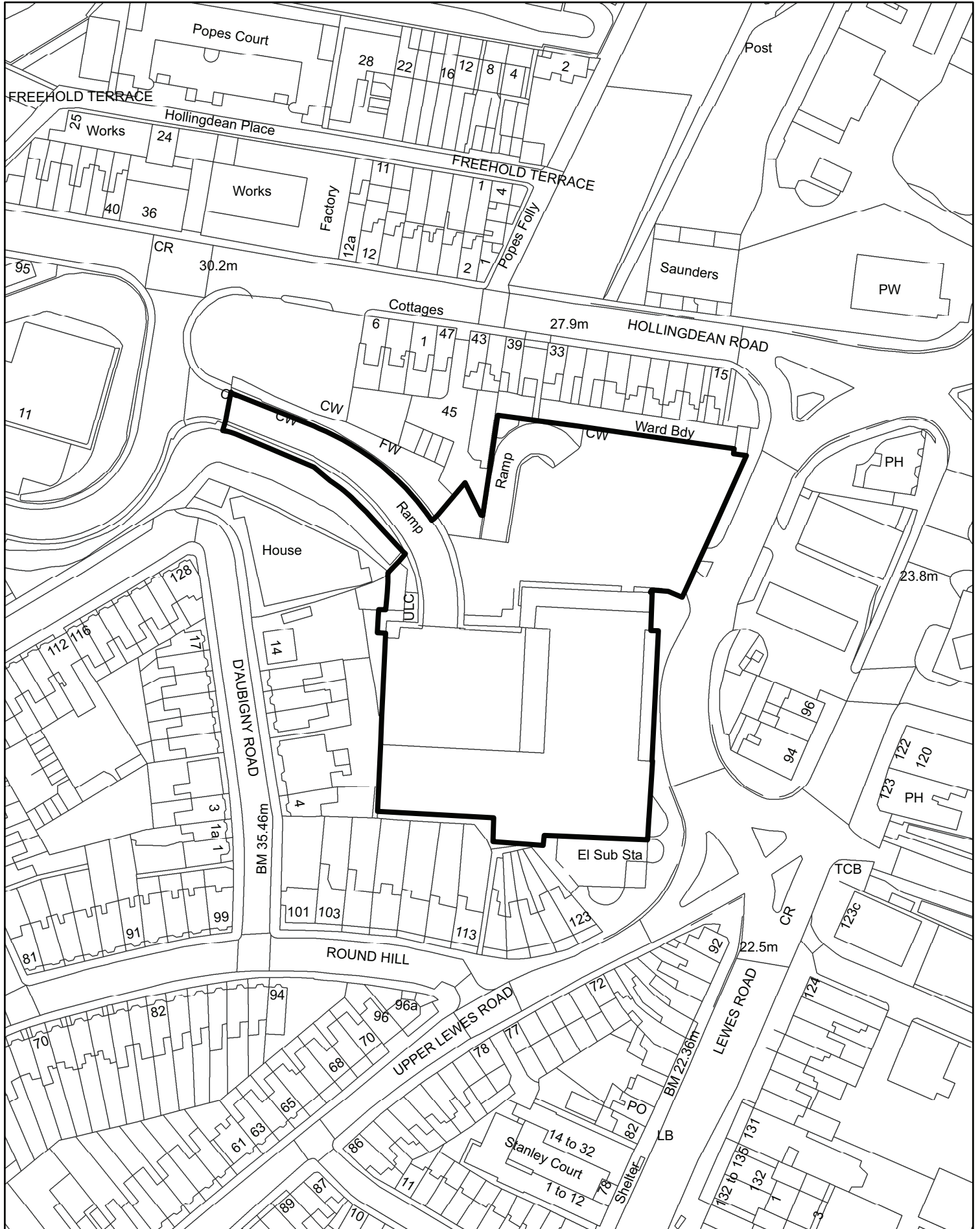
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

Subject to the proposed conditions, it is considered that the increase in delivery vehicles proposed from 2 vehicles to 4 vehicles on a Sunday and the increase in delivery times from 9:00pm to 10:00pm Monday to Saturday would not be of detriment to the amenity of adjacent residents.

**9 EQUALITIES IMPLICATIONS**

None identified.

# BH2008/02546 Sainsbury's Supermarket, Lewes Road



**Brighton & Hove  
City Council**



**Scale: 1:1,250**





## Brighton & Hove City Council

PLANS LIST – 13 OCTOBER 2010

COUNCILLOR REPRESENTATION

### Kathryn Boggiano

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**From:** Pete West [Pete.West@brighton-hove.gov.uk]  
**Sent:** 01 June 2010 14:20  
**To:** Kathryn Boggiano  
**Cc:** Ian Davey; 'steverimington@aol.com'  
**Subject:** Planning Application BH2008/02546. Sainsbury's Supermarket Lewes Road.

Dear Kathryn,

As a ward councillor for St Peter's & North Laine Ward I request that this application is placed before the Planning Committee for decision if your recommendation is other than to refuse the application.

My reasons for this request are as follows:

1. The neighbours of the Sainsbury's site are already exposed to high levels of noise and also air pollution from the current regime of deliveries. This application to extend the hours and frequency of deliveries at the site will add to that noise nuisance and air pollution, further deteriorating the amenity enjoyed by the neighbours.
2. Noise level measurements taken at the request of council officers at 8 D'Aubigny Road have shown the deliveries can raise noise levels by 12dBA above ambient, and that the percussive noise from delivery activities can reach an unacceptable 70 dBA.
3. I do not see why the current working arrangement of delivery frequency and period is insufficient, given the long number of years the store has been open and been successfully operating.

Many thanks

Pete West

<b><u>No:</u></b>	<b>BH2010/02328</b>	<b><u>Ward:</u></b>	<b>PATCHAM</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land Adjacent to 20 Old London Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of a two storey 4no bedroom detached house with external works and landscaping to create one new vehicular access road.</b>		
<b><u>Officer:</u></b>	Aidan Thatcher, tel: 292265	<b><u>Valid Date:</u></b>	28/07/2010
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	22/09/2010
<b><u>Agent:</u></b>	Turner Associates, 19a Wilbury Avenue, Hove		
<b><u>Applicant:</u></b>	Mr Jeff Southern, 20 Old London Road, Brighton		

## 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 and character).
3. BH02.08 Satisfactory refuse and recycling storage.
4. BH03.01 Samples of Materials Non-Cons Area.
5. BH04.01A Lifetime Homes.
6. BH05.01B Code for Sustainable Homes – Pre-Commencement (New build residential) [Code level 5].
7. BH05.02B Code for Sustainable Homes – Pre-Occupation (New build residential) [Code level 5].
8. BH05.10 Hardsurfaces.
9. BH06.02 Cycle parking details to be submitted.
10. BH15.06 Scheme for surface water drainage.
11. No development shall commence until a scheme to enhance the nature conservation interest of the site and a timescale for its implementation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby permitted and to comply with Policy QD17 of the Brighton & Hove Local Plan.
12. The development hereby approved shall not commence until the trees which are to remain on site are protected to BS 5837 (2005) as shown in the R. W. Green Limited Arboricultural Report dated May 2009 submitted as part of this application. The trees shall be protected in strict

accordance with the details within the report during the course of the construction unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect the trees which are to remain on site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

13. The construction of the driveway hereby approved shall be completed in strict accordance with the details as shown in the R. W. Green Limited Arboricultural Report dated May 2009 submitted as part of this application unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To protect the trees which are to remain on site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
14. No development shall commence until a scheme of replacement planting is submitted to and has been approved in by the Local Planning Authority. There shall be a minimum of 18 native trees included within the scheme. The scheme shall be implemented in strict accordance with the approved details and thereafter retained as such.  
**Reason:** To mitigate the impact of the loss of the 9 trees on 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. BH11.02 Landscaping/planting (implementation/maintenance).
16. Site waste management shall be implemented in strict accordance with the measures set out in the Site Waste Management Plan dated July 2010 received on 28/07/10.  
**Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
17. The development hereby permitted shall be carried out in accordance with the approved drawing nos. TA 406/01, /02, /03, /04, /05, /06, /07, /08, /09, /10, /11, 01, and MJZara Associates Plan (unreferenced) submitted on 28.07.10.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Informatives:

1. This decision is based on drawing nos. Design & Access Statement, Arboricultural Report by R W Green Limited dated May 2009, Sustainability Report, Biodiversity Indicators and Access Road and Storm Drainage Requirements Report submitted on 28.07.10.
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:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe Development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
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 - full and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
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:

SPGBH 4: Parking Standards

Supplementary Planning Document

SPD03 Construction and Demolition waste

SPD08 Sustainable Building Design

Planning Advice Notes

PAN03 Accessible Housing and Lifetime Homes

PAN05 Design and Guidance for Storage and Collection of Recyclable Materials and Waste; and

(ii) for the following reasons:-

The proposed development would cause no significant loss of light or privacy to adjacent occupiers and represents a form of development that is acceptable in terms of bulk, scale, height, massing and design. The impact of trees and wildlife is acceptable subject to mitigation measures which are required by condition. The proposal is considered to be in accordance with local plan policies.

3. 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](http://www.brightonhove.gov.uk)).
4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website

([www.communities.gov.uk](http://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.brightonhove.gov.uk](http://www.brightonhove.gov.uk)).

5. The applicant is advised that the nature conservation enhancement measures in relation to condition 11 could include the introduction of native shrubs, ground flora and bird and bat boxes to the remaining woodland, fitting the building with bat and bird boxes and creating a pond, both as a source of drinking water for birds and mammals and as a habitat in its own right.
6. 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](http://www.communities.gov.uk)).

## 2 THE SITE

The application site comprises part of the rear garden of The Coach House, 20 Old London Road. The proposed plot is situated due east of the host property and is set significantly higher (approximately 10m).

The site as existing is covered by a number of trees, which are the subject of Tree Preservation Order No. 1 2008, which has been designated for the group value of the trees.

The site is enclosed to the south, east and north by a brick boundary wall, and is open to the west, as it is part of the curtilage of the existing property. The site is set on a steep slope, running down from east to west.

Residential development surrounds the site to all boundaries, which include a mixture of bungalows as well as two-storey properties.

## 3 RELEVANT HISTORY

**BH2009/01182:** Erection of a two storey four bedroom detached house with external works and landscaping to create one new vehicular access road – refused 20/08/2009. Appeal Dismissed 16/07/2010.

**BH2008/03535:** Construction of two-storey four bedroom detached house with solar panels on roof, external works and landscaping to create one new vehicular access road – withdrawn 09/02/09.

**61.2047:** Erection of garage – approved 17.10.61.

**59.408:** Conversion of existing coach house to 2 no. flats – approved 03.03.59.

**59.407:** Outline application for 2 no. dwellings – approved 03.03.59.

**59.215:** Outline application for 2 no. dwellings – refused 03.02.59.

**59.214:** Outline application for 2 no. dwellings – refused 03.02.59.

**59.32:** Outline application for 8 no. flats and 8 no. garages – not determined.

**59.31:** Outline application for 2 no. dwellings – refused 13.01.59.

**59.30:** Outline application for 3 no. dwellings – refused 13.01.59.

#### **4 THE APPLICATION**

This application seeks consent to erect a two storey 4 no. bedroom dwelling within the rear garden of no. 20 Old London Road, including the creation of a new sloping driveway access.

The erection of the proposed dwelling requires the removal of a number of the trees which are centrally located within the site, which are subject to a group Tree Preservation Order.

The proposed dwelling itself is to be partially set into the slope at ground floor level, and would be sited within the centre of the site. It would be approximately L-shaped, with a low pitched roof with 2 no. roof mounted solar panels. Internally, at ground floor level there would be the main entrance and 4 no. bedrooms. On the first floor would be a large kitchen/diner, and two reception rooms. There is also a small balcony on the east elevation and another on the south elevation.

The new driveway would continue from the existing access, past the existing property, and would turn through 90 degrees climbing uphill turning through 90 degrees again to provide access to the proposed house.

This proposal differs from the withdrawn 2008 application in that it has a smaller footprint, it is orientated in a different direction, results in the loss of less trees and is a more traditional design.

However, the scheme is the same as the 2009 application, except for a slightly widened access road up to the property.

#### **5 CONSULTATIONS**

##### **External**

**Neighbours:** 11 letters of objection have been received from the occupiers of: **Nos. 4, 5, 15(x2) and 17 Audrey Close, Nos. 18 and 22 Old London Road; Nos. 4 and 5 Patcham Grange and Nos. 55 and 61A Overhill Drive** on the following grounds:

- Loss of trees;
- Limited access causing detrimental impact to neighbouring properties;
- The proposed design being out of keeping with the surroundings;
- Overlooking;
- Loss of privacy;
- Additional noise and disturbance;
- The property would sit too high in relation to its surroundings, it should not be higher than 20 Old London Road;
- An existing covenant exists restricting the number of properties to be accessed from the private access road;
- The site acts as a green corridor for wildlife;
- The bulk of the proposed property will dominate no. 17 Audrey Close;

- Loss of light;
- Inadequate access for emergency vehicles;
- Additional pressure on sewage system, which is already at capacity;
- Disruption during construction, including additional traffic;
- Additional risk of flooding;
- Would be contrary to the amendments to PPS3: Housing;
- Impact on existing wildlife, including Badgers may be present on site;
- Additional traffic pressure from the proposed dwelling; and
- Overshadowing.

**Cllrs B Pidgeon and G Theobald:** One joint letter of objection has been received and is attached to this report.

**Preston and Old Patcham Society:** Object to the application on the following grounds:

- The development would be likely to increase the risk of flooding (which would inevitably back up into the Patcham Conservation Area), due to the decrease in the adsorptive area of the site and the increased load on the storm water system, as well as the substantial increase of sewage and waste water from the large four bedroom three bathroom property which is envisaged. No major drainage or flood prevention works have been carried out since the disastrous flooding some ten years ago.
- The loss of trees on the site, some of which have been subject to tree preservation orders in the past. There are proposals for some new tree planting to take place. Are any protected trees to be removed? Will there be an overall loss of trees on the site? An important feature of the conservation area is its setting in a downland valley site in well-wooded surroundings.
- The damage likely to be caused to trees in properties on either side of the very narrow approach road from Old London Road proper to the site.

#### **Internal**

**Ecologist:** (From previous application BH2009/01182)

The application involves the erection of 4 bedroom detached house and vehicular access road within an existing back garden in suburban Patcham. The site of 1351 square metres currently supports a small wooded area of even-aged, predominantly sycamore trees. I estimate the trees are between 30 and 50 years old and provide no opportunities for nesting birds or bat roosts, although they do provide a habitat for birds to feed.

Beneath the trees, the ground flora is dominated by bramble which has been kept short by cutting. Frequent cleared areas have been planted with a variety of shade-tolerant garden plants and there is a large bonfire area. The level of disturbance makes bird nesting unlikely although the brambles are of value as a feeding area for birds and mammals.

Policy Context

Paragraph 14 of Planning Policy Statement 9 requires local planning authorities to maximise opportunities for building-in beneficial biodiversity when considering development proposals.

Policy QD17 of the Brighton & Hove Local Plan 2005 states that development proposals affecting nature conservation features outside protected sites will be granted planning permission provided:

- a. the proposal can be subject to conditions that prevent damaging impacts on those features; or
- b. the impact is minimised and as many existing features as possible are protected and enhanced and compensating and equivalent features are provided for any that are lost or damaged.

The policy also requires new nature conservation features as part of development schemes.

Effects of the development proposal

The site is currently of low ecological value although it may have significant aesthetic and landscape value in this urban context. In my view the requirements of Local Plan policy QD 17 could be met and allow the development to proceed by imposing condition(s) that require appropriate ecological compensation and enhancement of the site, to include:

1. Introduction of native shrubs, ground flora and bird and bat boxes to the remaining woodland to increase its ecological value.
2. Diversification of the tree species present by planting additional, native trees where opportunities arise to thicken the remaining woodland.
3. Fitting the new building with further bat and bird boxes.
4. Introducing a pond as a source of drinking water for birds and mammals, and as a habitat in its own right.

I would be happy to offer more detailed advice on a suitable condition if requested.

**Sustainable Transport:** We would not wish to restrict the grant of consent of this planning application subject to the inclusion of conditions relating to securing the cycle and vehicular parking provision shown (and retention thereafter) and a contribution towards sustainable transport infrastructure of £2000.00 to be used to upgrade bus stop flags and installing solar-illuminated bus stops in dark locations in Patcham.

**Arboricultural Officer:** All trees on this site are covered by an Area Order under Tree Preservation Order (No. 1) 2008.

Nine trees from the middle of the site will need to be removed in order to facilitate this development. They are not of fine form, having grown up in a



woodland environment, they are all whippy, drawn out specimens that would not be worthy of preservation if we were to identify individual trees. Therefore the Arboricultural Section reluctantly agrees with the Arboricultural Report submitted with the application and agrees with their removal. One tree, a Holly, will also be removed as it is dead. This makes the loss of 10 trees in total.

A condition should be attached to any planning consent granted that the remaining trees are protected to BS 5837 (2005) – this has been submitted in the Arb report already.

A further condition should be attached regarding the installation of the driveway leading up to the house. This information has already been submitted in the Arb report (5837 refers).

A condition should be attached to any planning consent granted asking for two replacement trees to be planted for each of nine removed to facilitate development, ie, 18 in total. This information has not been submitted in final form yet, there seems to be 2 plans showing planting to the West, and 6 *Betula utilis* “*Jacquemontii*” to the south on another plan. We would like to see firmer details.

Overall, whilst the loss of trees to facilitate the development is disappointing, they are not of fine form and it would be hard to justify their retention. The Arboricultural Section is pleased that the long-distance views of the trees from the west will be retained.

It is to be hoped that the woodland setting of the property will mean that future pressure for pruning will be minimal, however, this cannot be guaranteed.

## **6 PLANNING POLICIES**

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe Development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
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 - full and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
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:  
SPGBH 4: Parking Standards

Supplementary Planning Document

SPD03	Construction and Demolition waste
SPD08	Sustainable Building Design

Planning Advice Notes

PAN03	Accessible Housing and Lifetime Homes
PAN05	Design and Guidance for Storage and Collection of Recyclable Materials and Waste

## 7 **CONSIDERATIONS**

The main issues in the determination of this application are the planning history, principle of the development, impact on wider area, amenity issues, impact on trees and wildlife, highway, flooding and sustainability issues.

Planning history

The most significant planning history for this site is the BH2009/01182 application, as detailed in section 3 of this report.

This application was refused by the Planning Committee for the following reasons:

1. The location of the proposed dwelling on higher ground than its neighbours, would be too high, would have a detrimental impact on its neighbours, and would result in loss of privacy. The proposal is therefore contrary to policies QD1 and QD27 of the adopted Brighton & Hove Local Plan 2005.
2. There would be loss of natural habitat provided by the existing garden and trees, some of which would be removed. Proposed access to the site was considered to be too steep and at an inappropriate angle and of too narrow width. The scheme was also considered to be an overdevelopment due to its elevated position. The proposal is therefore contrary to policies QD16, TR7 of the adopted Brighton & Hove Local Plan 2005.
3. The proposed development is also considered unacceptable by virtue of surface water run off from the site and the impact this could have on susceptibility of the area to flooding. The development would be contrary to Policy SU15 of the adopted Brighton & Hove Local Plan 2005.

An appeal was then made, in which the inspector considered the full range of issues of this application.

The appeal was dismissed, but only on the single issue of the proposed

sustainable transport contribution.

The Inspector considered the principle of development to be acceptable, felt that the scheme would not be out of character with the area, that a sylvan appearance would be retained and that there would be no significant impact on residential amenity.

The Inspector considered that the planning legislation made no provision to secure contributions through planning conditions, only through a Section 106 Agreement. He agreed that a contribution was necessary and dismissed the appeal due to the lack of a completed planning obligation.

It was therefore only for sustainable transport contribution reasons that the appeal was dismissed.

#### Principle of the development

The application site is situated within the built up area boundary as defined on the Local Plan proposals map and as such development is acceptable in principle although must adequately accord to relevant development plan policies.

PPS3 on Housing states that urban land can often be significantly underused and advocates the better use of previously-developed land for housing. PPS3 has recently been amended and now identifies residential gardens as Greenfield land. Whilst this does not preclude development of such sites, careful consideration will need to be given to the impact on the character of the surrounding area as well as the usual development control considerations, which are addressed below.

The recent appeal was determined after the change to PPS3, which defined garden land as Greenfield. The Inspector, however, raised no objection to the principle of the development of the site.

#### Impact on wider area

Brighton & Hove Local Plan policies QD1, QD2 and QD3 require a high standard of design for new development to provide a positive contribution to the visual quality of the area. Policies QD3 and HO4 both seek to prevent the overdevelopment of sites that would result in 'town cramming'.

Specifically, policy QD2 confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood by taking into account, amongst other things, the local characteristics including height, scale, bulk and design of existing buildings.

The proposed development plot measures 0.14 hectares, and would accommodate 1No. additional dwelling. This represents a low density of 7.2 dwellings per hectare. The plot size is therefore relatively spacious, which is in keeping with the plot sizes within the locality, which are varied in size,

including some larger and some smaller than the development site.

The proposed dwelling is to be two-storey, with the ground floor partially built into the slope at the rear, with a low pitched tiled roof. The property is to have two terraces, one on the east and one on the side south elevation of the property.

The character of the surrounding properties vary significantly, with period properties being located to the east and west of the site, including the host property, 1960's bungalows to the north, and 1980/90's two storey houses to the south.

The proposed property is relatively modern in appearance, although it incorporates design elements which are found in the surrounding buildings, such as low pitched roofs (as per nos. 15 and 17 Audrey Close). Whilst the proposed property does not represent a replica of the surrounding properties, having regard to the mixed character of the area, the proposal is considered to integrate effectively with the surrounding properties.

The site itself is situated on a highly elevated position, although it is significantly set back from the main road. There may be limited views of the proposed development although, due to the significant set back from the Old London Road frontage, it is not considered to detract from the street scene.

The development would also result in the loss of nine trees, which are the subject of a group TPO across the whole site; this issue is addressed later in the report.

The proposed house is identical to that considered by the Inspector dealing with the recent appeal. He confirmed that "the proposed house and the access road would respond well to the area within which the appeal site lies".

Given the above material planning considerations, the design is considered appropriate and in keeping with the character of the surrounding area.

#### Amenity issues

##### *Neighbouring properties*

Policy QD27 requires the protection of amenity for proposed, existing and/or adjacent residents.

As previously mentioned, the property is set at an elevated position compared to the properties to the west. The property is also orientated facing south and west, including the windows to all habitable rooms, and the proposed balconies.

There are a number of properties in the vicinity of the site which are sensitive in terms of overlooking. The most sensitive are the existing property on the site (The Coach House, 20 Old London Road) and Nos. 22 Old London Road

and Flats 1-5 Ashburnham House. It is noted that the closest of these properties is The Coach House, which is located some 22m from the proposed property. This distance, combined with the height of the proposed property ensures that there would be no adverse overlooking impact, particularly as any views would be across the rooftops of the properties below, and thus direct overlooking is unlikely to be possible. This would also be reduced by the significant planting that is present, and due to be increased, should the development be approved.

There is a development of modern dwellings to the south of the application site also, these are in excess of 30 metres from the proposed dwelling, with a footpath between and again with significant planting between. As such, it is considered that there would be no undue overlooking from the proposal.

The properties to the north and east are not considered to be impacted as there are no windows proposed which could overlook the properties.

The proposed house is to be located to the south of no. 17 Audrey Close, which includes windows to a habitable room facing the site. It is noted that these windows are secondary, and in any event the proposed property is to be located some 10 metres from the closest point of this property and having regard to the low height of this part of the building, the pitched roof and the presence of an existing boundary wall, it is not considered that the development would result in any undue loss of light or overbearing impact.

In terms of the other neighbouring properties, the proposal is not considered to be harmful in terms of overbearing impact as the proposed property is to be sited approximately centrally within the site, and not of a height to impact upon the neighbours to a harmful degree. In addition, the inspector dealing with the recent appeal confirmed that “the proposed new house would lead to no harm to the living conditions of existing occupiers”.

It is considered that the level of noise and activity likely to be generated from creating an additional household in this location would be acceptable without causing harm to the neighbouring occupiers.

The proposal would result in the reduction of garden space for the existing property, however the resultant area retained would be sufficient having regard to the size of the subject dwelling and thus would not cause harm to the occupiers of The Coach House.

On balance, the proposal is considered to be in accordance with the requirements of QD27 and to have no significant impact upon neighbours.

*Future occupiers of proposed unit*

Policy HO5 requires all new residential units to have private usable amenity space appropriate to the scale and character of the development. The proposed rear garden for the new dwelling would be of sufficient size having

regard to the size of the proposed property, although it is noted that due to the slope of the site, some of this area may not be practical to be used for general amenity uses.

Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. No details have been provided in relation to the location for refuse and recycling storage or cycle parking although it is considered that the site is large enough to provide for adequate provision. Therefore a condition is recommended requiring full details of such provision to be provided prior to development commencing.

The dwelling itself would be relatively spacious, providing room sizes which would be adequate for their function. The levels of natural light and outlook received would also be acceptable without causing harm the amenities of the proposed occupiers.

Policy HO13 requires all new dwellings to be built to lifetime homes standards to ensure that properties are accessible to all. The proposed dwelling incorporates wide corridors, adequate door widths and a level access into the property and adequate wheelchair circulation space within all of the habitable rooms. A condition is recommended to ensure compliance with lifetime homes standards.

The Inspector dealing with the recent appeal confirmed that “the proposed new house would provide acceptable accommodation for future occupiers” and this view is shared by officers.

#### Impact on trees and wildlife

Policy QD16 relates to trees and hedgerows. It confirms that applications for new development:

- Should accurately identify existing trees, shrubs and hedgerows;
- Must seek to retain existing trees and hedgerows; and
- Wherever feasible include new tree and hedge planting in the proposals.

It goes on to confirm that development resulting in works to a tree subject to a Tree Preservation Order will be permitted only where the works do not damage the amenity value of the tree. Where the removal of any preserved tree is permitted a replacement tree will be required of an appropriate type and size, and located to the satisfaction of the planning authority.

As previously mentioned, all the trees on the site are subject to a Group Tree Preservation Order, which was placed due to their group amenity value.

The applicants have submitted a full Arboricultural Report detailing the positioning of all the existing trees, identifying the trees to be removed and stating the new planting to be incorporated into the scheme. The report details

that the trees to be removed have health defects.

The application proposes the removal of nine trees from the site. These are located centrally within the site and are largely considered to be of little merit due to defects in their health (as confirmed by the Arboricultural Officer). Whilst the loss of these trees is regretted, it is not considered that the standard of the individual trees warrant their protection, and would be unlikely to withstand a challenge by appeal. It is noted that the TPO was placed to protect the group value of the trees, particularly in longer views. It is noted that the trees to the edge of the site will be retained, and if approved will be supplemented with a minimum of 18 additional trees which will ensure the longer views of the site are maintained and protected. On balance, it is considered that the application conforms with policy QD16.

Policy QD17 relates to protection and integration of nature conservation features. It confirms that development proposals affecting nature conservation features outside protected sites will be granted permission provided:

1. The proposal can be subject to conditions that prevent damaging impacts on those features;
2. The impact is minimised and as many existing features as possible are protected and enhanced and compensating and equivalent features are provided for any that are lost and damaged.

Where necessary, conditions will be imposed to secure these requirements.

Having regard to the comments from the ecologist, as detailed in section 5, it is considered that there would be no detrimental impact to existing wildlife, subject to a number of conditions securing ecological enhancement, which are recommended as part of this application.

In addition, the inspector dealing with the recent appeal confirmed that “the removal of the trees as proposed would, in my judgement, retain the general impression of a well treed area of land. Additional planting is proposed around the new house, with the Arboricultural Officer advising an overall increase in the number of trees on the site. Although there would be removal of trees and building on land that is currently not developed, it is my judgement that there would be no harm to the character and appearance of the area”.

Given the arboriculturist’s and ecologist’s views, it is not considered that refusal could be sustained on these grounds. Rather, the scheme offers the opportunity to enhance the site’s value by the use of native tree species, which would diversify the woodland and increase habitat value.

#### Highway issues

The site is not situated within a controlled parking zone (CPZ), the proposal does make provision for off street parking spaces, the only access to the property from the street appears to be via a shared vehicle and foot access

up a steep slope. The Council's Sustainable Transport Team have been consulted on the application and have raised no objection to the scheme with the imposition of conditions relating to the provision of cycle parking, that the vehicular parking spaces be used only for the parking of vehicles and a contribution towards sustainable infrastructure in the area.

Overall the proposal is considered to be in accordance with policies TR1, TR7 and TR19.

It is noted that since the determination of the previous planning application (BH2009/01182) the Local Planning Authority have introduced measures to help the development industry, which include currently not seeking sustainable transport contributions on schemes of under 5 residential units. Therefore, such a contribution is not sought on this application.

The comments from the Planning Inspector are noted, however as such a contribution is not now required (during this temporary period - as discussed above); the only objection the Inspector had to the appeal is now not relevant.

It is noted that many letters of objection raise the issue of an existing covenant on the shared access drive. This is not a material planning consideration and constitutes a private legal dispute and thus cannot be taken into consideration in the determination of this application.

#### Flooding issues

The site is situated outside of any area of designated flood risk as defined by the Environment Agency and below the size criteria which the Environment Agency or Southern Water are consulted upon.

Policy SU4 relates to surface water run-off and flood risk. It confirms that development will not be permitted if:

- a. It would increase the risk of flooding;
- b. It is located in an area at risk from flooding; and/or
- c. The additional surface water run-off would be liable to harm people, property or the environment.

The comments from Members and local residents are noted; however the site is not within any designated area at risk from flooding. The location of the site at the top of a hill is noted, however the development is not considered to increase the risk of flooding or increase surface water run off (particularly due to the fact that any hardstanding will need to be permeable).

Notwithstanding the above, a condition is recommended to ensure a scheme for surface water drainage is provided and approved prior to development commencing.

On balance it is considered that there are no adverse flood risk arising from



the development.

In addition, the inspector dealing with the recent appeal confirmed that “there is no technical evidence from the Council or the Environment Agency on this matter and therefore I conclude the proposed development would lead to no adverse impact on flooding”.

Therefore, any objection on this basis could not be sustained.

#### Sustainability issues

Policy SU2 which seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

SPD 08 requires applications of this nature to submit a sustainability checklist and achieve Level 5 of the Code for Sustainable Homes (as the site is now considered to be Greenfield).

The sustainability checklist has been incorporated within the applicant’s sustainability report, and confirms that the proposed dwelling would meet Code for Sustainable Homes Level 3. Whilst there has been no justification given in this regard, a condition is recommended to ensure that level 5 is met. The applicant is aware of this policy requirement.

No information has been provided proving how the proposed dwelling would be efficient in the use of energy, water or materials, however as the proposal is required to meet Code Level 5, this application would have an acceptable impact in this regard and conform to the requirement of policy SU2.

Policy SU13 requires the submission of a waste minimisation statement for a scheme of this nature. The application includes a site waste management plan with the application which addresses the requirements of the policy and thus is acceptable. A condition is recommended to secure its implementation.

#### Conclusion

The application is almost identical to the previous application BH2009/01182 which was refused and dismissed by the Planning Inspectorate. The appeal was only dismissed on the grounds that the required sustainable transport contribution could not be secured by condition, and would require a legal agreement. As no such legal agreement was provided, the appeal was dismissed on that ground only.

All other aspects of the scheme were considered to be acceptable.

As the current application is almost identical (with the exception of part of the access road being 200mm wider), and the Council are not currently seeking

sustainable transport contributions on schemes of this size, it is not considered that the proposal gives rise to any undue concerns.

It must be noted that the Planning Inspector has previously considered all the issues relating to the application, and raised no objection. Therefore reasons for refusal could not be sustained on the application and were the application to be refused, the Council could suffer significantly in terms of an award of costs in any subsequent appeal.

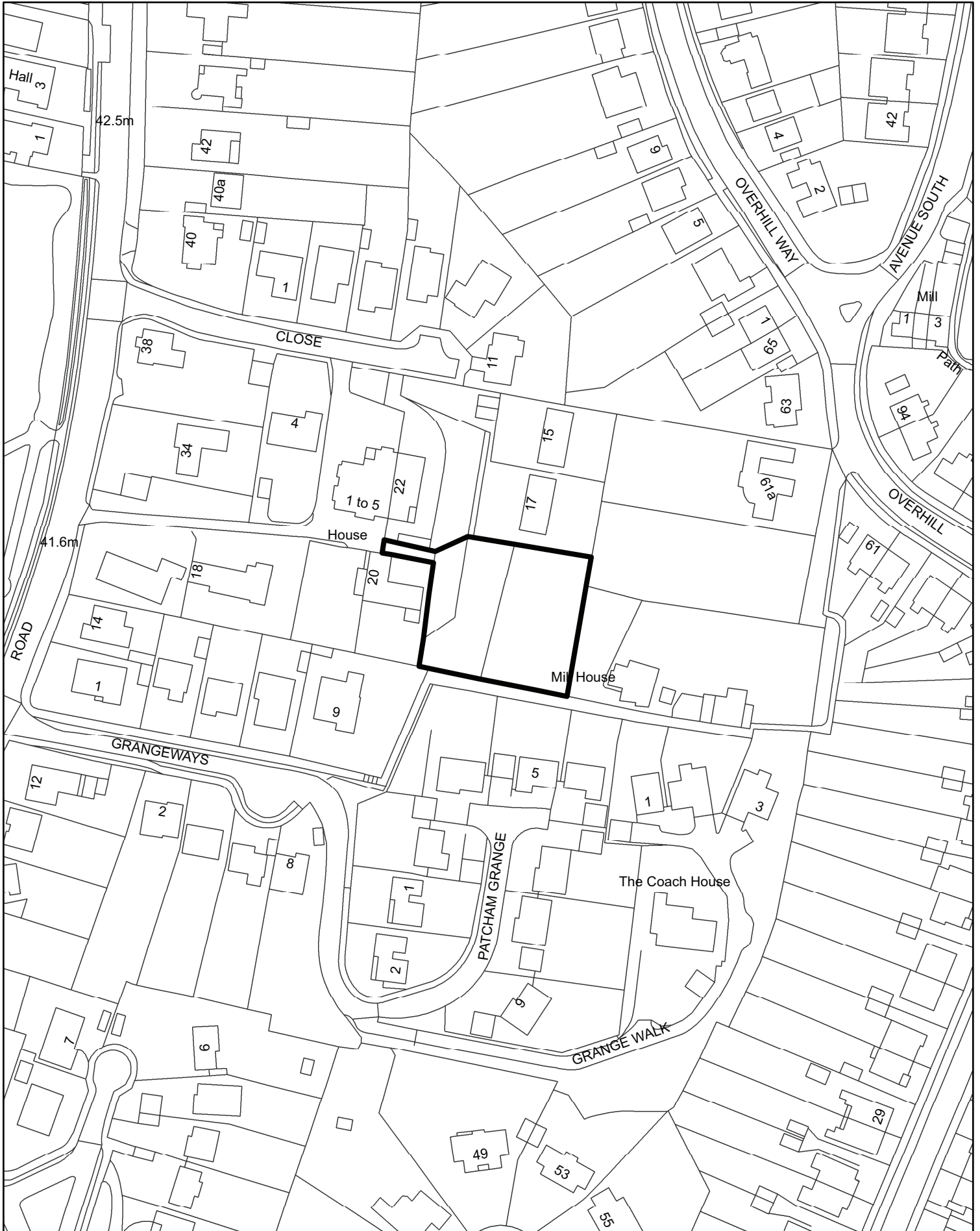
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed development would cause no significant loss of light or privacy to adjacent occupiers and represents a form of development that is acceptable in terms of bulk, scale, height, massing and design. The impact of trees and wildlife is acceptable subject to mitigation measures which are required by condition. The proposal is considered to be in accordance with local plan policies.

**9 EQUALITIES IMPLICATIONS**

The proposal is required to meet Part M of the Building Regulations and fully conform to lifetime homes standards.

# BH2010/02328 Land adjacent 20 London Road





**Brighton & Hove  
City Council**

PLANS LIST – 13 OCTOBER 2010

COUNCILLOR REPRESENTATION

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

**Date:** 24 August 2010

**Our Ref:** GT/AN

Dear Mrs Walsh

**Planning Application No: BH2010/02328**

**Applicant: Mr Jeff Southern**

**Site/Property: Land Adjacent to 20 Old London Road, Brighton**

**Description: Full Planning – Erection of a 2-storey 4-bedroom detached house with external works and landscaping to create one new vehicular access road**

We have again been contacted by local residents who are extremely concerned about the above planning application.

We feel that permission should be refused as this is much the same application as the application that was made in the latter part of 2008 which was withdrawn, presumably because it would not have been recommended for approval and a further application that was made in May 2009 and refused by the Planning Committee in August 2009. An appeal was made to the Secretary of State and this was dismissed by the Planning Inspectorate in July 2010.

What is surprising is that this latest application appears to be exactly the same as the application that was so recently dismissed on appeal. Of course, since the first of these applications was made the Secretary of State has removed garden land from Previously Developed Land so that there cannot be any justification for building in this location and strengthens the council's reasons for refusing this application.

In our opinion it is a 'back garden' development on high ground that will create overlooking and will adversely affect the important Patcham Conservation Area. This garden land is difficult to access and will result in loss of trees and wildlife and natural habitat in the existing garden.



## Brighton & Hove City Council

PLANS LIST – 13 OCTOBER 2010

### COUNCILLOR REPRESENTATION

The new section of road that will need to be constructed will be very steep, thus creating problems for emergency vehicles because turning will be difficult. The size, height and appearance of the proposed property on such high ground above local properties will, we feel, adversely affect the character of the wider area and create overlooking of neighbouring properties and gardens, thus resulting in loss of privacy. A balcony on the proposed east elevation, for example, will provide a clear view of 17 Audrey Close and the western aspect will overlook the garden of 18 Old London Road.

We are also concerned, as we have mentioned with the previous applications, that a development situated on high ground above Old London Road will exacerbate problems in this immediate area should ground water levels again rise significantly in response to heavy rainfall so that the sewers become surcharged and raw sewage is discharged into the road.

Should this application proceed to the Planning Committee we very much hope that Members will take into account our views and those of the concerned residents and refuse this application.

We would also confirm that one of us would wish to speak on behalf of our electors 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

<b><u>No:</u></b>	<b>BH2010/02093</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>63 Marine Drive, Rottingdean</b>		
<b><u>Proposal:</u></b>	<b>Conversion of existing rear ground and first floor maisonette to create 3no two bedroom maisonettes and 1no two bedroom flat, incorporating erection of rear extension and additional storey with pitched roof with front, rear and side dormers and rooflights to side.</b>		
<b><u>Officer:</u></b>	Sue Dubberley, tel: 293817	<b><u>Valid Date:</u></b>	20/07/2010
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	14/09/2010
<b><u>Agent:</u></b>	Parker Dann, Suite 10, The Waterside Centre, North Street, Lewes		
<b><u>Applicant:</u></b>	Mr Keith Pryke, C/O Parker Dann		

## 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. BH03.03 Materials to match Non-Cons Area.
3. BH08.01 Contaminated land.
4. BH06.02 Cycle parking details to be submitted.
5. BH02.08 Satisfactory refuse and recycling storage.
6. BH05.03B Ecohomes Refurbishment – Pre-commencement (Residential involving existing buildings).
7. BH05.04B Ecohomes Refurbishment – Pre-occupation (Residential involving existing buildings).
8. BH16.01 Biodiversity measures.
9. The waste minimisation measures shall be implemented in strict accordance with the Waste Minimisation Statement dated 6/14/2010 received on 06/07/10.

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

10. The development hereby permitted shall be carried out in accordance with the approved drawings no. site plan, levels, street scene, KP/22/1, 2, 3A, 4A submitted on 6 July 2010.

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

Informatives:

1. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:
 

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
QD1	Design - quality of development and design statements
QD3	Design - efficient and effective use of sites
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR6	Local Centres

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

Supplementary Planning Documents

03	Construction and Demolition Waste
08	Sustainable Building Design; and
  - ii) for the following reasons:  
The development would create an additional three residential units with an acceptable standard of accommodation throughout; is well designed, sited and detailed in relation to the existing building and surrounding area; and would not result in harm to neighbouring amenity through loss of light, outlook or privacy or through an increased demand for travel.
2. IN08.01 Informative: Land Contamination.
3. IN05.04B Informative Ecohomes Refurbishment.

**2 THE SITE**

The application site is located on the north side of Marine Drive in Rottingdean village, just east of the main junction with High Street. The site consists of a two storey detached building with two small shop units at ground floor fronting Marine Drive, while the rear ground floor and upper floors are in use as a maisonette with a small garden and single garage. The entrance to the maisonette is located at the side of the building along the access road to

the flat development adjacent.

To the west of the application site is a three storey building in use as a shop at ground floor with residential above. To the east of the site there is a three storey block of retirement flats. At the rear of the site is a car park for the use of the retirement flats.

### 3 RELEVANT HISTORY

**BH2010/00646:** Conversion of existing rear ground and first floor maisonette to create 3no one bedroom flats and 3no two bedroom flats. Incorporating erection of rear extension and additional storey with pitched roof with front, rear and side dormers and rooflights to side. Withdrawn 27/04/2010.

### 4 THE APPLICATION

The proposal is to extend the property by adding an additional storey with a pitched roof with front, rear and side dormers and rooflights to side, along with a rear extension, to allow the conversion of the existing rear ground and first floor maisonette to create 3no two bedroom maisonettes and 1no two bedroom flat, (total of 4 units). There is no change proposed to the existing shop units. No car parking is proposed and space for secure covered cycle storage is shown on the submitted drawings.

The existing building has a pitched roof set behind a parapet with gabled ends; the proposal is to replace the roof with a hipped pitched roof with two front dormers, rear dormer and rooflights. The footprint of the building would also be increased. At ground floor the current building extends further at the rear than the current first floor so that the increase in footprint is approximately 1.5m. However at second floor and third floor the footprint would increase by 3.7m with an overall increase in height of approximately 3m.

The garage would be removed and this area along with part of the existing garden would form a communal area where secure covered cycle storage would be sited along with covered refuse storage and also a communal clothes drying area.

### 5 CONSULTATIONS

#### External:

**Neighbours:** A total of **16** letters of objection have been received from **Flats 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 Marine Court, 65 Marine Drive**. The grounds of objection are:

- Lack of parking.
- Only 6 allocated parking spaces for residents of Marine Court and no the general public.
- Already experience problems with unauthorised parking and proposed development will exacerbate current situation.
- Marine Court is a residence for elderly people and has daily visits from doctors, nurses carers etc. and friends and relatives and the narrow entrance has to be kept clear for ambulances. Any increase in traffic will



cause problems.

- The owners of the new flats would have nowhere to park and this could lead to friction if they attempt to park in those spaces allocated to Marine Court residents.
- Increase in traffic, noise and disturbance for elderly residents particularly at night and additional hazard for pedestrians using the narrow entrance to Marine Court.

**Stiles Harold Williams, 1 Jubilee Street**, (acting on behalf of freeholder of Marine Court) have submitted a letter of objection on the following grounds:

- East facing windows on the upper storeys will impinge on privacy of the secluded amenity space serving the occupants of Marine Court.
- There are restrictions over clients land regarding access to number 63 in respect of shared pedestrian and vehicular access
- Concern as to how development will be constructed as there is no specific pedestrian access to the flank elevation and the vehicular access is used by residents and also a local charity.
- Current arrangement permits pedestrian access for number 63 into the residential dwelling and rear garage, the proposal indicates an additional door for refuse storage increasing the unprotected shared access.

**Internal:**

**Sustainable Transport:** Would not wish to restrict grant of consent subject to the inclusion of a condition requiring the provision of cycle parking prior to occupation of the development and the applicant entering into a legal agreement with the Council to contribute £2250. This will contribute towards up grading of bus stop flags on the coast road or improving accessibility at the bus stops in Rottingdean village.

**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
QD1	Design - quality of development and design statements
QD3	Design - efficient and effective use of sites
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR6	Local Centres

Supplementary Planning Guidance  
SPGBH1 Roof Alterations and Extensions

Supplementary Planning Documents  
03 Construction and Demolition Waste  
08 Sustainable Building Design

**7 CONSIDERATIONS**

The main issues in the determination of the application relate to the standard of the proposed accommodation, the impact of the alterations on the character and appearance of the building and surrounding area, the impact on residential amenity and traffic implications.

Additional storey and extensions

*Design*

It is considered that in principle there is scope for an increase in the height of the building as the adjoining buildings to the west and east are 3 stories in height. The ridge of the new roof would match that of the existing buildings either side.

There are two dormers proposed on the front elevation and one rear dormer which would all be traditional style dormers which sit within the roof slope in compliance with the supplementary planning guidance on Roof Alterations and Extensions (SPGBH1). Two small roof lights are also proposed on the rear elevation and two on the side elevation.

The materials to be used are a red brick with a tiled roof to match that of the existing building and also those adjoining, which is considered appropriate. The doors and windows would be timber. Quoin detailing has also been added to match that of Marine Court to the east of the site.

It is considered that the design is acceptable in this location and that the development would fit into the existing street scene.

*Impact on amenity*

The adjoining property to the west lies some 1.2m away from the application site. There is an existing ground floor extension to this property which takes up most of the rear garden. At first floor level there are windows and a glazed door to a walkway, with the door located nearest to the boundary.

It is common to use a 45° line drawn from neighbouring windows to help assess the impact of a new development. In this case, the plans show the 45° line is only just broken by the proposed first floor extension. There is also an existing trellis to the side of and in front of the door which serves as an existing screen, therefore it is considered that there would not be a significant impact on the adjoining property to the west in terms of loss of light. While there are additional windows proposed at the rear it is not considered that these would have a significant impact, as there are existing windows on this

elevation at first floor level and in this location a number of properties have rear facing windows. The windows would look out onto the car park at the rear.

While there has been an objection from Marine Court that the proposed windows on the upper floors of the east elevation will impinge on the privacy of the amenity space serving the occupants of Marine Court, there are already three windows at first floor level to the existing maisonette at first floor level. In addition these windows would face a blank wall. Although there may be oblique views these are not considered significant enough to justify a refusal on these grounds.

#### Proposed use

##### *Standard of accommodation*

The development would provide 4 x 2 bedroom units, three of these being maisonettes. The units are all considered to be of a reasonable size offering good quality accommodation.

##### *Lifetime Homes*

As a conversion of an existing building the proposal should incorporate lifetime home standards into the design wherever practicable. The flats have been designed to incorporate lifetime homes standards where possible with doors and corridor width incorporating minimum standards for wheelchair users. While some of the bathrooms current configurations do not allow for side transfers it would be possible to alter the layout of the bathrooms to incorporate this.

##### *Amenity Space*

Local plan policy HO5 requires the provision of amenity space where appropriate to the scale and character of the development.

In this case the rear garden would be divided into two with an area allocated to the ground and first floor maisonette. The remainder of the garden would be used to provide a communal secure bike store and drying area for the use of all four flats. While only the ground floor flat would have private amenity space, it is not unusual with conversions for such an arrangement to exist. Furthermore the site itself has the benefit of being sited close to the beach and seafront therefore this aspect of the proposal is considered acceptable.

#### Sustainability

Policy SU2 requires that development proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within Supplementary Planning Document 08, Sustainable Building Design, recommends that for a development of this scale involving conversion of existing buildings the application should achieve no net annual CO<sub>2</sub> emissions and EcoHomes for refurbishment and include a completed Sustainability Checklist.

A sustainability checklist has also been completed. The applicant has stated in the checklist that the development is intended to meet Code for Sustainable Homes code 3 or 'good' rating using BREEAM standards, although further details are to be submitted should planning permission be granted. It is also noted that although it is stated that solar water heating is to be provided no solar panels are shown on the building. While there is some concern as to how some of the efficiency in the use of resources will be achieved, on balance it is considered that a suitable condition could require the submission and subsequent approval of further details in this regard.

A waste management statement has been submitted which sufficiently demonstrates that construction and demolition waste could be minimised in an effective manner.

#### Transport

Policy TR1 of the Brighton & Hove Local Plan requires that development provide for the travel demand they create and maximise the use of public transport, walking and cycling.

There is no parking proposed within the site, however it is considered that the site is easily accessible being located close to the facilities located within Rottingdean village centre and a number of bus services operate along the coast road.

Although there is a car park to the rear of the site this is not in the ownership of the applicant and is used by St Aubyns School for bus parking or is allocated to the adjoining flats at Marine Court. There is no on- street parking available near to the site, although there are two pay and display car parks within easy walking distance of the application site.

An area of secure covered cycle parking is shown in the rear garden on the submitted plans although there are no further details this could however be dealt with by an appropriate condition.

The Sustainable Transport Team have commented they would not wish to restrict grant of consent subject to the inclusion of a condition requiring the provision of cycle parking prior to occupation of the development and a contribution of £2250, towards sustainable transport infrastructure within the vicinity of the site which will contribute towards up grading of bus stop flags on the coast road or improving accessibility at the bus stops in Rottingdean village. However, as the proposal will provide less than 5 residential units and falls below the threshold in the Council's measures to assist the development industry, this contribution has not been sought.

The concerns of the residents of the Marine Court are noted regarding the possibility of unauthorised parking in their car park from the future occupants of the development; however this is a matter which does not fall within planning controls.

Biodiversity

A biodiversity checklist has also been submitted which shows that there are no nature conservation interests in the site. However in order to provide and improvement in the overall biodiversity interest the applicant is willing to provide bird boxes on the site.

Other issues

Environmental Health previously commented on the withdrawn application that their records show that 59 Marine Parade has a previous use as a dry cleaners and 61 Marine Parade as a coal and coke merchants. These uses have the potential to cause localised contamination through the processes involved, therefore appropriate conditions requiring investigation and possible remedial action are included in the recommendation.

An objection has been received from the freeholder of Marine Court regarding access issues and right of way along with concern as to how development will be constructed as they state that is no a specific pedestrian assess to the flank elevation. These are not planning matters and are not a consideration in determining the application.

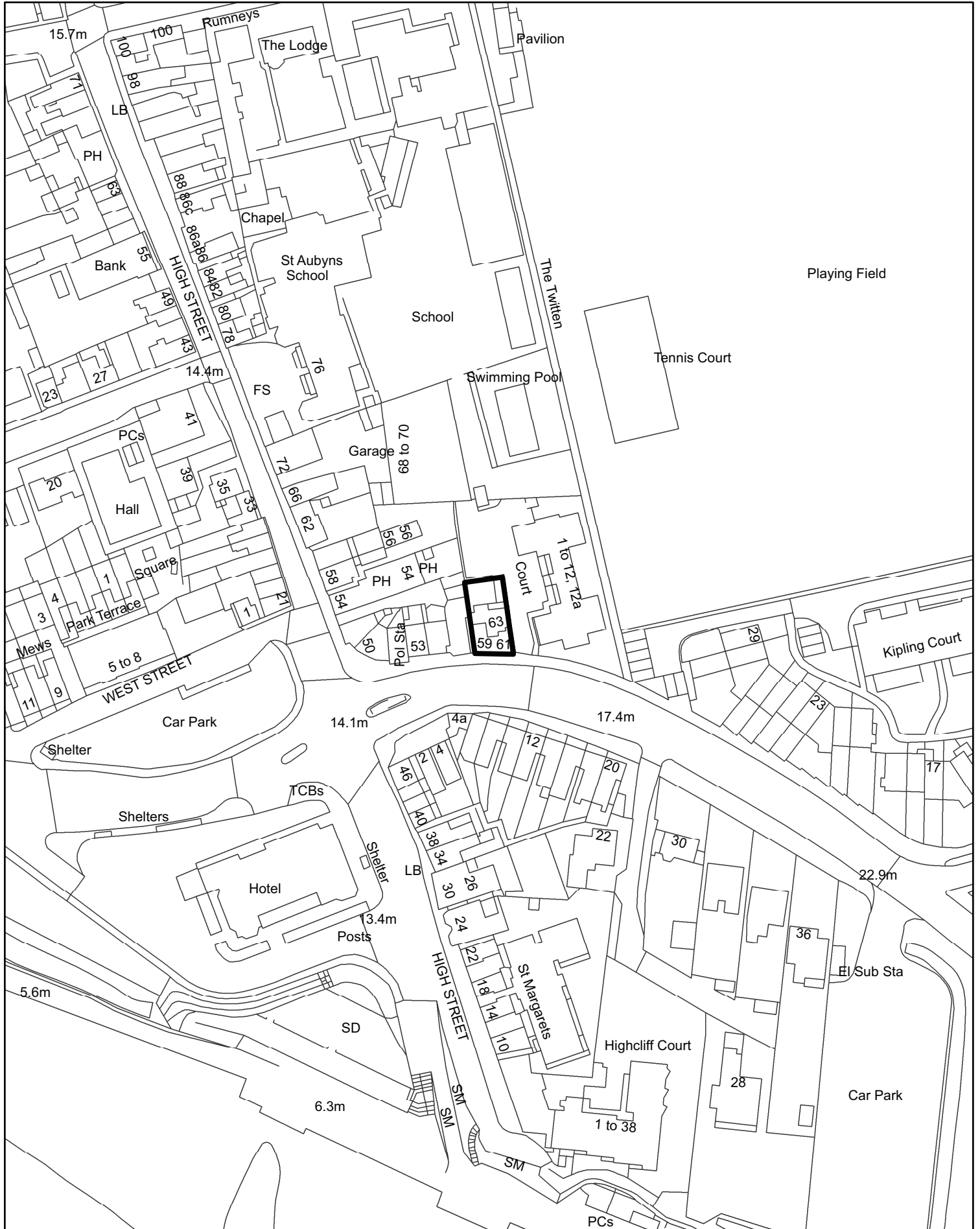
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The development would create an additional three residential units with an acceptable standard of accommodation throughout; is well designed, sited and detailed in relation to the existing building and surrounding area; and would not result in harm to neighbouring amenity through loss of light, outlook or privacy or through an increased demand for travel.

**9 EQUALITIES IMPLICATIONS**

The flats have been designed to incorporate lifetime homes standards where possible with doors and corridor width incorporating minimum standards for wheelchair users. While some of the bathrooms current configurations do not allow for side transfers it would be possible to alter the layout of the bathrooms to incorporate this.

# 59-63 Marine Drive



<b><u>No:</u></b>	<b>BH2010/02009</b>	<b><u>Ward:</u></b>	<b>CENTRAL HOVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Costa Coffee, 13-14 George Street, Hove</b>		
<b><u>Proposal:</u></b>	<b>Installation of 4 air conditioning units, general and toilet extract and fresh air intake unit (Part Retrospective).</b>		
<b><u>Officer:</u></b>	Guy Everest, tel: 293334	<b><u>Valid Date:</u></b>	30/06/2010
<b><u>Con Area:</u></b>	Adjoining Cliftonville	<b><u>Expiry Date:</u></b>	25 August 2010
<b><u>Agent:</u></b>	Walsingham Planning, Bourne House, Cores End Road, Bourne Road, Buckinghamshire		
<b><u>Applicant:</u></b>	Costa Coffee, Whitbread Court, Houghton Hall Business Park, Porz Avenue, Dunstable		

## 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. A scheme for painting the external ducting hereby approved a matt colour shall be submitted for the approval of the Local Planning Authority within one month of the date of this decision letter unless otherwise agreed in writing. The approved scheme shall be carried out in accordance with the approved details within 2 months of the date of the notification of the approval by the Local Planning Authority, and thereafter retained.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.
2. The noise attenuators and revised fan positions shall be installed, as indicated on drawing no. 11977/100, within one month of the date of this decision letter unless otherwise agreed in writing. The noise attenuators and revised fan positions shall be retained as such thereafter.  
**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. The hereby approved roof mounted equipment shall not operate except between the hours of 07:00 and 19:00 on Monday to Saturdays, and between 09.00 and 17:00 hours on Sundays and Bank Holidays.  
**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.
4. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise

levels to be determined as per the guidance provided in BS 4142:1997

**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.

5. The development hereby permitted shall be carried out in accordance with the approved drawings no. 12013 0.1 A, 11977/100, 11977/200 & 08011129-M01 0 submitted 30<sup>th</sup> June 2010.

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

Informatives:

- 1) This decision to grant planning permission has been taken:-

- i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD14 Extensions and alterations

QD27 Protection of amenity

HE6 Development within or affecting the setting of conservation areas; and

- ii) for the following reasons:-

The development, subject to compliance with the above conditions, would not cause significant noise or disturbance for occupiers of adjoining properties; and would not result in demonstrable visual harm to the character or appearance of the surrounding area.

## 2 THE SITE

The application site relates to a mid-terrace commercial property on the eastern side of George Street. The site lies within the Hove Town Centre and adjoins comparable commercial uses. The rear section of the property forms the boundary with residential properties on Ventnor Villas which are within the Cliftonville Conservation Area.

## 3 RELEVANT HISTORY

**BH2009/01393:** Installation of 4 air conditioning units, general and toilet extract and fresh air intake unit (retrospective). Refused for the following reason:-

- 1. The installed plant and machinery has resulted in a noise nuisance for occupiers of adjoining properties, to the detriment of their residential amenity and contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.*

**BH2008/03689:** Change of use from retail (A1) to coffee shop (A3) with ancillary retail (A1) and external seating to George Street, with new door opening to rear elevation. Approved.



#### 4 THE APPLICATION

The application seeks retrospective permission for the installation of air conditioning units, and an extract / air intake unit. The units, and associated handrail, have been sited at second floor level on a flat roof to the rear of the site.

#### 5 CONSULTATIONS

##### External:

**Neighbours:** 6 letters have been received from **7 (flat 3), 8 (Basement Flat, GFF), 9 (Ventnor Lodge - Flats 2, 3 & 5) Ventnor Villas** objecting to the proposal for the following reasons:-

- The Environmental Health Team have previously commented that sound from the mechanical ducts does constitute a nuisance;
- The plant operates a minimum of 13 hours a day, 7 days a week. Residents work irregular hours and need to sleep during the day, which is difficult since the vents were installed;
- Whilst the noise may be similar to existing residual sound levels there is a substantial and noticeable silence when the vents are switched off. Prior to the vents being installed adjoining gardens were peaceful;
- Residents have received little or no consideration during the period that the mechanical extract units have been installed;
- There is no information that relocating the plant and machinery to alternative locations within the application site has been considered;
- It is uncommon for plant to be installed to the flat roofs to the rear of properties. The vents have a substantial impact on the visual amenity of residents in the surrounding area and create a dangerous precedent for future alterations;
- There is no guarantee that opening hours of the coffee shop will not increase in the future;
- The applicant has incorrectly stated the distance between the application site and properties on Ventnor Villas to be 20m, the correct distance is 12m;
- There are already too many coffee houses in the area;
- Question why information relating to design, quantity, location, size, noise levels etc was not submitted with the application.

##### Internal:

**Environmental Health:** The standard approach is to establish and verify background noise levels during the period that the equipment is likely to be operating and establish the 'worst case' scenario, which is presumably when noise levels drop in the evening. If in compliance the ambient noise levels will be the same as the background, the equipment will not be making a contribution to the noise levels.

Environmental Health are satisfied that the acoustic consultants are aware of the need to take account of the possibility of a tonal component in the design of the equipment. They have reviewed the background readings taken at the time of the survey and are content that the readings fairly represent the

quietest part of the day, just before the premises close for the evening. The acoustic report is therefore considered to be robust.

Recommend conditions limiting the hours of operation for the machinery, and secure the installation of noise attenuators.

## 6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD14 Extensions and alterations

QD27 Protection of amenity

HE6 Development within or affecting the setting of conservation areas

## 7 CONSIDERATIONS

The main issues of consideration in the determination of this application are the visual impact of the installed plant on the appearance of the building and wider area, and its impact on neighbouring amenity.

Character and appearance

The rear of George Street can be viewed between properties on Ventnor Villas but due to the narrow gaps between buildings its prominence is limited. The installed plant and machinery cannot be seen from any public highway or open space and as such there is considered to be no harmful impact on the setting of the Cliftonville conservation area.

The plant and machinery, and associated handrail, are however visible from adjoining properties on Ventnor Villas. The flat roof of the property already featured a domed roof hatch and an adjoining structure approximately 1.3 metres in height. The air conditioning units have been sited to the rear of this structure which to some extent reduces their visual impact.

The handrail, extract fans and ducting have a steel finish which in conjunction with their height and siting creates a more visible feature of the building. However, this appearance would tone down in time and the visual impact could be reduced by painting the flues. A condition is recommended to require a scheme, and its subsequent implementation, for painting the ducting a matt colour.

It is considered that the original roof structures and required painting scheme would sufficiently merge the rooftop plant and machinery with the remainder of the building, and the installation would not appear unduly prominent or visually intrusive. The proposal is therefore considered to broadly comply with local plan policy QD14.

Impact on amenity

A previous application for the plant and machinery was refused due to the resulting noise nuisance for occupiers of adjoining properties. This

application has also generated a number of representations from occupiers of adjoining properties relating to noise disturbance, and this remains the key concern regarding neighbouring amenity.

The equipments creates a low-level 'humming' noise which is audible from ground floor level at adjoining properties. In response to previous concerns the applicant has submitted an acoustic report which assesses the existing noise environment in the vicinity of the premises and the impact of the installed plant and machinery. The report concludes that 'sound level....due to plant on the roof of the premises is similar to or lower than the underlying residual sound level which means that it is audible on occasion but general masked by the existing residual soundscape'. The Environmental Health Team considers the acoustic report to be robust and as such there are no reasons to disagree with its findings.

The application allows for the installation of duct attenuators within the premises which would reduce the noise emitted from the rooftop equipment. Environmental Health Officers are satisfied that subject to the installation of these attenuators and conditions restricting hours of operation for the equipment and controlling noise levels the development would not lead to noise or disturbance for occupiers of adjoining properties.

For the reasons outlined it is considered that subject to the recommended conditions the equipment would not lead to undue noise or disturbance for occupiers of adjoining properties, and at the present time there is no evidence to suggest otherwise.

It should be noted that if in the future the rooftop equipment causes a statutory nuisance there is other, more appropriate, legislation to address any shortcomings in terms of odour or noise.

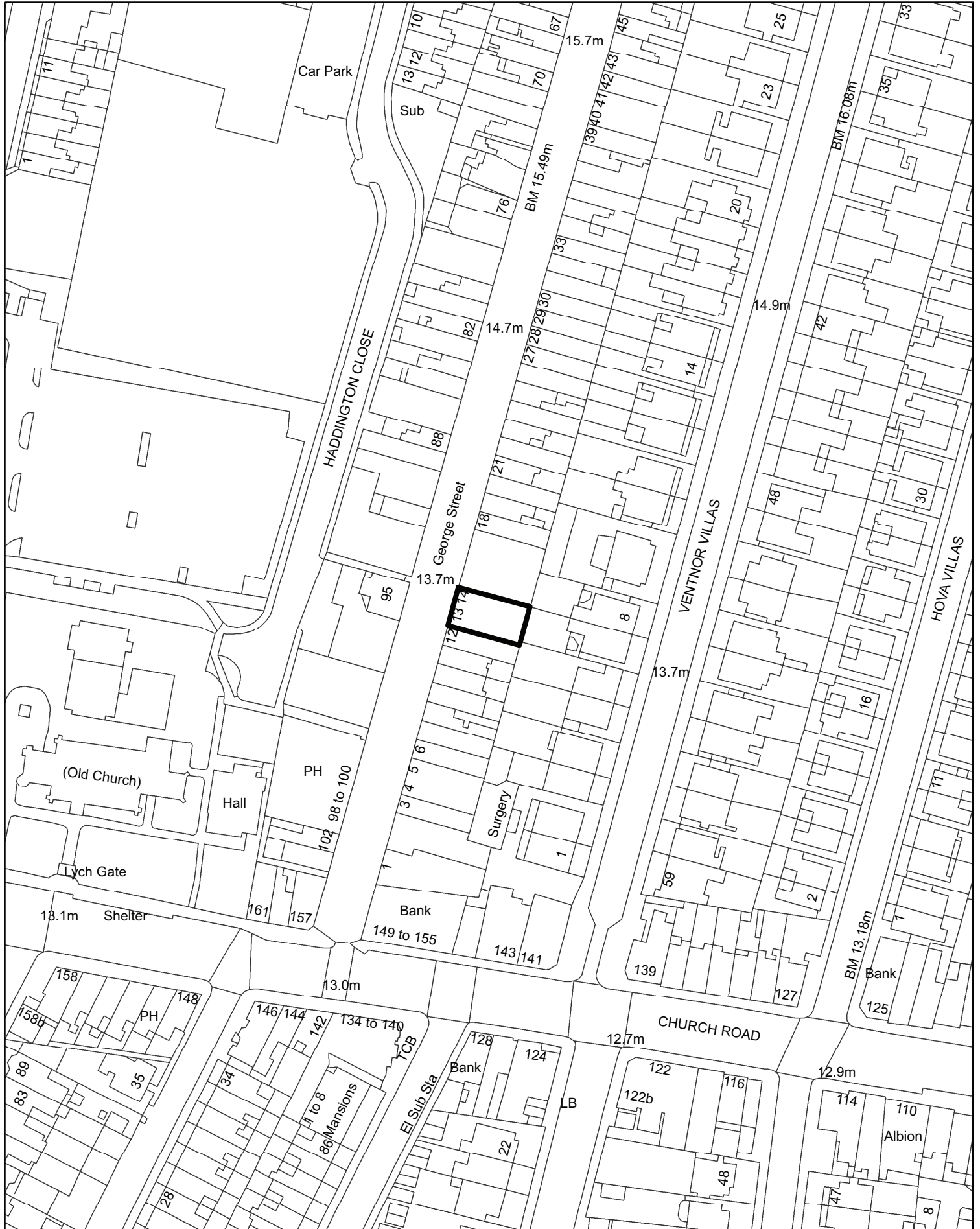
## **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The development, subject to compliance with the above conditions, would not cause significant noise or disturbance for occupiers of adjoining properties; and would not result in demonstrable visual harm to the character or appearance of the surrounding area.

## **9 EQUALITIES IMPLICATIONS**

None identified.

# BH2010/2009 13-14 George Street, Hove



<b><u>No:</u></b>	<b>BH2010/01782</b>	<b><u>Ward:</u></b>	<b>BRUNSWICK AND ADELAIDE</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>39 Salisbury Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Application for removal and variation of conditions of application BH2009/00696. Variation of condition 2 to allow unrestricted D1 use of ground floor. Removal of condition 11 to allow rear access doors to be open or in use within unrestricted hours. Removal of condition 12 to allow occupation of the ground floor without submitting details of the management of the rear outdoor space.</b>		
<b><u>Officer:</u></b>	<b>Guy Everest, tel: 293334</b>	<b><u>Valid Date:</u></b>	<b>11/06/2010</b>
<b><u>Con Area:</u></b>	<b>Adjoining the Willett Estate</b>	<b><u>Expiry Date:</u></b>	<b>06 August 2010</b>
<b><u>Agent:</u></b>	<b>Town &amp; Country Planning Solutions, Bodle Street Green, Hailsham</b>		
<b><u>Applicant:</u></b>	<b>Brightwell Homes, Goldstone Street, Hove</b>		

## 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. Excluding use as a children's day nursery or crèche and excluding the communal cycle, refuse, recycling stores and access to upper floor levels, the ground floor of the building shall only be used for uses falling within Class D1 of the Schedule to the Town and Country (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) unless prior written consent is obtained from the Local Planning Authority for any community uses falling outside this Class.  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the retention of a community facility within the area to serve the local community and to safeguard the amenities of the occupiers of adjoining properties and to comply with policies HO20, SO10 and QD27 of the Brighton & Hove Local Plan.
3. Within three months of the date of this permission, unless otherwise agreed in writing, the applicant must secure 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.
4. Within three months of the date of this permission, unless otherwise

agreed in writing, 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 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

5. Within three months of the date of this permission, unless otherwise agreed in writing, a scheme for landscaping shall be submitted to and approved in writing, 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.

6. BH11.02 Landscaping / planting (implementation / maintenance).

7. Within three months of the date of this permission, unless otherwise agreed in writing, details of the ground floor community facility details of boundary screening along the eastern (rear) boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority.

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

8. The boundary screening shall be completed in accordance with the details approved under condition 7 prior to occupation of the ground floor community facility and be retained as such thereafter.

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

9. The lower sections of windows to the rear elevation at first, second and third floor levels, as indicated on approved drawing no. BRX 201 02, shall not be glazed otherwise than with fixed shut obscured glass and shall thereafter permanently retained as such.

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

10. Access to the flat roof areas at first, second and third floor levels to the rear of the building shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

11. The rear outdoor space and rear access doors shall not be open or in use except between the hours of 09.00 and 18.00 Monday to Friday, 10.00 and 16.00 on Saturdays and at no times on Sunday's or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

12. The development hereby permitted shall be carried out in accordance with the approved drawings no. BRX/100/02, BRX/200/02, BRX/201/02, BRX/202/03, BRX/203/05, BRX/204/01, BRX/205/01 & BRX/207/02 submitted 10<sup>th</sup> June 2010.

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

13. Within three months of the date of this permission, unless otherwise agreed in writing, a scheme for the soundproofing of the building shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details 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.

14. Within three months of the date of this permission, unless otherwise agreed in writing, details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be 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.

15. Unless otherwise agreed in writing by the Local Planning Authority, within three months of the date of this permission:

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units shall be submitted to the Local Planning Authority; and

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units shall be 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.

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

17. Within three months of the date of this permission, unless otherwise agreed in writing, full details of existing and proposed ground levels within the site and on land adjoining the site to OS Datum, by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in

accordance with the approved level details.

**Reason:** To ensure a satisfactory appearance to the development and to protect the amenity of surrounding neighbours in accordance with policies QD1, QD2, and QD27 of the Brighton & Hove Local Plan.

18. BH04.01 Lifetime Homes.

Informatives:

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

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

- 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
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design - quality of development and design statements
- QD2 Design - key principles for neighbourhoods
- QD3 Design - efficient and effective use of sites
- QD4 Design - strategic impact
- QD5 Design - street frontages
- QD15 Landscape design
- QD27 Protection of amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- HO19 New community facilities
- HO20 Retention of community facilities
- HE6 Development within or affecting the setting of conservation areas
- HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

- SPD03 Construction and Demolition Waste
- SPD08 Sustainable Building Design; and

ii) for the following reasons:

The variation of condition 2 would retain modern and flexible floorspace at ground floor level suitable for occupation by a number of community uses. It is not necessary to require management details for the outdoor space since sufficient control remains to protect neighbouring amenity from undue noise or disturbance within condition 2.

2. Informative - Site Waste Management Plans (3+ housing units (new



build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build))

The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: [www.netregs.gov.uk/netregs/businesses/construction/62359.aspx](http://www.netregs.gov.uk/netregs/businesses/construction/62359.aspx) and [www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_2.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html)

3. IN.05.02A Informative: Code for Sustainable Homes

The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://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](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.

4. IN04.01 Informative Lifetime Homes

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.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).

**2 THE SITE**

The application relates to a site on the eastern side of Salisbury Road bounded by a three-storey flatted development to the north (Amber Court) and a three-storey over lower ground floor building to the south. A single-storey building is, at the time of writing, in the process of being demolished.

The western side of Salisbury Road comprises historic semi-detached houses within the Willett Estate Conservation Area, with the eastern side more recent flatted development (and not within the conservation area).

**3 RELEVANT HISTORY**

**BH2009/00696:** Demolition of existing building and erection of a four storey private residential building containing nine mixed size units and community area on ground floor. Approved. The original building has now been demolished and an application is currently under consideration for the discharge of details reserved by conditions attached to this permission (ref: **BH2010/02498**).

Permission was granted in 1988 for a conversion of the church to form ground floor offices with first and second floor extensions to form eight self-contained flats (ref: **3/88/0711**). Further permission was granted in 1989 for demolition

of the existing building and construction of terrace of 3 three-storey offices with nine parking spaces (ref: **3/89/0648**). None of these approvals were implemented.

Planning permission was granted in 1951 and 1955 for a church building for public worship and religious instruction (ref: **M/1740/51** and **M/3518/54**).

#### 4 THE APPLICATION

The application seeks consent for the variation of condition 2 of planning permission BH2009/00696 to allow unrestricted D1 use of the ground floor. This condition currently states:-

- 2) *Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, the ground floor of the building (except for the communal cycle, refuse and recycling stores and the access to the upper levels) shall be used solely as a Community Hall with associated ancillary uses, and shall not be used for any other purpose (including any other purpose falling within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)).*

The application also seeks consent for the removal of conditions 11 and 12. These conditions state:-

- 11) *The rear outdoor space and rear access doors shall not be open or in use except between the hours of 09.00 and 18.00 Monday to Friday, 10.00 and 16.00 on Saturdays and at no times on Sunday's or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.*
- 12) *Prior to occupation of the ground floor of the building details of the management of the rear outdoor space shall be submitted to and approved in writing by the Local Planning Authority. The rear outdoor space shall only be used in accordance with the approved details thereafter. The management plan for the outdoor space shall be reviewed annually and submitted to and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.*

#### 5 CONSULTATIONS

**External:**

**Neighbours:** 5 letters have been received from 7 (flat 5), 9 (signed by flats 9A, B, C & E), 11 (signed by flats 1 & 2), 13 (signed by flats 1, 2, 3, 4 & 5), 15 (flat 2) **Palmeira Avenue**; and 6A **Salisbury Road** objecting to the proposal for the following reasons:-

- D1 covers a wide range of potential uses and consider it essential that a facility available for community use remains on site;
- there is a clear need for a community facility which offers the scope and

- potential of a community hall;
- policy HO19 may not require a precise definition but neither does it preclude it;
- believe that only the Cornerstone Centre currently offers the type of services normally expected of a community hall;
- understand that the Cornerstone Community Centre is urgently in need of more space and may be willing to contribute to this project;
- the size of the space will not limit potential noise and nuisance, the weather is no guarantee of quiet enjoyment, and the space is so close to the boundary that a screen would not sufficiently limit noise or other nuisance;
- do not understand the applicant's view that it would be difficult to enforce these conditions;
- the applicant's view that submission of an annual management plan would pose an unreasonable burden is not clear as this is not unusual or onerous for such community facilities;
- out of hours noise;
- as no off-street parking is proposed the controlled parking zone will become more congested with longer waiting periods for permits;
- the proposals make worse the problems of overshadowing, light, overlooking, reducing the desirability of residents homes, loss of valuable garden function etc.

A letter has also been received from **Cornerstone Community Centre** commenting that their facility is used by approximately 1000 people and over 55 community groups a week. The centre is now reaching a full capacity and is unable to accommodate more groups. The demand for this type of community facility remains very high and Cornerstone receives over 10 enquiries a week. The lack of affordable community space has been highlighted by the Brunswick and Regency Neighbourhood Action Group.

Cornerstone is also an active member of the Brighton & Hove Community Buildings Network which links all community buildings in the City. There are 35 such facilities in the City but only 2 are located in the central Hove area (Cornerstone and Honeycroft Under 5). Both centres are extremely busy and keep sending groups from the area to less busy neighbourhoods.

**Internal:**

**Environmental Health:** No comment.

## 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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste

QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD5	Design - street frontages
QD15	Landscape design
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO20	Retention of community facilities
HE6	Development within or affecting the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

## 7 CONSIDERATIONS

The key issues of consideration in the determination of this application relate to the impacts of the proposal on the provision of community facilities and on neighbouring amenity.

### Condition 2

- 2) *Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, the ground floor of the building (except for the communal cycle, refuse and recycling stores and the access to the upper levels) shall be used solely as a Community Hall with associated ancillary uses, and shall not be used for any other purpose (including any other purpose falling within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)).*

The reason for this condition was the Local Planning Authority would wish to *'retain control over any subsequent change of use of these premises in the interests of safeguarding the retention of a community hall within the area to serve the local community; and to comply with policy HO20 of the Brighton & Hove Local Plan.*

The original planning application for redevelopment of the site was partly assessed against local plan policy HO20 which seeks to retain community facilities. This policy notes that hospitals, health centres, surgeries / clinics, museums, art galleries, exhibition halls, places of worship, day care centres, libraries, schools, crèches, public toilets, church and community halls,

theatres and cinemas are considered to be community facilities. The approved development provides a ground floor space with potential for use by a number of service providers and was considered to comply with the aims of this policy.

The previous use on the site was as an indoor adventure playground and venue for children's parties. As currently worded condition 2 would prevent any community facility other than a 'community hall' from occupying the development. The applicant considers that since the previous use on the site was not in the manner of a community hall and the approved development provides ground floor space that could be used by a number of community facilities the condition is not necessary, is not relevant to the development to be permitted and is not reasonable in all other respects.

It is considered that there is no policy justification for restricting the ground floor to a 'community hall'. The purpose of policy HO20 is to retain community facilities. In this case the premises had been vacant since 2005 when it was last used as an indoor adventure playground and venue for children's parties. This defunct use did not function in the manner of a 'community hall' and in its current form condition 2 would potentially prevent alternative community facilities from occupying the premises.

The proposed variation of condition 2 would not prevent a community hall service provider from occupying the premises but would provide additional flexibility for the ground floor to be occupied by other community facilities. It is understood that the ground floor has been marketed for a period of 8 months and that during this period the majority have been from the medical profession: these uses would fall within the category of community uses as outlined in policy HO20. A local commercial agent has advised there has been no demand for a community hall at the site but the premises could be occupied relatively quickly were an unrestricted D1 / community use granted for the premises.

The development provides a flexible ground floor unit with potential for a number of uses. It is therefore recommended that the wording of condition 2 be varied to allow for a wider range of D1 uses that could potentially occupy the premises, and other such uses as might be agreed in writing. The revised condition would not prevent a 'community hall' type use were such a service provider interested in occupying the premises. The wording of the condition would continue to restrict nurseries to protect neighbouring residential amenity. This has been agreed by the applicant. It is considered that such a restriction would be reasonable and comply with the advice in Circular 11/95 The Use of Conditions in Planning Permission.

#### **Condition 11 & 12**

*11) The rear outdoor space and rear access doors shall not be open or in use except between the hours of 09.00 and 18.00 Monday to Friday, 10.00 and 16.00 on Saturdays and at no times on Sunday's or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.*

The reason for this condition was '*To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan*'.

*12) Prior to occupation of the ground floor of the building details of the management of the rear outdoor space shall be submitted to and approved in writing by the Local Planning Authority. The rear outdoor space shall only be used in accordance with the approved details thereafter. The management plan for the outdoor space shall be reviewed annually and submitted to and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.*

The reason for this condition was '*To ensure the effective management of the outdoor space and safeguard the amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan*'.

The applicant considers that the above conditions are unduly onerous, unreasonable and unnecessary. The reasons for this relate to the relatively small area of outdoor space limiting its potential use as ancillary to the main building; and it being unlikely that the outdoor space would be used during winter months or during the hours of darkness. The applicant also notes that condition 7 requires details of rear boundary screening which combined with the narrowness of the space would mitigate any minor noise impacts. It is finally noted that any noise nuisance is capable of being investigated under separate environmental legislation enforceable by the Council.

It is accepted that future noise disturbance from the rear garden area could be investigated through the Environmental Health Team. However, the impact of the development on neighbouring amenity is a material planning consideration and it is therefore correct that this was taken into account when determining planning application BH2009/00696.

Although noise from within the premises is controllable it is more difficult to control outdoor noise and disturbance. It is therefore considered necessary for the rear garden to be used in a manner which reduces the potential for noise and disturbance for occupiers of adjoining properties: conditions 11 and 12 directly relate to the future use of the outdoor space.

#### Condition 11

As existing condition 11 restricts use of the outdoor space to between the hours of 09.00 and 18.00 Monday to Friday, the hours of 10.00 and 16.00 on Saturdays and at no times on Sundays or Bank Holidays. The removal of condition 11 would potentially allow unlimited use of the rear outdoor space.

The outdoor space directly abuts residential gardens and is in close proximity to buildings on Palmeira Avenue and there is scope for significant noise and disturbance from use of the space outside normal working hours. It is therefore considered that condition 11 is necessary to mitigate the potential

harm from use of the outdoor space, and also meets the other tests for conditions as outlined in Circular 11/95. Furthermore there are no reasons to believe that retention of the condition would prejudice future occupation of the ground floor unit

For the reasons outlined it is recommended that condition 11 be retained. A mechanism exists should the eventual tenant wish to vary the condition at a later date but it would not be appropriate to remove the condition in its entirety.

#### Condition 12

The existing permission includes a requirement for management details of the outdoor space (condition 12). The ground floor space was originally proposed as general Class D1 space and as such could potentially have been occupied by a nursery. If the premises was occupied as a nursery use of the rear garden could have generated disturbance for adjoining residents, a management plan condition was therefore recommended to mitigate this potential harm (with the condition generally applied to all planning permissions for new nurseries in the City).

The applicant has agreed to exclude use as a nursery from the permitted uses, as outlined in the varied wording of condition 2, and in reality the ground floor would most likely not be suitable for use as a nursery due to the limited amount of external space relative to the internal space available. The type and nature of community uses that could occupy the premises would not generally require an outdoor management plan and there are no reasons to take a different approach as part of this application. The uses permitted by condition 2, as varied, and the restricted hours of use, as outlined in the retained condition 11, would be sufficient to minimise the potential for noise and disturbance from use of the outdoor space.

For the reasons outlined it is recommended that the condition 12 be removed as it is not necessary to protect neighbouring amenity from noise or disturbance.

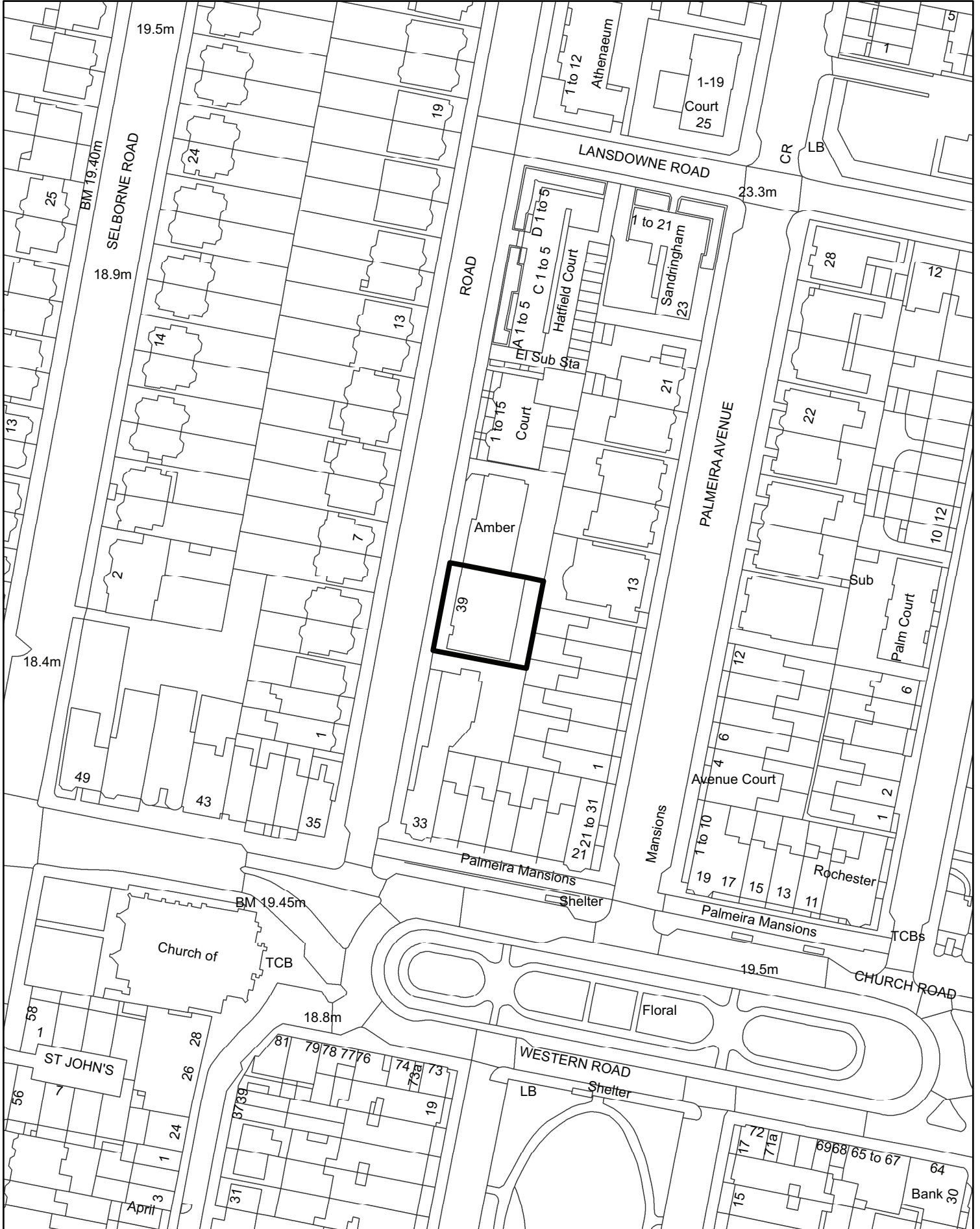
### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The variation of condition 2 would retain modern and flexible floorspace at ground floor level suitable for occupation by a number of community uses. It is not necessary to require management details for the outdoor space since sufficient control remains to protect neighbouring amenity from undue noise or disturbance within condition 2.

### **9 EQUALITIES IMPLICATIONS**

The application would not alter the accessibility of the building, the ground floor of which would remain in Class D1 use for the benefit of the local community.

# BH2010/01782 39 Salisbury Road





**BRIGHTON & 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**

**BH2010/00571**

**173 Carden Avenue Brighton**

Erection of single storey side extension and hip to gable roof conversion.

**Applicant:** Mr Mark Richardson

**Officer:** Chris Swain 292178

**Approved on 02/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**3) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension or enlargement to the roof other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

*Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan.*

**4) UNI**

The development hereby permitted shall be carried out in accordance with a waste minimisation statement and a photograph submitted on 24 February 2010, drawing no 1707/01A submitted on 15 July 2010 and drawing no. 1707/02C submitted on 12 August 2010.

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

**BH2010/01870**

**17 Brangwyn Avenue Brighton**

Formation of external front ramp to improve wheelchair access from driveway.

**Applicant:** Gareth Nicholls

**Officer:** Helen Hobbs 293335

**Approved on 06/09/10 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.*

**BH2010/01940**

**14 Carden Avenue Brighton**

Application for variation of condition 5 of application BH2006/00885 to increase the number of children registered at the nursery from 78 to 86 places.

**Applicant:** Wishing Tree Nursery

**Officer:** Sue Dubberley 293817

**Approved on 21/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH01.06**

The development hereby permitted shall be carried out in accordance with the approved drawings no.C01 submitted on 24 June 2010.

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

**3) UNI**

The nursery hereby approved shall not be used except between the hours of 07.30 and 18.30 Mondays to Fridays.

*Reason: To ensure that the proposal and associated traffic movements would not generate noise and other disturbance and lead to a significant loss of residential amenity and in accordance with policies SU10, QD27 and HO26 of the Brighton & Hove Local Plan.*

**4) UNI**

Outdoor play sessions should be restricted to between the hours of 09.00 and 17.00 Mondays to Fridays.

*Reason: To ensure that the proposal would not generate noise and other disturbance and lead to a significant loss of residential amenity and in accordance with policies SU10, QD27 and HO26 of the Brighton & Hove Local Plan.*

**5) UNI**

No amplified sound or music shall be played outside the building.

*Reason: To ensure that the proposal would not generate noise disturbance and lead to a significant loss of residential amenity and in accordance with policies SU10, QD27 and HO26 of the Brighton & Hove Local Plan*

**6) UNI**

From the commencement of implementation of this permission the 'Nursery Travel Plan' dated January 2006, received by the Local Planning Authority on 17th March 2006, shall be implemented in full and as approved thereafter and shall be subject to annual review in accordance with details submitted to and approved in writing by the Local Planning Authority.

*Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policy TR4 in the Brighton & Hove Local Plan.*

**7) UNI**

The number of children present at the day nursery hereby approved at any time shall not exceed 86 without the prior approval of the Local Planning Authority to whom a planning application must be made.

*Reason: To prevent over intensive use of the premises and to ensure that the*

*proposal and associated traffic movements would not generate noise and other disturbance and lead to a significant loss of residential amenity and in accordance with policies TR1, SU10, QD27 and HO26 of the Brighton & Hove Local Plan.*

**BH2010/02118**

**110 Ladies Mile Road Brighton**

Erection of single storey rear extension with decking platform.

**Applicant:** Anthony Drewery

**Officer:** Louise Kent 292198

**Approved on 07/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH01.06**

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 01-03 and 05 submitted on 9 July 2010.

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

**3) BH03.03**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**BH2010/02136**

**6 Upper Winfield Avenue Brighton**

Roof extension to allow second storey infill extensions and erection of single storey side and rear extension.

**Applicant:** Mrs Faye Wallington

**Officer:** Liz Arnold 291709

**Refused on 07/09/10 DELEGATED**

**1) UNI**

The proposed ridge extension, in conjunction with the proposed side garage extension would result in an imbalance to the pair of semi-detached properties as the front elevation would be elongated in addition to the cat slide side roof form being lost, which is a characteristic of the semi-detached pair of properties within Upper Winfield Avenue. The proposal is considered to adversely affect the appearance and character of the host building, the pair of semi-detached properties, the Upper Winfield Avenue street scene and the wider area. The development is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

**2) UNI2**

The proposal results in the lower part of the proposed north facing window intersecting with the proposed mono-pitched roof of the side garage extension, an element which would be of detriment to the character and appearance of the host property, the Upper Winfield Avenue street scene and the wider area. The development is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

**BH2010/02165**

**69 Ladies Mile Road Brighton**

Certificate of Lawfulness for proposed hip to gable loft conversion incorporating rear dormer and erection of single storey rear extension.

**Applicant:** Ms Cheryl Carter

**Officer:** Liz Arnold 291709

**Refused on 10/09/10 DELEGATED**

**BH2010/02171**

**2 Mayfield Close Brighton**

Certificate of lawfulness for a proposed hip to gable loft extension with rear dormer and single storey rear extension.

**Applicant:** Mr A Pollard

**Officer:** Louise Kent 292198

**Approved on 14/09/10 DELEGATED**

**BH2010/02178**

**1 Warmdene Way Brighton**

Application for Approval of Details Reserved by Conditions 1-15 inclusive of application BH2008/03475.

**Applicant:** Mr Robert Walters

**Officer:** Aidan Thatcher 292265

**Split Decision on 09/09/10 DELEGATED**

**1) UNI**

1. No samples of materials have been provided and thus it is not acceptable to discharge condition 4.
2. No details of the Code for Sustainable Homes have been submitted therefore it is not possible to discharge conditions 5 or 6.
3. The waste minimisation statement submitted does not sufficiently address the purpose of the document by virtue of a lack of a commitment to recycle unwanted waste from the site. Therefore it is not possible to discharge condition 7.
4. Insufficient information has been provided in relation to the cycle storage and the usability and layout of this. It is therefore not possible to discharge condition 10.
5. No details of a scheme to secure sustainable transport infrastructure has been submitted and thus it is not possible to discharge condition 11.
6. Insufficient information has been provided in relation to the construction details of the access road in terms of sections of the road, junction treatment, what the rumble strips would be constructed from, surface water drainage, and lighting. It is therefore not possible to discharge condition 12.
7. Insufficient information has been provided in relation to landscaping in terms of inadequate scale, lack of species detailing or planting specification. It is therefore not possible to discharge condition 14.

**BH2010/02207**

**38 Vale Avenue Brighton**

Certificate of lawfulness for proposed hip to gable loft conversion with rear dormer, 2.No rooflights to front elevation and provision of new porch to front elevation.

**Applicant:** Mr & Mrs Hoyle

**Officer:** Helen Hobbs 293335

**Approved on 10/09/10 DELEGATED**

## **PRESTON PARK**

### **BH2010/00208**

#### **207 Osborne Road Brighton**

Replacement of existing timber sliding sash windows to front and rear with UPVC double glazed sliding sash units.

**Applicant:** Ms Victoria Challis

**Officer:** Chris Swain 292178

**Approved on 16/09/10 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing no. 3163.11.01A, a set of annotated photographs and a design and access statement submitted on 3 March 2010, drawing no. 3163/11/02 (except the existing and proposed kitchens windows which have been superseded by drawing no. 3136/11/04A) and a manufacturer's brochure submitted on 26 May 2010, drawing no. 3163.11.03 and a manufacturer's specification sheet showing sections submitted on 12 July 2010 and drawing no. 3163/11/04A submitted on 27 August 2010.

*Reason: For the avoidance of doubt and in the interest of good planning.*

### **BH2010/01840**

#### **57 Beaconsfield Villas Brighton**

Demolition of existing rear extension and balcony and erection of replacement three storey extension.

**Applicant:** Mr & Mrs Larner

**Officer:** Jonathan Puplett 292525

**Approved on 03/09/10 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings nos. TA456/01, 05 and 06 submitted on the 15th of June 2010 and drawing nos. TA456/02A, 03A, 04B, 09A, 10B, 11A, 12A, 13A, 14A, 15A, and 16 submitted on the 30th of July 2010.

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

#### **3) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be constructed to the side elevations of 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**

Access to the green roof area shown on drawing no. TA456/10B hereby approved shall be for maintenance or emergency purposes only and the area 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) UNI**

The balcony and raised deck hereby approved shall not be brought into use until the 1.8 metre high privacy screens alongside these features shown on the approved drawings are in situ. These screens shall be retained as such thereafter.

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

**BH2010/01977**

**26A Port Hall Place Brighton**

Relocation of basement front door. (Retrospective).

**Applicant:** Mr John Moodie

**Officer:** Chris Swain 292178

**Approved on 10/09/10 DELEGATED**

**BH2010/02130**

**3 Shaftesbury Place Brighton**

Application for Approval of Details Reserved by Conditions 2, 3, 4, 5 and 6 of application BH2010/00849.

**Applicant:** Mr John Woolaston

**Officer:** Jonathan Puplett 292525

**Approved on 06/09/10 DELEGATED**

**BH2010/02151**

**Wall Between 194 & 196 Dyke Road Brighton**

Partial demolition and rebuilding of flint wall to match existing dimensions.

**Applicant:** Barnsnape Developments Ltd

**Officer:** Anthony Foster 294495

**Approved on 15/09/10 DELEGATED**

**1) UNI**

Unless otherwise agreed in writing with the Local Planning Authority the existing wall's bricks and flints shall be salvaged and reused and the new flint wall shall match the original flint wall in the type of flints, coursing, density of stones, the mortar's colour, texture, composition, lime content and the method of pointing.

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

**BH2010/02216**

**3 Shaftesbury Place Brighton**

Non Material Amendment to BH2010/00849 for separate access from street level to the lower ground floor to be retained as existing. Internal alterations to all floors to change 2no. three bed maisonettes to 2no. two bed maisonettes. Style and alignment of rear dormer to match existing windows below and relocate cycle store.

**Applicant:** John Woolaston

**Officer:** Jonathan Puplett 292525

**Approved on 06/09/10 DELEGATED**

**BH2010/02252**

**26 Chester Terrace Brighton**

Erection of single storey rear extension.

**Applicant:** Ms Anthea Ballam

**Officer:** Sonia Kanwar 292359

**Approved on 15/09/10 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**

Unless otherwise agreed in writing by the Local Planning Authority, the kitchen window and the shower window facing onto the lightwell 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) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings nos. RFA10/170/01, 02 & 0S received on 15th July 2010.

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

**BH2010/02303**

**31 Cleveland Road Brighton**

Erection of single storey rear infill extension with rooflights.

**Applicant:** Mr Stuart Lenton

**Officer:** Anthony Foster 294495

**Approved on 21/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH12.02**

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

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 100, 200, 201 received on 26 July 2010.

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

## **REGENCY**

### **BH2010/01278**

#### **Flat 2 17 Powis Square Brighton**

Replacement of existing door and side light windows with new regency style french doors and lengthen existing step to rear of property.

**Applicant:** Ms Abby Jones

**Officer:** Jason Hawkes 292153

**Approved on 02/09/10 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 extended brick step shall match the existing step in design and type of brick and be maintained as such thereafter.

*Reason: To ensure the satisfactory appearance of the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

#### **3) UNI**

No works shall take place until 1:1 joinery profiles of the proposed French 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 appearance of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

#### **4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings no.527-1B received on the 27<sup>th</sup> April 2010.

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

### **BH2010/01282**

#### **Flat 2 17 Powis Square Brighton**

Replacement of existing door and side light windows with new regency style french doors and lengthen existing step to rear of property.

**Applicant:** Ms Abby Jones

**Officer:** Jason Hawkes 292153

**Approved on 02/09/10 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 works shall take place until 1:1 joinery profiles of the proposed French 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 appearance of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

#### **3) UNI**

The extended brick step shall match the existing step in design and type of brick and be maintained as such thereafter.



*Reason: To ensure the satisfactory appearance of the development and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2010/01506**

**6 & 8 Norfolk Buildings Brighton**

Internal alterations to No's 6 & 8 Norfolk Buildings to form one residential dwelling.

**Applicant:** Dr Dirk Pyatt & Mr Cliff Tellett

**Officer:** Christopher Wright 292097

**Approved on 02/09/10 DELEGATED**

**BH2010/01613**

**St Pauls Vicarage Russell Place Brighton**

Formation of new single doorway to allow improved accessibility to the building complying with DDA regulations.

**Applicant:** Care Co-operatives

**Officer:** Clare Simpson 292454

**Approved on 22/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings no. 10/3/03, 10/03/01, supporting statements submitted on the 20th May 2010 and door details submitted on the 1st September 2010.

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

**BH2010/01777**

**4 Bedford Towers Kings Road Brighton**

Alterations to existing balcony to form conservatory.

**Applicant:** Mr T Richards

**Officer:** Charlotte Hughes 292321

**Approved on 14/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings no's 10/583/01 and 10/583/02 received on the 8th June 2010.

**BH2010/01904**

**26 Hampton Place Brighton**

Replacement of existing 2nd floor window with timber sash window.

**Applicant:** Mrs Mercedes Cano

**Officer:** Paul Earp 292193

**Approved on 21/09/10 DELEGATED**

**1) BH01.05**

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

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**2) UNI**

Notwithstanding the submitted detailed drawings, the new replacement window shall be a single glazed painted timber vertical sliding sash with no trickle vent to match exactly the original sash windows, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details and shall have a concealed sash box recessed within the reveals and set back from the outer face of the building to match. The details shall be submitted to and agreed in writing by the Local Planning Authority prior to installation of the window.

*Reason: The submitted large scale sectional details are diagrammatic and do not accurately reflect the profiles and mouldings of the original windows and so as to ensure the preservation of the building in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan and the Council's Supplementary Planning Document - Architectural Features.*

**BH2010/02008**

**Nooris Restaurant 70-71 Ship Street Brighton**

Addition of external rendered kitchen extract chimney to rear.

**Applicant:** Nooris Restaurant

**Officer:** Adrian Smith 01273 290478

**Approved on 14/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until a scheme for the fitting of odour control equipment to the extract system (including the sound insulation of any such equipment) has been submitted to and approved in writing by the Local Planning Authority. The use of the premises shall not commence until all odour control equipment works have been carried out to the satisfaction of the Local Planning Authority, and shall thereafter be retained as such at all times.

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

**3) UNI**

All noise associated with the extract unit hereby permitted shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The rating Level and existing background noise levels are to be determined in accordance with the guidance provided in BS 4142:1997.

*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.*

**4) UNI**

The proposed kitchen extract chimney and its associated plant and machinery shall not operate at the premises except between the hours of 09.00hrs and 00.00hrs Monday to Sundays.

*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.*

### **5) UNI**

The development hereby permitted shall be carried out in accordance with the design and access statement, ventilation/extraction details, noise control statement site plan and approved drawings no.0162-10 & 0162-11 submitted on the 28th June 2010.

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

### **6) UNI**

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

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

## **BH2010/02076**

### **39 Norfolk Square Brighton**

Replacement of 2no aluminium double glazed windows, 2no timber sash windows and 2no pairs of timber balcony doors to front elevation with timber framed sash windows to match those at rear of property. Refurbishment of sash boxes to front elevation.

**Applicant:** Mr Paul Kirkham

**Officer:** Mark Thomas 292336

**Approved on 14/09/10 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**

Notwithstanding the submitted drawings, no development shall commence until; details of the new sash windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in full and 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.*

## **BH2010/02158**

### **The Coach House 8A Western Terrace Brighton**

Application for Approval of Details Reserved by Conditions 2, 3, 4 and 5 of application BH2009/01521.

**Applicant:** Mr Glenn Nevill

**Officer:** Charlotte Hughes 292321

**Approved on 20/09/10 DELEGATED**

**BH2010/02199**

**3 - 5 Vernon Gardens Denmark Terrace Brighton**

Alterations to existing entrance porch and boundary wall and creation of level access approach to Windlesham Avenue entrance.

**Applicant:** The Guinness Trust

**Officer:** Adrian Smith 01273 290478

**Approved on 21/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with the design and access statement and approved drawings no.16 rev C & P10 rev E submitted on the 15th July 2010.

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

**BH2010/02276**

**Flats 1 & 2 65 - 66 Regency Square Brighton**

Internal alterations to convert flats 1 & 2 into 1no residential unit.

**Applicant:** Mr Nigel Rose

**Officer:** Charlotte Hughes 292321

**Approved on 22/09/10 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**

No works shall take place until elevational drawings of all the new openings 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 installation of the cast iron vent for the bathroom hereby approved shall be carried out in accordance with the details outlined in the email of 17th September 2010, unless otherwise agreed in writing by the Local Planning Authority. The

vent shall be painted in a colour and finish to match the existing background walls, within one month of installation.

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

**BH2010/02298**

**31 Sillwood Road Brighton**

Erection of single storey rear extension with rooflights and replacement of existing concrete tiles of rear first floor lean-to roof with slate tiles.

**Applicant:** Mr Tom Smith & Mrs Lisa Westbury

**Officer:** Robin Hodgetts 292366

**Refused on 20/09/10 DELEGATED**

**1) UNI**

Policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan require that all extensions and alterations within conservation areas are well designed, sited and detailed reflecting the scale, character or appearance of the area. The proposed rear extension, by virtue of its excessive width, represents an incongruous addition to the rear of the property that would harm the character and appearance of the building and the Regency conservation area, contrary to the above policies.

**BH2010/02335**

**16A Montpelier Crescent Brighton**

External alterations incorporating infilling of non-original window at rear elevation (Retrospective).

**Applicant:** Mr Robin Ruddy

**Officer:** Mark Thomas 292336

**Approved on 09/09/10 DELEGATED**

**BH2010/02394**

**The Abbey 14-19 Norfolk Terrace Brighton**

Installation of fire exit door at rear elevation.

**Applicant:** Thornton Properties Ltd

**Officer:** Guy Everest 293334

**Approved on 22/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing no. 1829/36 A submitted 2<sup>nd</sup> August, and drawings no. 1829/37 B & 1829/38 A submitted on 26th August 2010.

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

**BH2010/02395**

**The Abbey 14-19 Norfolk Terrace Brighton**

Installation of fire exit door at rear elevation.

**Applicant:** Thornton Properties Ltd

**Officer:** Guy Everest 293334

**Approved on 21/09/10 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.*

**BH2010/02531**

**Flat 1 5 Denmark Terrace Brighton**

Non Material Amendment to BH2009/01822 to change the type of rooflight on the extension from a roof lantern to a flat rooflight.

**Applicant:** Mr Paul Hoppood

**Officer:** Steven Lewis 290480

**Approved on 03/09/10 DELEGATED**

**1) UNI**

The proposed revisions to the scheme approved under do not result in significant changes to the appearance of the development, impact upon the conservation area or have an adverse impact on neighbouring occupiers. The works do not therefore take the development beyond the scope of the original planning permission and do not warrant the submission of a further application for planning permission.

**BH2010/02821**

**5 Clifton Place Brighton**

Non Material Amendment to BH2010/01229 to replace the approved sash window at second floor level with a 'blind' window, remove the approved rooflight within the rear roof plane, and to add two new rooflights in the approved flat roof

**Applicant:** Mr Tim Shortall

**Officer:** Adrian Smith 01273 290478

**Approved on 22/09/10 DELEGATED**

**ST. PETER'S & NORTH LAINE**

**BH2007/04441**

**Chapel Royal Vaults 164 to 165 North Street Brighton**

Improve access from street level to basement including new steps, disabled lift, new doors & handrail.

**Applicant:** Hargreaves Management Ltd

**Officer:** Sonia Kanwar 292359

**Finally Disposed of on 06/09/10 DELEGATED**

**BH2007/04449**

**Chapel Royal North Street Brighton**

Change of use from basement store to exhibition centre and cafe; improve access from street level to basement including new steps, disabled lift, new doors & handrail.

**Applicant:** Hargreaves Management

**Officer:** Sonia Kanwar 292359

**Finally Disposed of on 06/09/10 DELEGATED**

**BH2010/01396**

**31 Queens Gardens Brighton**

Erection of rear single storey extension incorporating demolition of existing rear garden party wall and outside w.c of neighbouring property No.32.

**Applicant:** Mr Neil Wiltshire & Mrs Elaine Chambers

**Officer:** Helen Hobbs 293335

**Approved on 10/09/10 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.*

**BH2010/01649**

**89 - 90 London Road Brighton**

Conversion of first and second storeys from ancillary storage for retail (A1) to 2no two bedroom flats with installation of new windows to rear.

**Applicant:** Mr Holden

**Officer:** Anthony Foster 294495

**Approved on 22/09/10 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) 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.*

**4) 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.*

**5) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 100, 101, 102, 103 received on 28 May 2010.

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

**6) UNI**

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*

**BH2010/01707**

**11 London Road Brighton**

Conversion of first and second floors of existing retail unit to form a 5no bedroom dwelling (Use Class C3/C4) with associated works including erection of steel staircase and railing to rear and alterations to fenestration including replacement of windows and installation of new doors.

**Applicant:** Derandd Investment Partners Limited Partnership

**Officer:** Jonathan Puplett 292525

**Approved on 08/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH02.07**

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

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

**3) BH05.09**

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.*

**4) 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.*

**5) UNI**

No development shall take place until details of the windows and external doors to be installed, including sections and manufacturers specifications, have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and the windows and doors approved shall be fully installed prior to the first occupation of the dwelling hereby approved.

*Reason: In the interests of the character and appearance of the building(s) and the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**6) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings drawing nos. L108-04D, 05C, and 08B submitted on the 1st of June 2010, and nos. L108-01A, 02A, 03A, 06, and 07 submitted on the 29th of



June 2010.

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

**BH2010/01760**

**7 Kensington Place Brighton**

Single storey extension.

**Applicant:** Mr David Grace

**Officer:** Jonathan Puplett 292525

**Approved on 06/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH01.06**

The development hereby permitted shall be carried out in accordance with the approved drawings nos. KP7PRO/01, 02, 03 and 04 submitted on 9 June 2010.

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

**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) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window shall be constructed to the northern side elevation of the extension hereby approved without planning permission obtained from the Local Planning Authority.

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

**5) UNI**

The glazed doors hereby approved shall be of timber frame construction and a white painted finish and shall be retained as such thereafter. The rear windows hereby approved shall be white painted softwood double hung vertical sliding sashes with frame profiles and detailing to match those of the existing building.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

**BH2010/01852**

**70 Ditchling Road Brighton**

Replace existing flat roof with warm roof which contains additional insulation creating an increase in height by a maximum of 138mm. Removal of rear chimney and replacement of 2no skylights.

**Applicant:** Mr David Hirst

**Officer:** Chris Swain 292178

**Refused on 22/09/10 DELEGATED**

**1) UNI**

The proposal, by reason of its scale, design, positioning and materials relates poorly to the existing property, forming an incongruous element within the roof structure that would detract from the appearance and character of the property and harm the visual amenity of the Ditchling Road street scene and the surrounding Roundhill conservation area, contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan and the Supplementary Planning

Guidance on Roof Alterations and Extensions.

**2) UNI2**

Insufficient information has been submitted by the applicant with regards to both the positioning of the proposed skylights and the proposed cladding material. As such the impact of the proposal on the appearance and character of the building and the conservation area cannot be properly assessed in line with policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions.

**BH2010/02060**

**12 York Place Brighton**

Application for Approval of Details Reserved by Conditions 5, 10, 11 and 12 of application BH2009/01986.

**Applicant:** Denizen Estates Ltd

**Officer:** Aidan Thatcher 292265

**Split Decision on 06/09/10 DELEGATED**

**1) UNI**

Approval of the discharge of condition 5 subject to full compliance with the submitted details.

**1) UNI**

REFUSE approval of the discharge of conditions 10, 11 and 12 for the following reasons:

Insufficient information has been provided of the proposed odour control equipment to consider the impact of the proposal. In addition, the rear ducting is likely to cause a detrimental impact on the amenities of the occupiers of the attic level unit. Therefore it is not possible to discharge condition 10.

**2) UNI2**

Insufficient information has been provided of the proposed sound insulation of the odour control equipment to consider the impact of the proposal. Therefore it is not possible to discharge condition 11.

**3) UNI3**

Insufficient information has been provided of the proposed minimisation of plant/machinery noise vibration to consider the impact of the proposal. Therefore it is not possible to discharge condition 12.

**BH2010/02066**

**56 North Road Brighton**

Replacement of timber windows to front elevation with UPVC sash windows.

**Applicant:** Mr Graham Scott

**Officer:** Helen Hobbs 293335

**Refused on 02/09/10 DELEGATED**

**1) UNI**

The replacement windows of unsympathetic material, design and proportions, would cause harm to the character and appearance of the existing property, the street scene and surrounding West Hill conservation area, contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 09' Architectural Features'.

**BH2010/02080**

**21 Queens Road Brighton**

Replacement of existing hipped roof to rear incorporating rooflights to South, replacement white UPVC windows to rear and associated works.

**Applicant:** Mrs Janet Bosman

**Officer:** Anthony Foster 294495

**Approved on 09/09/10 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 development hereby permitted shall be carried out in accordance with the approved drawing no. 917/09/P/02A received on 25/06/10.

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

**BH2010/02145**

**113 Queens Road Brighton**

Display of 1no internally illuminated advertisement light box to North elevation.

**Applicant:** Community Base

**Officer:** Anthony Foster 294495

**Approved on 17/09/10 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 advertisement shall not be illuminated later than 22:00 and shall not be illuminated before 07:00 on any day.

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

**BH2010/02152**

**24 New Road Brighton**

Change of use from sandwich bar (A1) to café/coffee bar (A3).

**Applicant:** La Gigo Gi Ltd

**Officer:** Anthony Foster 294495

**Refused on 20/09/10 DELEGATED**

**1) UNI**

The applicant has failed to provide adequate information relating to the potential impact of ventilation and extraction equipment commonly associated with an A3 use upon the character and appearance of this Grade II listed building and the surrounding conservation area. In the absence of such information the applicant has therefore failed to demonstrate that the potential impact of the proposed change of use would not be contrary to Policies HE1 and HE6 of the Brighton & Hove Local Plan.

**BH2010/02188**

**Flat 7 99 Buckingham Road Brighton**

Installation of rooflights to side and rear roof slopes.

**Applicant:** Mr Satish Kainth

**Officer:** Anthony Foster 294495

**Approved on 15/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing nos. SK.01 01, 02 Rev C, 03, 04, 04 Rev A, 06 Rev D, 10 received on 15/07/10.

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

**WITHDEAN**

**BH2010/01762**

**32 Tivoli Crescent Brighton**

Erection of balcony and stairs with metal balustrading, incorporating obscure screening to southern end, to replace existing. Replacement of existing rear window with French doors.

**Applicant:** Mrs Amanda Welby-Everard & S Berey

**Officer:** Mark Thomas 292336

**Approved on 21/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing no. 01 b submitted on 12th August 2010.

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

**BH2010/01801**

**4 Cornwall Gardens Brighton**

Installation of railings over existing doors on first and second floor of North elevation.

**Applicant:** Kate Butler

**Officer:** Wayne Nee 292132

**Approved on 20/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The development hereby permitted shall be carried out in accordance with the block plan received on 08 June 2010, and drawing no. jj/01/cornwallgardens4 received on 16 July 2010.

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

**BH2010/01962**

**4 Windmill Drive Brighton**

Erection of single storey rear extension.

**Applicant:** Ms Maria Green

**Officer:** Charlotte Hughes 292321

**Approved on 13/09/10 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.*

**BH2010/02056**

**Blocks E & F Kingsmere London Road Brighton**

Creation of 4no three bedroom penthouse flats with private gardens over blocks E & F.

**Applicant:** Anstone Properties Ltd

**Officer:** Steven Lewis 290480

**Approved on 03/09/10 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) BH04.01A**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

**5) BH05.03A**

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 Refurbishment rating for all residential units have been submitted to the Local Planning Authority; and
- (b) a BRE issued Design Stage Certificate demonstrating that the development has achieved an Ecohomes Refurbishment rating for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

**6) BH05.04A**

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 Refurbishment rating has been submitted to, and approved in writing by, the Local Planning Authority.

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

#### **7) 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.*

#### **8) 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.*

### **BH2010/02071**

#### **236 Dyke Road Brighton**

Proposed conversion of existing garage incorporating a hipped pitched roof, replacement windows and door to match existing, a new front dormer and 3 No. roof lights.

**Applicant:** Mr & Mrs Stuart-Hutcheson

**Officer:** Adrian Smith 01273 290478

**Approved on 03/09/10 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 front dormer hereby permitted shall match exactly in design, materials and fenestration that of the front dormer to the adjacent property at No.236A Dyke Road.

*Reason: For the avoidance of doubt and to ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

#### **4) UNI**

The development hereby permitted shall be carried out in accordance with the design and access statement, waste management statement and drawing nos. TA514/01, TA514/02, TA514/03, TA514/04 rev A, TA514/05, TA514/10 rev A, TA514/11 rev B, TA514/12 rev B & TA514/13 rev A submitted on the 7th July 2010.

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

**BH2010/02081**

**21 Surrenden Holt Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Michael Tribe

**Officer:** Christopher Wright 292097

**Approved on 09/09/10 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.*

**BH2010/02112**

**45 Hillcrest Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Jon Rangecroft

**Officer:** Wayne Nee 292132

**Approved on 02/09/10 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.*

**BH2010/02125**

**8 Colebrook Road Brighton**

Erection two storey extension involving demolition of part existing ground floor and alterations to roof incorporating 2 No. rooflights, alterations to 3 No. dormers and 1 No. new dormer.

**Applicant:** Mr Hilary Pavitt

**Officer:** Clare Simpson 292454

**Refused on 06/09/10 DELEGATED**

**1) UNI**

The proposed roof alterations and extensions would dominate the existing building by creating an overextended roof form which fails to relate to any of the original features of the property. The proposed dormer windows would rely on a significant amount of cladding and would not be well contained on the elevations. The flat roof side extension would break the eaves of the building. The proposal would harm the character and appearance of the building. The proposed development would be contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document on Roof Alterations and Extensions (SPGBH1).



**BH2010/02159**

**118 Eldred Avenue Brighton**

Erection of rear raised deck.

**Applicant:** Mr White

**Officer:** Charlotte Hughes 292321

**Refused on 08/09/10 DELEGATED**

**1) UNI**

Policies QD14 and QD27 of the Brighton & Hove Local Plan seek to ensure that alterations and additions to properties do not have a harmful impact upon the residential amenity of neighbouring occupiers. Whilst it is acknowledged that mutual overlooking between these properties is already in existence, it is considered that the proposed rear raised deck would, by reason of its elevated position, depth and proximity to the shared boundary, provide elevated views of the neighbouring rear garden and result in an intrusive, overbearing and un-neighbourly addition to the property which would be detrimental to the amenity currently enjoyed by the adjoining residents. The proposal is therefore considered to be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2010/02206**

**4 Downside Hove**

Erection of two storey side extension.

**Applicant:** Mr Dean Wilkins

**Officer:** Charlotte Hughes 292321

**Refused on 14/09/10 DELEGATED**

**1) UNI**

Policy QD14 of the Local Plan states that extensions to existing buildings must be well designed, sited and detailed in relation to the property to be extended and adjoining properties. It is considered that the proposed side extension has not been well designed in relation to the main house and that it would appear as an incongruous addition which would harm the character and appearance of the host property and the surrounding area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

**BH2010/02227**

**101 Loder Road Brighton**

Erection of detached garage to replace existing outhouse and create crossover for garage access.

**Applicant:** Mr & Mrs Sheridan Lynch

**Officer:** Steven Lewis 290480

**Approved on 14/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings no. 141.00, 141.01 & 141.02 submitted on 19/07/2010.

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

**BH2010/02234**

**11 South Road Mews South Road Brighton**

Replacement of timber framed windows with white UPVC windows.

**Applicant:** Mrs Zoey Smyth

**Officer:** Steven Lewis 290480

**Refused on 03/09/10 DELEGATED**

**1) UNI**

The windows by reason of their design and materials are considered poorly designed, would lead to a mixed use of materials that fail to maintain a sympathetic and consistent appearance to the property. This would harm the character and appearance of the host property and fail to preserve the appearance of the conservation area contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan

**BH2010/02246**

**6 Hillside Way Brighton**

Raising of roof of existing South East side extension. Erection of single storey rear extension.

**Applicant:** Mr Paul McCarthy

**Officer:** Adrian Smith 01273 290478

**Approved on 16/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**3) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window or any other openings shall be constructed in the southeast side elevation of the side extension hereby permitted without planning permission obtained from the Local Planning Authority.

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

**4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing nos. ADC361/, ADC361/02 & ADC361/05 submitted on the 20th July 2010; and the amended drawing nos ADC361/06A, ADC361/07A & ADC361/08A submitted on the 16th September 2010.

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

**BH2010/02275**

**15 Glen Rise Brighton**

Erection of two storey extensions to front, rear and side elevations. Erection of rear conservatory. Roof alterations including raising of the ridge height and installation of rooflights to rear and side roofslopes. Alterations to windows and doors to all elevations.

**Applicant:** Mr M Agrawal

**Officer:** Mark Thomas 292336

**Approved on 22/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing nos.A766 04, 05, 06 received on 22nd July 2010 and drawing nos. A766 02A, 07A, 11, 10 received on 13 September 2010.

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

**BH2010/02286**

**35 South Road Brighton**

Display of 4no non-illuminated fascia signs.

**Applicant:** Choices

**Officer:** Robin Hodgetts 292366

**Refused on 10/09/10 DELEGATED**

**1) UNI**

Policy QD12 of the Brighton & Hove Local Plan states that advertisements and signs should be sensitively designed and located, and contribute to the visual amenity of the area. Due to the signage's prominent location and continuous length along the whole of the two frontages it detracts from both the appearance of the building and the visual amenity of the street scene. The proposal is therefore contrary to the above policy.

**BH2010/02288**

**344 Dyke Road Brighton**

Erection of single storey front extension at first floor level incorporating second floor balcony. Loft conversion including raising ridge height, hip to gable ends and pitched roof dormer on South elevation.

**Applicant:** Mr P De Costa

**Officer:** Adrian Smith 01273 290478

**Refused on 06/09/10 DELEGATED**

**1) UNI**

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended and adjoining properties. The proposed front extension, by virtue of its poorly designed roofline, fenestration and inset balcony, represents an incongruous addition to the recipient building that would harm the appearance of the property and the wider street scene, contrary to the above policies.

**BH2010/02301**

**85 Wayland Avenue Brighton**

Erection of first floor extension over existing ground floor extension with alterations to roof.

**Applicant:** Mr Robert Gunnell

**Officer:** Robin Hodgetts 292366

**Refused on 20/09/10 DELEGATED**

## 1) UNI

The proposed development, by reason of the scale, form and detailing, and in particular the hipped roof shape would unbalance the appearance of the property, due to the presence of a flush gable end extension to the opposite side of the dwelling, It would thereby be harmful to, and detract from, the character and appearance of the host building, to the detriment of visual amenity. As such the application is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan which require a high standard of design which seeks to emphasise and enhance the positive characteristics of the locality, and to be well designed, sited and detailed in relation to the property to be extended.

### **BH2010/02304**

#### **54 Eldred Avenue Brighton**

Application for Approval of Details Reserved by Condition 4 of application BH2009/02936.

**Applicant:** Miss Vanessa Woods

**Officer:** Christopher Wright 292097

**Approved on 09/09/10 DELEGATED**

### **BH2010/02464**

#### **109 Tivoli Crescent North Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating front and rear rooflights and side (West) dormer.

**Applicant:** Dr Howard Bentley

**Officer:** Steven Lewis 290480

**Approved on 22/09/10 DELEGATED**

### **BH2010/02610**

#### **90 Bramble Rise Brighton**

Certificate of lawfulness for the existing use as a residential dwelling house.

**Applicant:** Mr Russell Glover

**Officer:** Paul Earp 292193

**Approved on 02/09/10 DELEGATED**

### **BH2010/02834**

#### **25 Hazeldene Meads Brighton**

Certificate of Lawfulness for proposed application for front porch, side garage and crossover, rear/side dormer and side flue.

**Applicant:** Miss Dinah Rae

**Officer:** Guy Everest 293334

**Approved on 16/09/10 DELEGATED**

## **EAST BRIGHTON**

### **BH2009/01355**

#### **Wolseley Build Centre 19 Bristol Gardens Brighton**

Demolition of existing building and construction of 9 new residential dwelling houses. Provision of on site parking, cycle store and refuse facilities.

**Applicant:** Oakfawn Properties

**Officer:** Aidan Thatcher 292265

**Approved on 22/09/10 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) BH02.03**

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) BH02.06**

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.*

**4) BH02.07**

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

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

**5) 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.*

**6) BH04.01A**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling[\*s\*] hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

**7) BH05.01B**

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

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

**8) BH05.02B**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

**9) BH05.10**

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

*Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.*

**10) BH06.01**

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

*Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.*

**11) 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.*

**12) 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.*

**13) BH08.01**

The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top

study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress; and

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved.

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

#### **14) 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.*

#### **15) 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.*

#### **16) UNI**

No development shall commence until fences for the protection of trees to be retained shown on the drawings hereby approved 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 adjoining 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.*

### **17) UNI**

The existing crossovers and dropped kerb lines shall be reinstated in strict accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority.

*Reason: In order to improve the quality of the public realm, to create a safe pedestrian environment and to comply with policies QD1 and TR7 of the Brighton & Hove Local Plan.*

### **18) UNI**

No development shall take place until confirmation that the contractors working on the site have signed up to the considerate constructors scheme have been submitted to and approved in writing by the Local Planning Authority.

*Reason: In order to protect the amenities of the neighbouring residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

### **19) UNI**

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

### **20) UNI**

No development shall take place until detailed drawings, including levels, sections and constructional details of the access road to include 'rumble strips', junction treatment, signage, surface water drainage, outfall disposal and street lighting to be provided have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the details approved prior to the first occupation of the development 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.*

### **21) UNI**

The development shall be carried out in strict accordance with the Site Waste Management Plan prepared by Michael Cook Associates received on 08.06.09.

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

## **BH2010/01947**

### **38 College Place Brighton**

Demolition of existing rear porch and balcony and erection of single storey extension with reinstated balcony.

**Applicant:** Ms F Byrne

**Officer:** Helen Hobbs 293335

**Approved on 02/09/10 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.*

**BH2010/02083**

**10 Belgrave Place Brighton**

Re-covering of pitched roofs with slate tiles (part retrospective).

**Applicant:** Sue Davies

**Officer:** Chris Swain 292178

**Approved on 03/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The development hereby permitted shall be carried out in accordance with drawing nos. 9207/01 and 9207/03, a heritage statement, a waste minimisation statement and a design and access statement submitted on 7 July 2010 and drawing no. 9207/02B submitted on 27 August 2010.

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

**BH2010/02132**

**Flat 2 10 Belgrave Place Brighton**

Internal alterations to layout of flat and associated works.

**Applicant:** Mrs Susan Davies

**Officer:** Chris Swain 292178

**Approved on 17/09/10 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) UNI**

No works shall take place until 1:20 scale sample elevations and 1:1 scale joinery profiles of the proposed replacement doors and window 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**

All redundant surface-mounted electrical and telecommunications cabling shall be removed and all new and replacement electrical and telecommunications cabling shall be concealed and the wall made good and retained as such thereafter unless agreed in writing by the Local Planning Authority.

*Reason: To ensure the satisfactory preservation of this listed building and to*

comply with policy HE1 of the Brighton & Hove Local Plan.

**BH2010/02214**

**10 St Marks Street Brighton**

Erection of rear external staircase with canopy and new front pavement lightwell cover.

**Applicant:** Mr Leroy Harry

**Officer:** Sonia Kanwar 292359

**Approved on 10/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 142.00, 142.01a and 142.02a received on 19th July 2010.

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

**BH2010/02257**

**4 Clarendon Terrace Brighton**

Erection of external timber access staircase to flat roof. (Retrospective)

**Applicant:** Charlotte Wigs Ltd

**Officer:** Sonia Kanwar 292359

**Approved on 17/09/10 DELEGATED**

**1) UNI**

Access to the flat roof, to which the staircase hereby approved leads, 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.

**BH2010/02258**

**4 Clarendon Terrace Brighton**

Erection of external timber access staircase to flat roof. (Retrospective)

**Applicant:** Charlotte Wigs Ltd

**Officer:** Sonia Kanwar 292359

**Approved on 17/09/10 DELEGATED**

**HANOVER & ELM GROVE**

**BH2010/00753**

**63A Shanklin Road Brighton**

Replacement of existing windows with UPVC windows.

**Applicant:** Ms Rachel Whitbread

**Officer:** Louise Kent 292198

**Approved on 13/09/10 DELEGATED**

**1) BH01.01**

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

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

## **2) UNI**

The development hereby permitted shall be carried out in accordance with the approved unnumbered drawings and window details submitted on 15 March, 11 June and 19 July 2010.

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

### **BH2010/02190**

#### **24 Southampton Street Brighton**

Certificate of Lawfulness for proposed lost conversion incorporating rear dormer with window and French door and rooflights to front roof slope.

**Applicant:** Ms Frances Guy

**Officer:** Louise Kent 292198

**Refused on 02/09/10 DELEGATED**

### **BH2010/02209**

#### **44 Totland Road Brighton**

Certificate of lawfulness for proposed loft conversion incorporating rear dormer.

**Applicant:** Mr David Simmons

**Officer:** Louise Kent 292198

**Approved on 21/09/10 DELEGATED**

### **BH2010/02224**

#### **17/19 Whippingham Road Brighton**

Replacement of railings to rear flat roof area.

**Applicant:** Mrs Julie Tate

**Officer:** Anthony Foster 294495

**Approved on 10/09/10 DELEGATED**

## **1) UNI**

The railings shown on the approved plans shall be painted black within three months of this permission and shall be retained 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.*

## **2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing no. 11.452, 11.452 A2 received on 16/07/10.

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

### **BH2010/02284**

#### **13 St Martins Place Brighton**

Certificate of lawfulness for a proposed loft conversion with rooflights to front elevation and dormer to rear.

**Applicant:** Zena Trow & Eilidh Macpherson

**Officer:** Helen Hobbs 293335

**Approved on 16/09/10 DELEGATED**

### **HOLLINGDEAN & STANMER**

### **BH2009/03177**

#### **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 Arnold 291709

**Approved on 22/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH02.01**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

*Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**3) BH02.07**

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

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

**4) BH03.01**

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

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

**5) 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.*

**6) 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.*

**7) 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.*

#### **8) 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.*

#### **9) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be occupied until the parking area has been completed and the vehicle turning table has been installed and is fully operational in accordance with the approved plans. The parking area and vehicle turning table shall thereafter be retained and shall not be used other than for the parking and turning of motor vehicles.

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

#### **10) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that that the development will achieve Code level 5 for the water category within overall Code level 4 rating for all residential units has been submitted to the Local Planning Authority.

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

#### **11) UNI**

No works to trees on the site shall take place until a visual check for bats has been carried out by a competent climbing arborist in accordance with the recommendation set out in the RW Green Limited Bat Survey, submitted on 19 July 2010. Tree felling shall only take place when a suitably qualified bat surveyor is available on site in accordance with the recommendation set out in the RW Green Limited Bat Survey.

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

#### **12) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to its first occupation and shall be retained as such thereafter.

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

### **13) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing nos. RG-NDJ-DBSV002 and RG-NDJ-DBSV001 submitted on 29 December 2009, drawing no. AL-250 submitted on 5 May 2010, drawing no. AL-200RevB submitted on 10 June 2010, an email from Danny Barker received on the 2 July 2010 and a Code for Sustainable Homes Pre Assessment Estimator Tool submitted on 22 July 2010.

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

### **14) UNI**

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

- a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 5 credits for the water category within overall Code level 4 rating for all residential units have been submitted to the Local Planning Authority; and
- b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 5 credits for the water category within overall Code level 4 rating for all residential units have been submitted to 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.*

### **BH2010/01492**

#### **376 Ditchling Road Brighton**

Certificate of lawfulness for a proposed loft conversion incorporating rear dormer with Juliet balcony and rooflights to front elevation.

**Applicant:** Mr & Mrs Paul & Nichola Saunders

**Officer:** Helen Hobbs 293335

**Refused on 14/09/10 DELEGATED**

### **1) UNI**

The development is not permitted under Schedule 2, Part 1, Class C of the Town & Country Planning (General Permitted Development) Order 1995, as amended as it has not been demonstrated that the proposed front rooflights would not protrude more than 150 millimetres beyond the plane of the slope of the original roof.

### **BH2010/01963**

#### **33 Hollingbury Park Avenue Brighton**

Certificate of lawfulness for single storey mono pitched extension with rooflight.

**Applicant:** Ms Juliet Fine

**Officer:** Chris Swain 292178

**Approved on 13/09/10 DELEGATED**

### **BH2010/02017**

#### **30 Hollingbury Place Brighton**

Application to extend time limit for implementation of previous approval BH2007/00936 for demolition of garage, erection of two storey side extension including integral garage plus single storey rear extension with part balcony over.

**Applicant:** Ms Joy Whittam

**Officer:** Jonathan Puplett 292525

**Approved on 06/09/10 DELEGATED**

### **1) UNI**

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 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 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 west side of the decking shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

### **5) UNI**

The east side of the balcony 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.*

## **BH2010/02064**

### **Pevensey II Building North South Road University Of Sussex Brighton**

Insertion of 2no additional windows to north elevation.

**Applicant:** University of Sussex

**Officer:** Louise Kent 292198

**Approved on 14/09/10 DELEGATED**

### **1) BH01.01**

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

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

### **2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 10056-001 Rev. A, 10056-002 & 8776G2B received on 2 July, 19 & 20 July 2010.

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

## **BH2010/02228**

### **2 Hollingbury Terrace Brighton**

Erection of infill extension with rooflights to side of existing extension.

**Applicant:** Mr Alex Lower

**Officer:** Helen Hobbs 293335

**Approved on 13/09/10 DELEGATED**

### **1) BH01.01**

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

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

### **2) BH03.03**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

### **3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing nos. BP-01, BP-02, LP-01, LP-02, 101, 102, 103, 104, 105 & 106 submitted on 19th July 2010.

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

## **MOULSECOOMB & BEVENDEAN**

### **BH2010/01810**

#### **87 Auckland Drive Brighton**

Erection of single storey rear and side extension.

**Applicant:** Mr & Mrs S Broadrib

**Officer:** Chris Swain 292178

**Approved on 15/09/10 DELEGATED**

### **1) BH01.01**

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

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

### **2) BH03.03**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

### **3) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted in the western side elevation of the proposal without planning permission obtained from the Local Planning Authority.

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

### **4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings 11008/02-05 (inclusive) a site plan and a block plan submitted on 16 June 2010 and drawing no. 11000/01 submitted on 21 July 2010.

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



## **BH2010/02137**

### **Heath Hill Lodge Nursing Home Heath Hill Avenue Brighton**

External alterations including erection of infill extension to east elevation incorporating new bay window to facilitate the creation of two additional bedrooms.

**Applicant:** Hazelgrove Nursing Home

**Officer:** Aidan Thatcher 292265

**Approved on 07/09/10 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) BH05.09A**

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

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

#### **4) UNI**

No development shall commence until fences for the protection of the shrub border along the western boundary of the site and the two Hornbeam trees to the front of the property 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.*

#### **5) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 946.01b, 946.02a, 946.03a, Design and Access Statement, Biodiversity Checklist, Site Waste Minimisation Statement and Tree Report submitted on 12.07.10.

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

## **BH2010/02282**

### **Land Adj Brighton Health & Racquet Club Village Way Brighton**

Application for Approval of Details Reserved by Conditions 3, 8, 11, 13, 14, 16, 17, 18, 19, 21 and 22 of application BH2008/03893.

**Applicant:** The University of Brighton

**Officer:** Aidan Thatcher 292265

**Approved on 22/09/10 DELEGATED**

**BH2010/02808**

**Falmer Community Stadium Land North and South of Village Way Falmer Brighton**

Non Material Amendment to BH2008/02732 for external elevational changes to the north, east, south and west stands.

**Applicant:** Mr Martin Perry

**Officer:** Mick Anson 292354

**Approved on 22/09/10 DELEGATED**

**QUEEN'S PARK**

**BH2010/00718**

**Unit 9 The Terraces Madeira Drive Brighton**

Installation of new aluminium framed windows in existing boarded up window openings and installation of new entrance doors and signage.

**Applicant:** The Gym

**Officer:** Helen Hobbs 293335

**Approved on 03/09/10 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.*

**BH2010/01305**

**17 - 19 St James Street Brighton**

Installation of shutters to entrance.

**Applicant:** Child Graddon Lewis

**Officer:** Chris Swain 292178

**Refused on 10/09/10 DELEGATED**

**1) UNI**

The proposed shutters, by reason of their design, positioning and size, would result in an inappropriate and unattractive element to the shopfront that would detract from the appearance and character of the building and the street scene to the detriment of the visual amenity of the surrounding area within the East Cliff conservation area, contrary to policies QD8, QD10 and HE6 of the Brighton & Hove Local Plan and the Supplementary Planning Document on Shop Front Design (SPD02).

**BH2010/01501**

**4 George Street Brighton**

Remedial works to external wall and rebuilding of roof with new timbers incorporating additional steelwork and tiling.

**Applicant:** Mr Simon Spicer

**Officer:** Jonathan Puplett 292525

**Approved on 08/09/10 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) BH13.02**

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**

The development hereby permitted shall be carried out in accordance with the unnumbered drawings and the engineer's details submitted on the 14th of May and 16th of July 2010.

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

**BH2010/01502**

**4 George Street Brighton**

Remedial works to external wall and rebuilding of roof with new timbers incorporating additional steelwork and tiling.

**Applicant:** Mr Simon Spicer

**Officer:** Jonathan Puplett 292525

**Approved on 08/09/10 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.*

**BH2010/01575**

**10 Queens Park Terrace Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Rufus Mole

**Officer:** Liz Arnold 291709

**Approved on 02/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings no.L-01, L-02, L-03, L-04, L-05, L-06, L-07, L-08, L-09 and L-10, a Design and Access Statement and a Waste Minimisation Statement submitted on the 18th May 2010 and an e-mail from Harry Mole received on the 9th July 2010.

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

**BH2010/01885**

**11 Old Steine Brighton**

Demolition of existing wall and replacement with close boarded fence.

**Applicant:** Mr Daniel Nathan

**Officer:** Jonathan Puplett 292525

**Approved on 03/09/10 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.*

**BH2010/02142**

**Amsterdam Hotel 11 - 12 Marine Parade Brighton**

Application for Approval of Details Reserved by Conditions 2, 3 and 4 of application BH2010/00715.

**Applicant:** Tulip Brighton Ltd

**Officer:** Aidan Thatcher 292265

**Approved on 03/09/10 DELEGATED**

**BH2010/02149**

**Ebenezer Baptist Chapel Richmond Parade Brighton**

Application for Approval of Details Reserved by Condition 8c of BH2007/01591.

**Applicant:** Hyde Housing

**Officer:** Aidan Thatcher 292265

**Approved on 06/09/10 DELEGATED**

**BH2010/02372**

**11 Elmore Road Brighton**

Erection of two storey side extension, single storey rear extension and car parking bay to front of property.

**Applicant:** Jamie Beard

**Officer:** Anthony Foster 294495

**Refused on 22/09/10 DELEGATED**

**1) UNI**

The proposed development by virtue of its appearance, design, bulk and massing would result in an over dominant and incongruous addition, to the detriment of the character and appearance of the existing building, the pair of semi detached properties and the surrounding area. As such the proposal is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

The raised parking area, by reason of its height, scale and design is detrimental to the appearance and character of the property and would form an incongruous feature in the Elmore Road street scene, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

**BH2010/02547**

**Marine View 24 New Steine Brighton**

Non Material Amendment to BH2009/01352 for amendment to internal layout. Split one basement light well window from one to two. Replace internal existing basement walls and garden walls.

**Applicant:** Mr Richard Kirby

**Officer:** Aidan Thatcher 292265

**Approved on 09/09/10 DELEGATED**

**1) UNI**

The proposed revisions; a revised internal layout, new fenestration and revised subdivision of basement level courtyards, to the scheme approved under application BH2009/01352 are not considered so significant that they warrant the submission of a further application for planning permission.

**BH2010/02555**

**184 Freshfield Road Brighton**

Non Material Amendment to BH2010/00618 for the reduction in total floor area of extension.

**Applicant:** Mr Brian Rainey

**Officer:** Helen Hobbs 293335

**Approved on 08/09/10 DELEGATED**

**ROTTINGDEAN COASTAL**

**BH2010/01184**

**55 Lenham Avenue Saltdean**

Erection of two storey chalet style extension.

**Applicant:** Mr C Carr

**Officer:** Sue Dubberley 293817

**Refused on 10/09/10 DELEGATED**

**1) UNI**

Policies QD1 and QD2 of the Brighton & Hove Local Plan seek to ensure that developments demonstrate a high standard of design which take into account the height, scale, and bulk of existing buildings. 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 extension, by virtue of its siting, design, size and massing would form an incongruous and unsympathetic feature resulting in an overextended appearance of the building which would be overly dominant in the street scene and detrimental to the character and appearance of the existing building and the visual amenities of the area. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local.

**BH2010/01380**

**7 Saxon Close Saltdean Brighton**

Erection of single storey rear extension at the lower ground floor (basement) level.

**Applicant:** Mr Rick Moattarian

**Officer:** Ray Hill 293990

**Approved on 07/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH01.06**

The development hereby permitted shall be carried out in accordance with the approved drawings no. Issue 3, 2 of 3 and 3 of 3 submitted on 31.08.10 and Site Location plan submitted 07.05.10.

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

**3) BH02.09**

Access to the flat roof at the basement level 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) 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.*

#### **6) 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.*

#### **7) UNI**

The basement level extension hereby approved shall only be used as ancillary accommodation in connection with the use of the main property as a single private dwelling house and shall at no time be converted to a self-contained unit.

*Reason: To safeguard the character of the area, the amenities of the occupiers of adjoining properties and to comply with policies QD2, QD3 and QD27 of the Brighton & Hove Local Plan.*

#### **8) UNI**

The windows in the south-eastern elevation of the basement level extension shall not be glazed otherwise than with obscured glass and top hung 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.*

### **BH2010/01728**

#### **Bella Vista 109A Marine Drive Rottingdean Brighton**

Erection of single storey conservatory extension to front elevation.

**Applicant:** Ms Androulla Dunkling

**Officer:** Anthony Foster 294495

#### **Refused on 16/09/10 DELEGATED**

#### **1) UNI**

The proposal, by reason of its form, scale and design would result in an addition that relates poorly to the existing building and forms an incongruous and element within the street scene that is detrimental to the appearance and character of the building and the surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

**BH2010/01893**

**6 Cliff Approach Brighton**

Demolition of existing 1No. 4 bedroom house and erection of 6 No. Self-Contained apartments comprising of 2 No. Duplex 3 bedroom at 1st and 2nd floors and 4 No. 2 bedroom apartments at lower and upper ground floors with associated communal garden, car parking, refuse and cycle storage.

**Applicant:** Safe Go Ltd

**Officer:** Aidan Thatcher 292265

**Refused on 02/09/10 DELEGATED**

**1) UNI**

The proposal, by virtue of its excessive size, scale, bulky appearance, positioning within the plot, spacing characteristics and the failure to respect the established building lines of both The Cliff and Cliff Approach would result in an overly dominant structure which would represent an overdevelopment of the site causing harm to the character and appearance of the street scene and the wider area. The proposal is therefore contrary to policies QD1, QD2, QD3 and QD5 of the Brighton & Hove Local Plan.

**2) UNI2**

A lack of information has been submitted in relation to sustainability, which does not correspond with the submitted drawings and falls short of the required level of the Code for Sustainable Homes and as such would be contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 08: Sustainable Building Design.

**BH2010/01905**

**Land Adjacent to 9 Challoners Close Rottingdean Brighton**

Application for Approval of Details Reserved by Condition 2,3,6,8,9,11 and 13 of application BH2009/01845.

**Applicant:** Mr Simon Jackson

**Officer:** Liz Arnold 291709

**Approved on 21/09/10 DELEGATED**

**BH2010/02124**

**1 Wanderdown Drive Brighton**

Certificate of Lawfulness for proposed alterations to garage to form habitable room.

**Applicant:** Mrs Jules Dienes

**Officer:** Jonathan Puplett 292525

**Approved on 08/09/10 DELEGATED**

**BH2010/02128**

**Kipling Cottage The Green Rottingdean Brighton**

Proposed dormer with French doors and balcony erected over part of existing glazed canopy roof.

**Applicant:** Mr Richard Harris

**Officer:** Helen Hobbs 293335

**Refused on 09/09/10 DELEGATED**

**1) UNI**

The proposed French doors and balcony are an unsympathetic and incongruous feature that would be out of keeping with the traditional character of the existing house and would detract from the character and appearance of the Rottingdean Conservation Area. The proposal is contrary to policies QD 2, QD 14 and HE 6 of the Brighton & Hove Local Plan.

## **BH2010/02285**

### **11 Roedean Way Brighton**

Application to extend the time limit for implementation of previous approval BH2007/02858 for amendments to approval of BH2005/01605/FP - to include alterations to roof of extension and pool house and alterations to windows/doors of pool house. Also balcony proposed to front elevation.

**Applicant:** Mr Lars Vestergaard

**Officer:** Chris Swain 292178

**Approved on 20/09/10 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) 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.*

#### **5) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 219/01 and 219PH02A submitted on 25 July 2007 and drawing no. 219/PH01B submitted on 31 August 2007.

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

## **BH2010/02296**

### **14 Eley Drive Brighton**

Erection of single storey rear extension.

**Applicant:** Mr & Mrs Brown

**Officer:** Helen Hobbs 293335

**Approved on 17/09/10 DELEGATED**



### **1) BH01.01**

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

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

### **2) BH03.03**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

### **3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings no. 8115/5 submitted on 23rd July 2010.

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

## **BH2010/02367**

### **18 Ainsworth Close Ovingdean Brighton**

Certificate of lawfulness for a proposed hip to gable roof extension, side dormer extension and single storey rear extension.

**Applicant:** Mr Eric Christiansen

**Officer:** Liz Arnold 291709

**Approved on 06/09/10 DELEGATED**

## **WOODINGDEAN**

## **BH2010/01747**

### **Sussex Nuffield Hospital Warren Road Brighton**

Display of various non-illuminated directional signage.

**Applicant:** Ms Alison Wright

**Officer:** Sonia Kanwar 292359

**Split Decision on 08/09/10 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.*

#### **1) UNI**

The proposed entrance signs, by reason of their size, height, siting and visibility, would be unduly prominent within the street scene and would therefore detract from the appearance of the site and adversely affect the visual amenity of the surrounding area. The signs are therefore contrary to policies QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document 07 'Advertisements'.

### **BH2010/01860**

#### **448 Falmer Road Brighton**

Proposed 2 storey extension to front elevation.

**Applicant:** Mr K Meeres

**Officer:** Liz Arnold 291709

**Approved on 22/09/10 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH03.03**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

#### **3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 973.10.01plg and 973.10.02plg submitted on the 17th June 2010 and drawing nos. 973.10.03plgRevB, 973.10.04plgRevA and 973.10.05plgRevA submitted on the 16<sup>th</sup> September 2010.

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

**BH2010/01923**

**Woodingdean Business Park Bexhill Road Woodingdean Brighton**

Application for variation of condition 23 of BH2008/00955 to allow class B8 use (storage & distribution) in addition to class B1(b)and(c) uses (light industrial processes).

**Applicant:** St Modwen Developments

**Officer:** Aidan Thatcher 292265

**Approved on 08/09/10 DELEGATED**

**1) UNI**

Prior to the commencement of development, details of measures to ensure that the development achieves a "Very Good" or "Excellent" BREEAM (or equivalent) rating shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

*Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policy SU2 of the Brighton & Hove Local Plan.*

**2) UNI**

No more than 50% of the total floorspace of the development shall be occupied by Class B8 users. Reason: To ensure a varied range of employment generating floorspace at the site and to comply with policy EM1 of the Brighton & Hove Local Plan.

**3) UNI**

No development shall take place until there has been submitted to and agreed 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. Such scheme shall be generally as proposed in the details submitted but shall include specific planting proposals, replacement of trees to be removed with 3 additional trees to replace the tree to be removed which is the subject of a Tree Preservation Order.

*Reason: To enhance the appearance of the development and provide a suitable relationship with the adjacent streetscape and neighbouring properties, and in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15, and NC8.*

**4) UNI**

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

*Reason: To enhance the appearance of the development and provide a suitable relationship with the adjacent streetscape and neighbouring properties, and in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15, and NC8.*

**5) UNI**

The development shall not be commenced until fences for the protection of trees to be retained have been erected to a specification and in positions to be agreed by the Local Planning Authority. These fences shall be maintained in good repair until the completion of the development and no vehicles, plant or materials shall

be driven or placed within the areas enclosed by such fences.

*Reason: To protect the trees which are to be retained on the site and to comply with policy QD15 of the Brighton & Hove Local Plan.*

#### **6) UNI**

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

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.*

#### **7) UNI**

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

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

#### **8) UNI**

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

*Reason: To ensure adequate containment and treatment of the site boundaries in the interests of security and safety, to ensure an appropriate appearance and in the interests of the visual and other amenities of the area and neighbouring residential properties, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD7, QD27 and SU10.*

#### **9) UNI**

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

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

#### **10) UNI**

No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and unless otherwise agreed in writing by the local planning authority,
- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; 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.

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of (c) above that any remediation scheme required and approved under the provisions of (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- i) as built drawings of the implemented scheme;
- ii) photographs of the remediation works in progress; and
- iii) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

#### **11) UNI**

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

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

#### **12) UNI**

Prior to commencement of development, a scheme for the suitable treatment of all plant and machinery to be used on the site against the transmission of sound and/or vibration shall be submitted to, and approved in writing by, the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out to the satisfaction of the Local Planning Authority, and the treatment as approved shall be retained thereafter.

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

#### **13) UNI**

Prior to first occupation of the site, a Travel Plan shall be submitted to, and be approved in writing by, the Local Planning Authority. The Travel Plan shall include a package of measures aimed at promoting sustainable travel choices and reducing reliance on the car and shall be implemented within a time frame which shall have been agreed with the Local Planning Authority. The travel plan shall be subject to annual review, and this review shall be submitted to, and approved in writing by, the Local Planning Authority at annual intervals. The travel plan shall make reference to the travel plans produced for the earlier phases of development. Should the travel plan reviews indicate a need for additional wheelchair user parking to be provided on the site, this shall be implemented through the conversion of existing spaces, in agreement with the Local Planning Authority.

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

#### **14) UNI**

No development shall take place until a written statement consisting of a Site Waste Management Plan, confirming how demolition and construction waste will

be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

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

**15) UNI**

Prior to commencement of development, a detailed scheme of any proposed external lighting and/or floodlighting shall be submitted to, and approved in writing by, the Local Planning Authority. This lighting scheme shall demonstrate that there will not be lighting overspill or glare from the site. The lighting scheme shall be implemented in accordance with the approved details and complied with at all times thereafter.

*Reason: To ensure that the external lighting within the development does not result in detriment to neighbouring properties, in accordance with policies SU9, QD27, and NC8 of the Brighton & Hove Local Plan.*

**16) UNI**

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

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

**17) UNI**

During the course of development and construction, no works involving the use of plant or machinery shall be operated on the site except between the hours of 0700 and 1900 Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays and Bank Holidays. Subsequently, loading and unloading operations within the site shall accord with the above hours.

*Reason: To safeguard the amenities of neighbouring residential properties, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

**18) UNI**

Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Local Planning Authority.

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

**19) UNI**

No open storage shall take place within the curtilage of the site without the prior permission of the Local Planning Authority.

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

**20) UNI**

No industrial activity of any kind, except loading and unloading, shall take place outside the proposed building but within the cartilage of the site without the prior permission of the Local Planning Authority.

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

**21) UNI**

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

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

**22) UNI**

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

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

**23) UNI**

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

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

**24) UNI**

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

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

**25) UNI**

No development shall take place until samples of the materials (including colour of render, paintwork or 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.*

**BH2010/02122**

**1 Ravenswood Drive Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Steven Cahalane

**Officer:** Helen Hobbs 293335

**Refused on 03/09/10 DELEGATED**

**1) UNI**

The proposed rear extension, by reason of its height, siting and design, would adversely impact on the residential amenity of the adjoining property, No. 3 Ravenswood Drive, by reason of loss of light, outlook and would have an overbearing impact. As such the proposal is contrary to policies QD 14 and QD 27 of the Brighton & Hove Local Plan.

**BH2010/02278**

**14 Selhurst Road Brighton**

Certificate of Lawfulness for proposed loft conversion with rooflights to front and rear elevations and rear dormer.

**Applicant:** Mrs A Peacock

**Officer:** Jonathan Puplett 292525

**Refused on 15/09/10 DELEGATED**

**BRUNSWICK AND ADELAIDE**

**BH2010/01875**

**Flat 7 57 Brunswick Square Hove**

Internal alterations to layout of flat.

**Applicant:** Mrs Esther Anderson-Ager

**Officer:** Christopher Wright 292097

**Approved on 21/09/10 DELEGATED**

**1) BH01.05**

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

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**2) UNI**

All new doors, architraves, skirtings, picture rails, ceiling cornices and other decorative architectural features shall match exactly the original features to be replicated in materials and detail.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.*

**BH2010/01903**

**Flat 7 Sylvia Court 26 Wilbury Road Hove**

Conversion of residential unit to create 1no one bedroom flat and 1no two bedroom flat.

**Applicant:** Ms Sylvia Davies

**Officer:** Steven Lewis 290480

**Approved on 06/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH02.08**

No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

**3) BH05.09A**

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



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

**4) BH06.02**

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

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

**5) UNI**

Prior to commencement of development, details of measures to be undertaken, aimed at meeting lifetime homes standards where practicable; shall be submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

*Reason: To improve accessibility to the premises and to accord with policy HO13 of the Brighton & Hove Local Plan.*

**BH2010/01970**

**24 Brunswick Road Hove**

Internal alterations to layout of ground floor, split level first and second floor and second floor.

**Applicant:** Mr Paul Tuppeny

**Officer:** Charlotte Hughes 292321

**Approved on 06/09/10 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 works shall take place until details of the how the waste and artificial ventilation required for the new ground floor wc are to be dealt with 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.*

**BH2010/02205**

**50 Brunswick Square Hove**

Re-covering of main flat roof, dormer tops, mono-pitched roof and re-lining of gutter with lead sheet.

**Applicant:** 50 Brunswick Square Ltd

**Officer:** Wayne Nee 292132

**Approved on 10/09/10 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.*

**BH2010/02208**

**39 Western Road Hove**

Internal alterations to layout of Public House including creation of void in floor incorporating balustrade surround at first floor level, relocation of bar and WC's, reinstatement of fireplace, and internal restoration and re-decoration works throughout.

**Applicant:** Freemasons

**Officer:** Christopher Wright 292097

**Approved on 20/09/10 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) UNI**

No works shall take place until full details of the proposed balustrade at first floor level, including 1:20 scale sample elevations and details of the materials and finishes to be employed, 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 the satisfactory appearance of the works and the preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**4) UNI**

All existing doors are to be retained, except where indicated on the drawings hereby approved. Any new doors shall be of timber construction of traditional four-panel 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.*

**BH2010/02222**

**Martlet House 23 Farm Road Hove**

Replacement of existing aluminium sash windows with timber box sash units.

**Applicant:** Southern Housing Group

**Officer:** Steven Lewis 290480

**Approved on 02/09/10 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.*

### **BH2010/02302**

#### **51 Holland Road Hove**

Application for Approval of Details Reserved by Conditions 2, 3 and 4 of application BH2010/00282.

**Applicant:** A.J.D.A Partnership

**Officer:** Christopher Wright 292097

**Approved on 06/09/10 DELEGATED**

### **BH2010/02384**

#### **Flat 3 1 Palmeira Square Hove**

Internal alterations to layout of flat.

**Applicant:** Mr John Robinson

**Officer:** Adrian Smith 01273 290478

**Approved on 21/09/10 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 development hereby permitted shall be carried out in accordance with the approved drawing nos. 2010/05/01, 2010/05/02, 2010/05/03 & 2010/05/04 submitted on the 30th July 2010.

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

## **CENTRAL HOVE**

### **BH2010/01639**

#### **10-11 Seafield Road Hove**

Display of 1no.externally illuminated hanging sign.

**Applicant:** SE Group

**Officer:** Paul Earp 292193

**Approved on 21/09/10 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) BH10.05**

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**

The illumination hereby approved should accord with the latest draft of the Institute of Lighting Engineers Technical Report no.5 - The Brightness of Illuminated Adverts.

*Reason: To protect amenity and in the interests of highway safety, and to comply with policies QD12 and QD27 of the Brighton & Hove Local Plan.*

## **BH2010/02102**

### **8 St Aubyns Hove**

Erection of single storey rear extension.

**Applicant:** Ms Sue Nimmy

**Officer:** Adrian Smith 01273 290478

**Refused on 06/09/10 DELEGATED**

#### **1) UNI**

Policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan require that all extensions and alterations within conservation areas are well designed, sited and detailed reflecting the scale, character or appearance of the area. The proposed rear extension, by virtue of its excessive depth and segmented design, represents an incongruous addition to the rear of the property that would harm the character and appearance of the building and Old Hove conservation area, contrary to the above policies.

## **BH2010/02119**

### **128 Church Road Hove**

Application for Approval of Details Reserved by Conditions 2, 7, 8, and 11 of application BH2009/01865.

**Applicant:** Mr Foad Abdulkhani

**Officer:** Jason Hawkes 292153

**Split Decision on 10/09/10 DELEGATED**

**1) UNI**

GRANT approval of the details reserved by condition 11 of application BH2009/01865.

**1) UNI**

REFUSE approval of the detail reserved by conditions 2, 7 & 8 of application BH2009/01865 for the following reasons:

1. Insufficient details, including a lack of samples of materials and a full list and description of the proposed materials, have been submitted in order to discharge condition 2.
2. The information submitted from Springfield Catering Direct is insufficient in order to discharge condition 7.
3. The information submitted from Springfield Catering Direct is insufficient in order to discharge condition 8.

**BH2010/02167**

**17 Albany Villas Hove**

Conversion of roofspace incorporating dormers and rooflights to form 1no one bed flat.

**Applicant:** Swanage Ltd

**Officer:** Steven Lewis 290480

**Refused on 03/09/10 DELEGATED**

**1) UNI**

The proposed dormers by reason of their number, siting, scale and detailing are considered poorly designed and would harm the character and appearance of the building and the historical character and appearance of the traditional roof scape of the Cliftonville conservation area. This is contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 1: Roof extensions and alterations.

**BH2010/02192**

**Flat 2 195A Church Road Hove**

Installation of roof-lights to rear roof slope.

**Applicant:** Mr Tom Norrell

**Officer:** Charlotte Hughes 292321

**Refused on 08/09/10 DELEGATED**

**1) UNI**

Supplementary Planning Guidance Note 1: Roof Extensions and Alterations states that within Conservation Areas, roof lights must lie flush with the roof covering, be of traditional proportions, design and construction and they should normally have slim steel or cast iron aluminium frames. The velux roof lights hereby proposed are considered to be inappropriate in terms of their design, numbers and layout, resulting in a cluttered appearance to the roof slope to the detriment of the character and appearance of the surrounding conservation area. The proposal is therefore contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan and SPG1: Roof Extensions and Alterations.

**BH2010/02242**

**First to Third Floors 204 Church Road Hove**

Conversion of first, second and third floors from offices to 3no self-contained flats.

**Applicant:** The Hardwick Hartley Partnership

**Officer:** Guy Everest 293334

**Approved on 20/09/10 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) BH06.03**

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

**3) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until the sustainability measures detailed within the submitted Sustainability Checklist have been fully implemented, and such measures shall thereafter be retained as such.

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

**4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings no. 477/01 & 477/02 submitted on 20th July 2010.

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

**5) UNI**

The development hereby approved shall not be occupied until the 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 recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**BH2010/02262**

**7 Hove Street Hove**

Erection of single storey rear extension with rooflights and grass roof, alterations and renovation to front elevation and terrace to rear of property.

**Applicant:** Mr Ross Paterson

**Officer:** Christopher Wright 292097

**Approved on 02/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

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

## **BH2010/02306**

### **51 Osborne Villas Hove**

Loft conversion involving turning valley roof into flat roof. Insertion of windows to front and rear elevation.

**Applicant:** Mr Richard James

**Officer:** Christopher Wright 292097

**Refused on 06/09/10 DELEGATED**

#### **1) UNI**

Policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan require proposals to enhance the positive qualities of the local neighbourhood and to preserve or enhance the character and appearance of the conservation area. Development will not be permitted where there would be a harmful impact on the townscape and roofscape of a conservation area. The application site is part of a terrace row with a strong sense of architectural cohesion and a clear and continuous pattern in terms of character and form. The proposed attic storey would, by reason of the design, siting, scale and form, interrupt this pattern and would be incongruous with the character of the terrace, to the detriment of visual amenity, the street scene and the appearance of the conservation area. As such the application is contrary to the above policies and the design guidance contained in SPGBH1: Roof alterations and extensions.

## **BH2010/02401**

### **7 Hove Street Hove**

Certificate of lawfulness for proposed erection of single storey rear extension and loft conversion with rooflights to front, side and rear.

**Applicant:** Mr Ross Paterson

**Officer:** Christopher Wright 292097

**Approved on 09/09/10 DELEGATED**

## **GOLDSMID**

## **BH2010/01894**

### **36-65 Coniston Court North Holland Road Hove**

Application to extend time limit for implementation of previous approval BH2004/01217/FP for the erection of an additional storey creating 3 No. Penthouse flats.

**Applicant:** Coniston Court (North) Hove Ltd

**Officer:** Paul Earp 292193

**Approved on 13/09/10 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH01.06**

The development hereby permitted shall be carried out in accordance with the approved drawings no's 204/21 & 23 submitted on 22.03.2004.

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

#### **3) BH02.08**

No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

**4) BH03.01**

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

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

**5) BH04.01A**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

**6) BH05.01A**

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) or STROMA 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 or STROMA 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.*

**7) BH05.02A**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment or STROMA issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

**8) 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.*



## **9) UNI**

Details of a revised car park layout, to include additional parking, shall be submitted to and approved by the Local Planning Authority before the residential units hereby approved are occupied. The spaces shall thereafter be maintained.

*Reason: To ensure provision of adequate car parking and to comply with policies TR19 of the Brighton & Hove Local Plan.*

## **BH2010/01988**

### **64 Palmeira Avenue Hove**

Application for variation of condition 3 of application BH2006/03924 to allow the premises to open for 40 children on Saturdays between the hours of 10.00 and 16.00.

**Applicant:** CBabieSafe

**Officer:** Guy Everest 293334

**Approved on 13/09/10 DELEGATED**

## **1) UNI**

The use hereby permitted shall be for a limited period expiring on 31st September 2010 after which the nursery will cease to operate on Saturdays.

*Reason: The proposal is considered acceptable on a temporary basis to provide an opportunity to assess the impact of the additional opening hours on neighbouring amenity and the success of any amendments to the management plan that may be required, in compliance with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

## **2) UNI**

The premises shall not be open or in use except between the hours of 07.30 and 19.30 hours on Mondays to Fridays; between the hours of 10:00 and 16:00 on Saturdays; and at no time on 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**

Access to the garden for nursery use shall only be between the hours of 09.00 and 17.30 on Monday to Fridays; between the hours of 10:00 and 16:00 on Saturdays; and at no time on Sundays.

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

## **4) UNI**

Prior to implementation of this planning permission, an updated travel plan for visitors to the nursery and staff shall be submitted to and agreed in writing by the Local Planning Authority. The plan should include a travel survey of staff and parents, staggered pick up and drop off times and shall thereafter be implemented as agreed.

*Reason: To comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.*

## **5) UNI**

The first floor nursery room shall be used by no more than 6 children at any one time Monday to Saturday.

*Reason: In order to safeguard the amenities of neighbours and ensure the accommodation is adequate for the children, in accordance with policies SU9, SU10, HO26 and QD27 of the Brighton & Hove Local Plan.*

## **6) UNI**

No amplified music or musical equipment shall be used in the outdoor play area.

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

## **7) UNI**

Prior to implementation of this planning permission details of the management of the use of the outdoor space should be submitted to and agreed in writing by the

Local Planning Authority and the area shall only be used in accordance with these approved details.

*Reason: To ensure the effective management of the outdoor space and safeguard the amenities of the locality and to comply with policies QD27 and HO26 of the Brighton & Hove Local Plan.*

#### **8) UNI**

The number of children attending the nursery shall not exceed 53 at any one time Monday to Friday, and shall not exceed 40 at any one time on Saturdays.

*Reason: In order to safeguard the amenities of neighbours and ensure the accommodation is adequate for the children, in accordance with policies SU9, SU10, HO26 and QD27 of the Brighton & Hove Local Plan.*

#### **BH2010/02014**

##### **Former Allied Carpets Peacock Industrial Estate Davigdor Road Hove**

Application for variation of condition 8 of 3/92/0538(F) to allow the sale of office supplies (including stationary) and office equipment.

**Applicant:** Hercules Income Fund

**Officer:** Guy Everest 293334

**Approved on 03/09/10 DELEGATED**

#### **1) UNI**

The premises (unit 2) shall only be used for the retail sale (with ancillary storage) of DIY, home improvement, builders' merchants, garden and associated products, domestic electrical goods, furniture, carpets, office supplies (including stationary) and office equipment and ancillary items thereto or such other non-food goods as shall be agreed in writing by the Local Planning Authority, and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

*Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and the vitality and viability of existing shopping centres and to comply with policies TR1, SR1, SR2 and QD27 of the Brighton & Hove Local Plan.*

#### **BH2010/02037**

##### **2 Montefiore Road Hove**

Application for Approval of Details Reserved by Conditions 2, 3 and 4 of application BH2010/00206.

**Applicant:** Botic & Glanmore Investments

**Officer:** Jason Hawkes 292153

**Approved on 08/09/10 DELEGATED**

#### **BH2010/02148**

##### **46 Cromwell Road Hove**

External alterations including erection of new fencing and gates, alterations to existing garages and installation of playground equipment and associated hard and soft landscaping.(Part retrospective).

**Applicant:** Mr R Kerler

**Officer:** Jason Hawkes 292153

**Approved on 07/09/10 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 its use, the play area should be covered with sound insulating mulch and thereafter retained as such.

*Reason: To reduce the noise impact of the proposed area on adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings no.632/01 (Existing floor plans and elevations) and 632/01A (Proposed floor plans and elevations) received on the 13th July and the 7th September 2010.

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

**BH2010/02185**

**23A Cromwell Road Hove**

Internal alterations to layout of flat (Part retrospective)

**Applicant:** Mr A Chalmers & Miss A Toone

**Officer:** Mark Thomas 292336

**Approved on 06/09/10 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 fireplace hereby permitted shall feature the 'Pine Grand Corbel' mantel and 'The Galway' insert as shown on page 23 of the submitted 'The Gallery Collection' brochure, unless otherwise agreed in writing by the Local Planning Authority.

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

**BH2010/02226**

**Beresford Court Somerhill Road Hove**

Conversion of existing residential garage and store to form 1no two bed flat at ground floor level and associated internal and external works.

**Applicant:** Geneva Investment Group Ltd

**Officer:** Paul Earp 292193

**Refused on 14/09/10 DELEGATED**

**1) UNI**

Policy HO13 of the Brighton & Hove Local Plan requires residential units to be capable of adaption to meet the needs of wheelchair users without structural alteration. The proposed flat, with narrow corridor would make access difficult for wheelchair users. The shower room does not facilitate side transfer or wheelchair manoeuvrability. For these reasons the proposal fails to meet Lifetime Homes standards required by policy HO13.

**2) UNI2**

Policy QD14 of the Brighton & Hove Local Plan states that alterations to existing buildings will only be granted if well designed and detailed in relation to the property to be altered. The proposed "floor to ceiling" windows to the sitting room, by virtue of their size and design, are incongruous with existing fenestration and detrimental to the character of the building. For these reasons the proposal is contrary to policy QD14.

**BH2010/02297**

**28 Clarendon Road Hove**

Certificate of Lawfulness for proposed single storey rear extension with rooflights and loft conversion incorporating rooflights to front elevation and rear dormer.

**Applicant:** Mr Joe Wardleworth & Miss Alison Lambert

**Officer:** Robin Hodgetts 292366

**Approved on 09/09/10 DELEGATED**

**BH2010/02299**

**82 Denmark Villas Hove**

Alterations to existing second floor flat access and loft conversion to form 1no self contained flat incorporating rear dormer and rooflights to front and rear.

**Applicant:** Sevenbuild Limited

**Officer:** Adrian Smith 01273 290478

**Approved on 17/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to its first occupation and shall be retained as such thereafter.

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

**3) UNI**

The rear dormer hereby permitted shall match exactly in design, materials and fenestration that of the rear dormer to the adjacent property at No.80 Denmark Villas.

*Reason: For the avoidance of doubt and to ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.*

**4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings no.30791/1, 30791/2 & 30791/4 submitted on the 23rd July 2010.

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

**5) UNI**

The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

**6) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until the sustainability measures detailed within the submitted Sustainability Checklist have been fully implemented, and such measures shall thereafter be retained as such.

*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.*

## **BH2010/02359**

### **Garage/Land Adjacent to Charis Court Eaton Road Hove**

Conversion of garage to form 1no two storey one bedroom dwelling house.

**Applicant:** Baron Homes Corporation

**Officer:** Guy Everest 293334

**Refused on 21/09/10 DELEGATED**

#### **1) UNI**

The site is not of an adequate size relative to surrounding properties to create an additional plot. The proposal would result in a cramped form of development which, by reason of its scale, form, design and use of materials, would appear incongruous and overly dominant. The development would harm the visual amenities of the area and fail to preserve the setting of 53 The Drive, a grade II listed building, and the character and appearance of the Willett Estate and The Drive Conservation Areas. The proposal is thereby contrary to the policies QD1, QD2, QD3, QD5 and HE6 of the Brighton & Hove Local Plan.

#### **2) UNI2**

The dwellinghouse by reason of its limited size, design, layout and absence of usable private amenity space would be an overdevelopment of the site and provide a cramped and unsatisfactory standard of residential accommodation which would fail to meet the likely needs of future occupiers and 'Lifetime Home' standards. The proposal is thereby contrary to policies QD27, HO3, HO4, HO5 and HO13 of the Brighton & Hove Local Plan.

#### **3) UNI3**

The development by reason of its scale and bulk in close proximity to the side (eastern) elevation of Charis Court would result in a harmful loss of light and outlook to side facing window openings at ground and first floor level. The proposal would thereby be detrimental to the living conditions of occupiers of existing flats within Charis Court contrary to policy QD27 of the Brighton & Hove Local Plan.

## **HANGLETON & KNOLL**

### **BH2010/01929**

#### **3 - 5 West Way Hove**

Conversion of existing four bed dwelling to form 1no two bed and 1no three bed dwellings.

**Applicant:** Simon Hunt Properties

**Officer:** Guy Everest 293334

**Approved on 06/09/10 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH05.09A**

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

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

### **3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing no. 1567/1 A submitted on 9<sup>th</sup> August 2010.

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

### **4) UNI**

No development shall take place until the full details of the refuse, recycling and secure cycle storage for the hereby approved second floor flat have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented as approved prior to occupation of the second floor flat hereby approved and shall be retained thereafter as approved.

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse, ensure that satisfactory facilities for the parking of cycles are provided and to comply with policies SU2, QD27 and TR14 of the Brighton & Hove Local Plan.*

### **5) UNI**

No development shall take place until details of "Lifetime Home" measures to be incorporated into the second floor flat hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter as approved.

*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.*

## **BH2010/02131**

### **21 Tudor Close Hove**

Partial change of use from residential dwelling (C3) to residential dwelling with nursery facilities for up to 21 children (C3/D1).

**Applicant:** Mrs Karen Fothergill

**Officer:** Clare Simpson 292454

**Approved on 02/09/10 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**

For the avoidance of doubt, the Childminding/Nursery facility hereby permitted shall only operate from the areas shown as such on the approved plan number 2009.43.001 and the self contained living unit shall be retained for residential accommodation at all times

*Reason: To ensure satisfactory facilities whilst retained residential accommodation accordance with policy HO26 and HO8 of the Brighton & Hove Local Plan. Anniversary.*

#### **3) UNI**

The number of children attending the nursery shall not exceed 21 at any time.

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

#### **4) UNI**

Prior to nursery use commencing on site, a written Management/Action Plan for outdoor play area as prescribed by City Early Years Childcare (CEYC) shall be submitted to and approved by the Local Planning Authority in writing. The plan must show how the outside area is managed, including details of staff supervision and layout of area showing types of play areas (e.g. quiet, wet, sand areas, planting, etc). The Plan must be annually reviewed by the nursery, and submitted in writing for approval. Any amendments to the original plan as a result of this

review need to be approved and made as necessary.

*Reason: To ensure that an acceptable standard of care is provided and to protect the amenity of adjoining residential properties and to comply with policies HO26 and QD27 of the Brighton & Hove Local Plan.*

**5) UNI**

Outdoor play sessions should be restricted to within the hours of 9.00 to 17.00 Mondays to Fridays with no use permitted on Saturdays, Sundays or Bank Holidays.

*Reason: To protect the amenity of adjoining residential properties and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**6) UNI**

No amplified music or musical equipment shall be played at any time in the rear garden during outdoor play sessions.

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

**7) UNI**

Within 6 months of the date of permission a Travel Plan shall be submitted to and approved by the Local Planning Authority in writing. The plan shall include measures to encourage staff and customers to reduced travel by car and shall be updated annually and submitted for approval.

*Reason: To reduce the reliance on car travel in accordance with TR4 of the Brighton & Hove Local Plan.*

**8) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings no. 2009.34.001, site location plan, and acoustic report submitted on 12th July 2010 submitted.

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

**9) UNI**

The nursery use hereby permitted shall not be operational except between the hours of 08.00hrs and 18.00hrs and Mondays to Fridays and not at anytime on Saturday, 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.*

**BH2010/02155**

**3 Pipers Close Hove**

Certificate of lawfulness for erection of single storey rear extension.

**Applicant:** Mr D Hudson

**Officer:** Wayne Nee 292132

**Approved on 07/09/10 DELEGATED**

**BH2010/02193**

**179 Hangleton Valley Drive Hove**

Loft conversion incorporating dormers to front and rear.

**Applicant:** Mr John Paris

**Officer:** Steven Lewis 290480

**Refused on 06/09/10 DELEGATED**

**1) UNI**

The proposed dormers are considered poorly designed by reason of their siting, scale, and form, and would result in a boxy and bulky appearance. In particular, the rear dormer would destroy the integrity of the original rear roofslope, and the front dormer would unbalance the appearance of the semi detached dwelling and its partner, both harmful to the character and appearance of the property and the visual amenity of the area. This is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and supplementary planning guidance note 1 - roof

extensions and alterations.

**BH2010/02340**

**49 Rowan Avenue Hove**

Certificate of Lawfulness for proposed demolition of rear lean to extension replaced with rear extension with pitched roof and rooflights.

**Applicant:** Mr Neil Trafford

**Officer:** Mark Thomas 292336

**Approved on 21/09/10 DELEGATED**

**BH2010/02358**

**164 Poplar Avenue Hove**

Certificate of lawfulness for proposed loft extension incorporating rooflights to front elevation and dormer to rear.

**Applicant:** Mr Rody Bella

**Officer:** Mark Thomas 292336

**Approved on 08/09/10 DELEGATED**

**BH2010/02412**

**46 Holmes Avenue Hove**

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

**Applicant:** Mrs Irene Kelly

**Officer:** Mark Thomas 292336

**Approved on 09/09/10 DELEGATED**

**NORTH PORTSLADE**

**BH2010/01992**

**Garage Compound rear of 66 - 68 Oakdene Crescent Portslade**

Erection of detached lockup garage.

**Applicant:** Mr Ray Lancaster

**Officer:** Wayne Nee 292132

**Approved on 14/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The development hereby permitted shall be carried out in accordance with the unnumbered approved drawing received on 28 June 2010.

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

**BH2010/02310**

**2 Foredown Road Portslade**

Erection of first floor rear extension with French doors over existing ground floor extension and alterations to roof.

**Applicant:** Mr L Jennings

**Officer:** Mark Thomas 292336

**Approved on 06/09/10 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.*

**BH2010/02386**

**154 Southdown Road Portslade**

Certificate of lawfulness for proposed hip to gable roof extension with rear dormer and rooflight to front elevation.

**Applicant:** Mr Matthew & Mrs Rebecca Holmes

**Officer:** Adrian Smith 01273 290478

**Approved on 08/09/10 DELEGATED**

**SOUTH PORTSLADE**

**BH2010/02170**

**65 St Andrews Road Portslade**

Removal of rear chimney stack and make good roof with matching tiles.

**Applicant:** Port Hall Property Management Ltd

**Officer:** Wayne Nee 292132

**Approved on 08/09/10 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.*

**BH2010/02271**

**72 Foredown Drive Portslade**

Certificate of Lawfulness for proposed hip to gable roof extension with rooflights to front and rear elevations and rear dormer.

**Applicant:** Mr Nigel Turley

**Officer:** Mark Thomas 292336

**Approved on 02/09/10 DELEGATED**

**BH2010/02324**

**110 Victoria Road Portslade**

Erection of single storey rear extension.

**Applicant:** Paul Barton

**Officer:** Mark Thomas 292336

**Approved on 08/09/10 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*

## **HOVE PARK**

### **BH2010/00908**

#### **4 Tongdean Road Hove**

Partial demolition and alterations to existing dwelling and erection of new detached 3 bedroom dwelling with separate garage, new access road and associated landscaping.

**Applicant:** Mr & Mrs Liu

**Officer:** Clare Simpson 292454

#### **Refused on 03/09/10 PLANNING COMMITTEE**

##### **1) UNI**

The proposal would, by reason of its height, massing, and footprint, result in an excessive development which would be detrimental to the character of the area. It would further be detrimental to the amenities enjoyed by neighbouring occupiers by reason of an increased sense of enclosure to neighbouring properties, particularly 2 and 6b Tongdean Road. The proposal would therefore be contrary to policy QD27 of the Brighton & Hove Local Plan which seek, amongst other requirements, to ensure all new developments make a positive contribution to the visual quality of the environment and protect neighbouring amenity.

##### **2) UNI2**

The proposal by reason of its height, massing and footprint would constitute an overdevelopment of greenfield land within a Conservation Area. The house is considered to dominate its surroundings harming the garden character and visual amenities of the area and fails to preserve or enhance the character and appearance of the Tongdean Conservation Area. The new house would be contrary to QD1, QD2, QD3 and HE6 of the Brighton & Hove Local Plan.

##### **3) UNI3**

The proposal represents development in the rear garden now classified as Greenfield land. Given the sensitive nature of the location, the highest level of resource-efficiency must be sought for the proposed building. The submitted information indicates that development would meet Code for Sustainable Homes Level 3 and the expected standards would be Code for Sustainable Homes Level 5. It is not considered that the development could meet the standards without material changes to the design. The proposal is considered to the contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document on Sustainable Building Design (SPD 08).

### **BH2010/00909**

#### **4 Tongdean Road Hove**

Partial demolition and alterations to existing dwelling.

**Applicant:** Mr & Mrs Liu

**Officer:** Clare Simpson 292454

#### **Refused on 03/09/10 PLANNING COMMITTEE**

##### **1) UNI**

Policy HE8 of the Brighton & Hove Local Plan states that where demolition of buildings within a Conservation Area are proposed, the redevelopment of the site should preserve the character of the Conservation Area. The existing garage building is not of merit, however to allow demolition where no acceptable replacement building or boundary treatments have been identified would have a negative impact on the character and appearance of the Tongdean Conservation Area. The proposal is considered contrary to policy HE8 of the Brighton & Hove Local Plan.

**BH2010/01749**

**24 Orchard Gardens Hove**

Erection of a two storey side and rear extension and erection of additional single storey rear extension.

**Applicant:** Mrs Travis

**Officer:** Charlotte Hughes 292321

**Refused on 09/09/10 DELEGATED**

**1) UNI**

Policies QD14 and QD27 of the Brighton & Hove Local Plan seeks to ensure that alterations and additions to properties do not have a harmful impact upon the residential amenity of neighbouring occupiers. The proposed two storey side and rear extension, by reason of its height and depth, proximity to the shared boundary and the change in levels between this property and the adjoining neighbour to the south no.26, would result in an overbearing, intrusive and un-neighbourly form of development which would be detrimental to their existing residential amenity. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan 2005.

**2) UNI2**

The proposed single storey rear extension, by reason of its depth and proximity to a ground floor window of a habitable room on the neighbouring property no.22 Orchard Gardens, would result in the loss of light, loss of outlook and an increased sense of enclosure for the occupiers of this property. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan 2005.

**BH2010/02054**

**Unit 3 Goldstone Retail Park Newtown Road Hove**

Display of non-illuminated free-standing sign.

**Applicant:** Miss Hannah Lloyd

**Officer:** Steven Lewis 290480

**Refused on 02/09/10 DELEGATED**

**1) UNI**

The sign by reason of its size, design and location would have a severely harmful impact upon the character and appearance of the area and would be detrimental to the visual amenity of the area. This is contrary to Policy QD12 and QD27 of the Brighton and Hove Local Plan and Supplementary Planning Document 07 (Advertisements).

**BH2010/02117**

**7 Elm Close Hove**

Application for Approval of Details Reserved by Conditions 5, 8, 9, 11, 12 and 13 of application BH2008/00196.

**Applicant:** Tony Thomas

**Officer:** Clare Simpson 292454

**Approved on 02/09/10 DELEGATED**

**BH2010/02138**

**11 Chalfont Drive Hove**

Erection of first floor extension above garage, with front balcony. Erection of single storey rear extension with replacement rear conservatory.

**Applicant:** Mr Derek Pountney

**Officer:** Wayne Nee 292132

**Refused on 13/09/10 DELEGATED**

### **1) UNI**

Policies QD1 and QD2 of the Brighton & Hove Local Plan seek to ensure that developments demonstrate a high standard of design which take into account the height, scale, and bulk of existing buildings. 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 virtue of its form, massing, and inappropriate full width balcony, would appear as an overly prominent and inappropriate addition. Furthermore, by reason of its close proximity to no. 9 Chalfont Drive, it would result in a cramped appearance and would poorly relate at eaves level to the roof line of this neighbouring property. The proposal would harm the appearance of the existing property and the street scene, and would therefore be contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

### **BH2010/02141**

#### **9 Aldrington Avenue Hove**

Certificate of lawfulness for proposed single storey rear extension, hip to gable roof extension, rear dormer and front rooflight.

**Applicant:** Mr & Mrs Lovegrove

**Officer:** Charlotte Hughes 292321

**Approved on 09/09/10 DELEGATED**

### **BH2010/02156**

#### **54A Woodruff Avenue Hove**

Application for Approval of Details Reserved by Condition 4 of application BH2009/02081.

**Applicant:** Mr A Alsaid

**Officer:** Paul Earp 292193

**Approved on 09/09/10 DELEGATED**

### **BH2010/02169**

#### **89 Hove Park Road Hove**

Loft conversion incorporating hip to gable extensions at both sides and rear, raising of roof ridge height to rear, rooflights and additional windows.

**Applicant:** Mr Sinclair Bilton

**Officer:** Steven Lewis 290480

**Approved on 06/09/10 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 east facing gable 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.*

#### **4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings no. LH10-104-99, LH10-104-100, LH10-104-101, LH10-104-102, LH10-104-103, LH10-104-104, LH10-104-201, LH10-104-202, LH10-104-203 & LH10-104-4 submitted on 14/07/2010.

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

#### **BH2010/02239**

##### **22 Bishops Road Hove**

Extension to raised decking area at rear elevation.

**Applicant:** Mr Danny Marshall

**Officer:** Mark Thomas 292336

**Approved on 06/09/10 DELEGATED**

##### **1) BH01.01**

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

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

##### **2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing no. 0052.PL.01 submitted on 20<sup>th</sup> July 2010.

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

#### **BH2010/02268**

##### **42 Tongdean Avenue Hove**

Erection of five bedroom residential dwelling to replace existing bungalow.

**Applicant:** Mr & Mrs Hepburn

**Officer:** Clare Simpson 292454

**Approved on 14/09/10 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) BH02.07**

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

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

##### **4) BH04.01A**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling[\*s\*] hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

**5) BH05.01B**

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

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

**6) BH05.02B**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

**7) BH05.10**

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.*

**8) 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.*

**9) 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.*

**10) BH12.07**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

*Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.*

**11) UNI**

No works shall take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles for the 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 appearance of the building and to comply with policy HE6 of the Brighton & Hove Local Plan.*

**12) UNI**

No development shall take place until full details of the balcony details, including the proposed screening are submitted to and approved by the Local Planning Authority in writing. The development shall be constructed in accordance with the approved details and retained as such thereafter.

*Reason to protect the residential amenity of neighbouring occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.*

**13) UNI**

No development shall commence until tree protection methods are in place for all trees to be retained on site. The protection methods shall accord with British Standard BS 5837 (2005) Trees in Relation to Construction. The protection methods shall be retained in place until the completion of the development.

*Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.*

**14) UNI**

No development shall take place until an Arboriculture Method Statement for the construction of the pedestrian path and driveway to the front of the property is submitted to and approved by the Local Planning Authority in writing. The report shall demonstrate how the mature trees adjacent to the access construction shall be protected and their retention secured post-development. Works to form the proposed driveway and pedestrian access shall be undertaken in accordance with the approved method statement.

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

**15) UNI**

Other than the those areas specifically identified as balconies and terraces on the approved drawings P109 and P110, access to the flat roof areas on the building hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity.

*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.*

**16) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for hard landscaping, which shall include hard surfacing, means of enclosure, and front boundary treatments for the site. The development shall be carried out 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 QD1 and QD15 of the Brighton & Hove Local Plan.*

**17) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings nos.0952-P-100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117 and supporting information submitted on the 20th July 2010 and landscaping drawings 002, 003 received on the 20th July 2010.

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

**BH2010/02269**

**42 Tongdean Avenue Hove**

Demolition of existing bungalow.

**Applicant:** Mr & Mrs Hepburn

**Officer:** Clare Simpson 292454

**Approved on 14/09/10 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.*

**BH2010/02289**

**81 Woodland Avenue Hove**

Certificate of Lawfulness for a proposed hip to gable roof extension with rooflights on front, rear and side elevations.

**Applicant:** Suzi Allan

**Officer:** Wayne Nee 292132

**Approved on 16/09/10 DELEGATED**



## **BH2010/02338**

### **67 Hill Brow Hove**

Roof alterations to create additional storey, changes to windows and doors on all elevations, removal of chimney and addition of solar panels to roof.

**Applicant:** Mr David Blow

**Officer:** Wayne Nee 292132

**Approved on 21/09/10 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) UNI**

The proposed first floor windows to both sides of extended dwelling and the side elevation roof light hereby approved shall not be glazed otherwise than with obscured glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall thereafter be permanently retained as such.

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

#### **3) UNI**

The development hereby permitted shall be carried out in accordance with the waste minimisation statement, and drawing nos. B2325/10/01, 02, 03A received on 28 July 2010.

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

## **BH2010/02350**

### **22 Mill Drive Hove**

Erection of rear conservatory.

**Applicant:** Mr & Mrs Clark

**Officer:** Steven Lewis 290480

**Approved on 17/09/10 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 west side facing windows of the conservatory extension hereby permitted 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) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings drawing nos. NS 07-10-06A, NS07-10-06B, NS07-10-06C, NS-07-10-06D & NS07-10-06E submitted on 29/07/2010.

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

**BH2010/02407**

**40 Woodland Avenue Hove**

Erection of two storey side extension to replace existing single storey side extension with alterations to roof and single storey rear extension with rooflights.

**Applicant:** Mr Richard Brown

**Officer:** Jason Hawkes 292153

**Approved on 09/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings labelled 'Existing Details' and 'Proposed Details' received on the 2nd August 2010.

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

**BH2010/02423**

**2 Tongdean Place Hove**

Roof conversion of existing detached garage incorporating 3no. dormers to South and separate entrance with external stairs to East.

**Applicant:** Mr Roberts

**Officer:** Clare Simpson 292454

**Refused on 22/09/10 DELEGATED**

**1) UNI**

The proposed roof extension to the garage would be an incongruous extension to the building which would result in a bulky and unattractive appearance when viewed from the rear. In addition it is considered that a two-storey building in close proximity to the boundary would harm the spacious character of the garden of 4 Tongdean Road and result in a harmful outlook from this property. The proposal is contrary to policy QD1, QD14 and QD27 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance Roof Alterations and Extensions (SPGBH1).

**BH2010/02430**

**67 The Drove Hove**

Non Material Amendment to BH2010/00193 to provide French doors (Juliet Balcony) to rear dormer in lieu of windows.

**Applicant:** Mr Justin Judd

**Officer:** Wayne Nee 292132

**Approved on 07/09/10 DELEGATED**

## **WESTBOURNE**

### **BH2009/01360**

#### **133 Westbourne Street & 75 Montgomery Street Hove**

Demolition of existing office and store building and erection of 2 No. 2 storey buildings comprising of 4 new residential units (2x 2 bed flat and 2x 1 bed flat).

**Applicant:** Next Investment Properties Limited

**Officer:** Clare Simpson 292454

#### **Approved on 22/09/10 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) BH02.07**

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) BH03.01**

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

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

##### **5) BH04.01**

The new dwelling[s] shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

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

##### **6) BH05.01**

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.*

**7) BH05.02**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

**8) 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.*

**9) BH06.03**

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

**10) BH11.01**

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

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

**11) BH11.02**

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

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

## **12) UNI**

No development shall take place until full details of the boundary treatments, including sections and samples, 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 appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.*

## **13) UNI**

(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

(a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and unless otherwise agreed in writing by the Local Planning Authority;

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and unless other wise 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.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

(a) as built drawings of the implemented scheme;

(b) photographs of the remediation works in progress;

(c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

*Reason: Previous historical activities associated with this site may have potentially caused, or have the potential to cause, contamination of controlled waters and to ensure that the proposed site investigations and remediation will not cause pollution of controlled waters and in accordance with policies SU3 and SU11 of the Brighton & Hove Local Plan.*

## **BH2009/01361**

### **175-177 Westbourne Street Hove**

Part extension of ground floor and conversion of storage areas, workshop and garage to create 6no. new offices at ground floor. Erection of bridge-link extension between 175-177 Westbourne Street and 173 Westbourne Street and conversion of void first floor area of workshop to create 4no. new offices. Including associated ancillary works.

**Applicant:** Next Investment Properties Ltd

**Officer:** Clare Simpson 292454

## **Approved on 03/09/10 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) BH02.05**

The middle panels, first floor window, south elevation shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such.

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

### **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) BH05.06A**

Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 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) 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) BH07.05**

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

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

### **8) BH07.06**

No industrial activity of any kind, except loading and unloading, shall take place outside the proposed building within the curtilage of the site without the prior written approval of the Local Planning Authority.

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

#### **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) UNI**

Notwithstanding the details of layout of the site as shown on drawing number TA386 30D submitted on the 3rd September 2009, the bollards required to restrict vehicle access to the rear of the site shall be positioned on the front boundary of the property and retained in place thereafter.

*Reason: To prevent vehicles accessing the rear of the site or parking in front curtilage of the property, in the interests of highway safety and to protect the residential amenity of neighbouring properties in accordance with policies TR1 and QD27 of the Brighton & Hove Local Plan.*

### **BH2010/01059**

#### **51 Westbourne Villas Hove**

Re-conversion of 3no existing flats back into 1no 5 bed dwelling house and conversion of garages to rear into a detached 3 bed house.

**Applicant:** Baron Homes Corporation Ltd

**Officer:** Adrian Smith 01273 290478

#### **Refused on 03/09/10 PLANNING COMMITTEE**

##### **1) UNI**

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. The proposed conversion and extension of the main building would result in a five-bedroom family home with private rear amenity space that would be unsuitably small in comparison to the original layout of the site and the scale and character of the development. Additionally, the proposed annex house to the rear would be a three bedroom family home with no useable private amenity space. The proposed development therefore fails to provide a suitable standard of useable private amenity space for each dwelling and is contrary to the above policy.

##### **2) UNI2**

The proposed annex house, by virtue of the limited amount of light and outlook to the basement and ground floor living spaces, and the perception of overlooking afforded by the close proximity of the main dwelling, fails to provide a suitable form of accommodation for future residents which would be of detriment to their living conditions. The proposal is therefore contrary to Policy QD27 of the Brighton & Hove Local Plan.

##### **3) UNI3**

Policy HO8 of the Brighton & Hove Local Plan states that planning permission will not be granted for proposals involving the net loss of residential accommodation. Owing to the unacceptability of the proposed annex house having regard to policies QD27 and HO5 of the Brighton & Hove Local Plan, the suitability of

converting the existing building from three residential flats into one dwellinghouse is unacceptable as it would result in the net loss of two residential units, thereby conflicting with the above policy.

**BH2010/01623**

**30 Wordsworth Street Hove**

Erection of single storey rear extension over existing lower ground floor projection.

**Applicant:** Mr Dan Brennan

**Officer:** Wayne Nee 292132

**Approved on 02/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH02.09**

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

*Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**3) BH03.03**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**BH2010/01882**

**120 Portland Road Hove**

Change of Use of part ground floor and lower ground floor from offices (B1) to 1no one bedroom flat and 1no bedsit/studio dwelling.

**Applicant:** Inwood Tuck Jones Partnership

**Officer:** Christopher Wright 292097

**Refused on 03/09/10 DELEGATED**

**1) UNI**

Policy EM6 of the Brighton & Hove Local Plan states small business premises of 235 square metres or less should be retained for employment purposes unless the premises have been assessed and are found to be genuinely redundant. The application has not been accompanied with any evidence that the premises have been marketed locally at a price that reflects their condition and commercial value, for a period of time that reflects the likely demand for the size of premises. As such the proposal is contrary to policy EM6 and the changes of use are not acceptable in principle.

**BH2010/02121**

**44 Westbourne Street Hove**

Loft conversion incorporating 2no rear facing rooflights.

**Applicant:** Mr & Mrs Goddard

**Officer:** Wayne Nee 292132

**Approved on 03/09/10 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.*

### **BH2010/02211**

#### **21 Aymer Road Hove**

Removal of 1 No. side elevation rooflight and insertion of 3 No. rooflights to each side elevation.

**Applicant:** Ms Andrea O'Donnell

**Officer:** Wayne Nee 292132

**Refused on 10/09/10 DELEGATED**

#### **1) UNI**

Policy QD14 of the Brighton & Hove Local Plan states that proposals will only be granted if they are well designed, sited and detailed in relation to the property to be extended. Policy HE6 states that proposals within the setting of a conservation area should preserve or enhance the character of the area and should show a consistently high standard of design and detailing. Furthermore, Supplementary Planning Guidance SPGBH1 states that roof lights should be kept as few and as small as possible and should not dominate the roof. The proposed roof lights, by reason of their excessive number and coverage of the roof slopes, would form an unacceptable addition to the existing property and the Pembroke and Princes conservation area. As such, the proposal is contrary to policies QD14 and HE6, and to Supplementary Planning Guidance Note SPGBH1.

### **BH2010/02254**

#### **67 Braemore Road Hove**

Certificate of Lawfulness for a proposed hip to gable roof extension with rear dormer and rooflights to front elevation.

**Applicant:** Ms R Armitage

**Officer:** Adrian Smith 01273 290478

**Approved on 06/09/10 DELEGATED**

### **BH2010/02255**

#### **65 Braemore Road Hove**

Certificate of Lawfulness for a proposed hip to gable loft extension.

**Applicant:** Ms Karen Roberts

**Officer:** Adrian Smith 01273 290478

**Approved on 06/09/10 DELEGATED**

### **BH2010/02352**

#### **19 Sackville Gardens Hove**

Change of Use from residential care home (C2) into two residential dwellings (C3) incorporating loft conversion with dormers to rear, rooflight to front, infill extension to rear and associated external alterations.

**Applicant:** Mr Shiraz Najefy

**Officer:** Adrian Smith 01273 290478

**Approved on 21/09/10 DELEGATED**

#### **1) BH01.01**

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

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

## **2) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

## **3) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until the sustainability measures detailed within the submitted planning statement have been fully implemented within each new dwelling.

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

## **4) UNI**

The rooflight hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

## **5) UNI**

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

*Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD15 and HE6 of the Brighton & Hove Local Plan.*

## **6) UNI**

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

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

## **7) 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.*

## **8) UNI**

The development hereby permitted shall be carried out in accordance with the design and access statement, planning statement, waste minimisation statement, sustainability checklist and approved drawings no. 893/01, 893/04, 893/05 & 893/06 submitted on the 29th July 2010.

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

## **9) UNI**

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

**BH2010/02471**

**32 New Church Road Hove**

Non Material Amendment to BH2010/00528 for revised hard standing layout and material.

**Applicant:** Mr Richard Rochford

**Officer:** Guy Everest 293334

**Approved on 10/09/10 DELEGATED**

**1) UNI**

The revisions to the scheme approved under application reference BH2010/00528 do not result in significant changes to the appearance of the development or have an impact on neighbouring occupiers. The works do not therefore take the development beyond the scope of the original planning permission and do not warrant the submission of a further application for planning permission.

**WISH**

**BH2010/01829**

**133 New Church Road Hove**

Erection of conservatory to rear and installation of 2no rooflights to garage.

**Applicant:** Mr & Mrs Firsht

**Officer:** Wayne Nee 292132

**Approved on 21/09/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The development hereby permitted shall be carried out in accordance with drawing no. 06-10-14E received on 14 June 2010, drawing no. 06-10-14C received on 02 July 2010, and drawing nos. 06-10-14A, 14B and 14D received on 09 September 2010.

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

**BH2010/02002**

**Portslade Railway Station Portland Road Hove**

Internal and external alterations incorporating re-alignment of ticket office and installation of automatic ticket gates to booking hall with new enlarged arched opening onto platform. Construction of gating enclosure to house ticket gates at Platform 1 entrance.

**Applicant:** Southern Rail

**Officer:** Charlotte Hughes 292321

**Refused on 16/09/10 DELEGATED**

**1) UNI**

Policies HE1 and HE3 of the Brighton & Hove Local seeks to ensure that development does not have a adverse effect on the architectural and historic character or appearance of the building or its setting and that the proposal respects the scale, design, materials and finishes of the existing building. The proposed enclosure on platform 1 bears no relation to the historic character of the station and, by reason of its design and siting, would have a detrimental impact

on the setting of the Grade II listed building. The proposal is therefore contrary to policies HE1 & HE3 of the Brighton & Hove Local Plan.

## **2) UNI2**

Policy HE1 seeks to ensure that alterations respect and preserve the historic fabric of the building and policy HE4 seeks the reinstatement of original features where possible, such as mouldings. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed suspended ceiling in the ticket office booking hall would not obscure existing original window surrounds or interrupt the new enlarged doorway, particularly as the historic coving should be replicated under the new ceiling. The proposal is therefore considered to be contrary to policy HE1 and HE4 of the Brighton & Hove Local Plan.

### **BH2010/02026**

#### **Ground Floor Flat 20 Welbeck Avenue Hove**

Installation of replacement UPVC windows and front door.

**Applicant:** Mrs Emine Seis

**Officer:** Mark Thomas 292336

**Approved on 08/09/10 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**

Full details of the replacement front door hereby permitted shall be submitted to the Local Planning Authority and agreed in writing prior to installation. The front door installed shall be in strict accordance with the approved details.

*Reason: As insufficient information has been submitted, and to safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

### **BH2010/02180**

#### **313 Kingsway Hove**

Certificate of lawfulness for proposed loft conversion including hip to gable ends, front rooflights and rear dormer.

**Applicant:** Mr Michael Johnson

**Officer:** Jason Hawkes 292153

**Refused on 06/09/10 DELEGATED**

#### **1) UNI**

Development is not permitted by Class B.1(b) & (c)(ii), Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, which relates to the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, if any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway and the cubic content of the resulting roof space exceeds the cubic content of the original roof space by more than 50 cubic metres. The proposed extensions result in a cubic content of the resulting roof space which would exceed the cubic content of the original roof space by 64 cubic metres. The proposed roof extension is also shown beyond the plane of an existing front roof slope which forms the principal elevation of the dwellinghouse and fronts a highway. The proposal is therefore contrary to the above.

## **2) UNI2**

Development is not permitted by Class A.1(d) of Schedule 2, Town & Country Planning (General Permitted Development) Order 1995, as amended, which relates to the enlargement, improvement or other alteration of a dwellinghouse, if the enlarged part of the dwellinghouse would extend beyond a wall which (a) fronts a highway and (b) forms the principal elevation of the original dwellinghouse. The proposed front extension extends beyond a wall of the front elevation of the original dwellinghouse, which is a principal elevation, and is therefore contrary to the above.

### **BH2010/02210**

#### **47 Berriedale Avenue Hove**

Certificate of Lawfulness for a proposed extension of existing garden store.

**Applicant:** Mr Peter McCloughlin

**Officer:** Christopher Wright 292097

**Approved on 02/09/10 DELEGATED**

### **BH2010/02290**

#### **74 Grange Road Hove**

Erection of two storey/single storey rear extension.

**Applicant:** Ms Vicki Evans

**Officer:** Mark Thomas 292336

**Approved on 02/09/10 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.*

### **BH2010/02369**

#### **136-138 St Leonards Avenue Hove**

Erection of rear Juliette balcony to first floor flat with new door and window. Alterations to layout of rear doors and window to ground floor flat.

**Applicant:** Mr Kevin Townsend

**Officer:** Charlotte Hughes 292321

**Approved on 21/09/10 DELEGATED**

#### **1) BH01.01**

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

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

## **2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawing 1016.1A received on 29th July 2010.

### **BH2010/02465**

#### **301 Kingsway Hove**

Erection of single storey side extension.

**Applicant:** Mr Olu Adeoson

**Officer:** Christopher Wright 292097

**Approved on 13/09/10 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.*

**BH2010/02467**

**37 Marmion Road Hove**

Certificate of lawfulness for the proposed erection of a single storey rear extension and loft conversion incorporating rear dormer and rooflights.

**Applicant:** Mr Ayman Al-Arari

**Officer:** Mark Thomas 292336

**Approved on 13/09/10 DELEGATED**